



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 15, 2015, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 1893 South Newcomb Street, No. 12. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Richard Chilcutt. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, Che Johnson, and Patrice Hildreth. Employee Organizations: Public Safety Support Unit, Porterville Peace Officers Association; Fire Officer Series; Porterville City Firefighters Association, and all Unrepresented Management Employees.
- 3** - Government Code Section 54956.95 – Liability Claim: Claimant: Hisham Mutae Taher. Agency claimed against: City of Porterville.
- 4** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Nuckols and Nuckols Farming v. City of Porterville et al., Tulare County Superior Court Case No. 261084.
- 5** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.
- 6** - Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.
- 7** - Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Attorney.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by

Invocation

PRESENTATIONS

Miss Porterville and Her Court

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Local Agency Formation Commission (LAFCO) - December 2, 2015
2. Tulare County Association of Governments (TCAG) - December 7, 2015
3. Tulare County Economic Development Corp. (TCEDC) - December 9, 2015

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - December 3, 2015
 2. Library & Literacy Commission - December 8, 2015
 3. Arts Commission
 4. Animal Control Commission - December 7, 2015
 5. Youth Commission - December 14, 2015
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase IV Status Update

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. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **City Council Minutes of May 5, 2015**
Re: Considering approval of the draft minutes for May 5, 2015.

2. **Award of Contract –One (1) Compressed Natural Gas Street Sweeper**
Re: Considering awarding a contract in the amount of \$295,833.55 to Municipal Maintenance Equipment, Inc., for one (1) new CNG Street Sweeper.
3. **Acceptance of Project - Miscellaneous Repair of the Downtown Parking Lots Project**
Re: Considering acceptance of project from Bush Engineering, and authorizing the filing of the Notice of Completion for the project consisting of the reconstruction of existing parking lots located at the northwest corner of Olive Avenue and Second Street, southwest corner of Second Street and Mill Avenue, northwest corner of Second Street and Putnam Avenue and northeast corner of Putnam Avenue and Hockett Street.
4. **Addendum to the Dee Jaspar & Associates Design, Construction Management and Inspection Service Agreement for Well #32**
Re; Considering authorization to execute Addendum No. 2 to Dee Jaspar & Associates Service Agreement at an agreed upon fee of \$27,204 for additional services necessary for project management and inspection efforts pertaining to Well No. 32.
5. **California Statewide Communities Development Authority (CSCDA) Open PACE Program**
Re: Considering approval of a draft resolution opting into the California Statewide Communities Development Authority (CSCDA) Open PACE Program.
6. **Consideration to Transfer City Fee Title Property to City Road Right of Way (Pioneer Avenue)**
Re: Considering approval of a resolution accepting a grant deed in fee for public street and underground utilities from the City of Porterville.
7. **Renewal of Airport Lease Agreement - Lot 44C**
Re: Considering approval of the Lease Agreement between the City of Porterville and Gillespie Ag Service for Lot 44C at the Porterville Municipal Airport.
8. **Renewal of Airport Lease - Sports Complex Parking**
Re: Considering approval of the Lease Agreement between the City of Porterville and the Airport Enterprise Fund for 35.23 acres of airport land to supply vehicle parking for the Sports Complex.
9. **Renewal of Airport Lease - Sewer Operating Fund**
Re: Considering approval of the Lease Agreement between the City of Porterville Sewer Operating Fund and the Airport Enterprise Fund for the lease of 7.1 acres (Lot 13) of sludge drying beds at the Porterville Municipal Airport and 160 acres (Lot 12) of airport land for the discharge of treated wastewater.

10. **Authorization to Increase Departmental Contributions Towards the City's Self-funded Healthcare Plan and Approval of Budget Adjustments**
Re: Considering authorization to increase departmental contributions towards the City's self-funded healthcare plan effective January 1, 2016, and approve the necessary budget adjustments.
11. **Amendment to Employee Pay & Benefit Plan -- Public Safety Support Unit**
Re: Considering approval of a resolution amending the Employee Pay and Benefit Plan for Public Safety Support Unit employees.
12. **Amendment to Employee Pay & Benefit Plan -- Unrepresented Management Employees**
Re: Considering adoption of a draft resolution amending the Employee Pay and Benefit Plan pertaining to all Unrepresented Management Employees.
13. **Cancellation of January 5, 2016, City Council Meeting**
Re: Considering approval of the cancellation of the January 5, 2016, City Council Meeting.

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

PUBLIC HEARINGS

14. **Adoption of the 5th Cycle Housing Element**
Re: Consideration of resolutions approving a Negative Declaration for the 5th Cycle Housing Element and the 5th Cycle Housing Element; and authorizing its submittal to the California Department of Housing and Community Development for review and ratification.
15. **Modification to Conditional Use Permit 3-87 (PRC 2015-024-M) for the Church of Christ located at 1000 N. Newcomb Street**
Re: Consideration of a draft resolution approving the modification to Conditional Use Permit 3-87 (PRC 2015-024-M) to allow the construction of a 3,000 square foot dining room, fellowship hall and storage room for the Church of Christ and to allow three cargo containers for the timeframe of December 15, 2105, through December 15, 2020.
16. **Massage Business Ordinance**
Re: Consideration of a draft ordinance adopting regulations regarding massage businesses, and establishing a Registration Certificate for such businesses.

SCHEDULED MATTERS

17. Medical Cannabis Update: Dispensaries and Personal Cultivation

Re: Consideration of an update regarding medical cannabis dispensaries and personal cultivation.

18. Status and Review of Declaration of Local Drought Emergency

Re: Consideration of the continuance of the Declaration of Local Emergency.

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 January 19, 2016

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.



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: 1. Water Conservation Phase IV Status Update

SOURCE: Public Works

COMMENT: On April 1, 2015, the Governor issued an Executive Order that the State Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets. The Governor's Executive Order also directed the Water Board to implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25% statewide. The State Water Board released revised proposed regulations that would require the City of Porterville to meet a 32% water usage reduction compared to 2013 production levels. The required implementation date was June 1, 2015.

In order for Porterville to meet the 32% reduction in water usage during the winter months, the City has transitioned from Phase III to Phase IV of the City's Water Conservation Plan as of December 1, 2015. The Water Conservation Plan applies to all municipal water users whether or not within city limits. As part of the Phase IV plan, the City has restricted watering days to one day per week, based on address. If an address ends with an "odd" number, the watering day is Saturday only. If an address ends with an "even" number, the watering day is Sunday only. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m. with no watering allowed Monday through Friday. Watering of outdoor landscape is prohibited during, and within 48 hours after, measurable rainfall, which is now defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of November 2015, show that a total of 42 Notice of Violations were issued for water wasting; 10 resulted in an Administrative Citation.

Water production for November 2015, shows a 9% reduction from the 5-year average. As part of the emergency regulation, the City is required to provide monthly production data. The production for the month of November 2015, was 233 million gallons, which when compared to the production for the month of November 2013, of 254 million gallons, equates to a 8% reduction.

Unfortunately, the 8% reduction did not meet Porterville's 32% mandated conservation goal for the month of November 2015. During winter months, outdoor conservation is reduced and consumption is focused around indoor domestic needs, defining the systems' demand. The compliance period for statewide conservation began June 1, 2015, and ends February 29, 2016, with Porterville's cumulative total conservation through November 2015, at 32.5%. Residential consumption for November 2015, was 88.46 gallons per capita per day (GPCD). Staff is anticipating monthly conservation totals will decline as we continue through the winter months; system demand is historically reduced due to less outdoor irrigation. Projected conservation totals for the month of December 2015, are estimated to be short of the mandated 32%, and this trend is expected to continue through the winter months.

RECOMMENDATION: Informational Item

ATTACHMENTS: 1. Drought Response Phase IV Flyer
 2. Monthly Production Status November 2015

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



DROUGHT RESPONSE Phase IV

Mandatory Odd/Even Watering Schedule, based on address. Residents will be allowed ONE day a week to water lawns and landscapes. No watering allowed Monday through Fridays.

Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.

No watering outdoor landscapes during and within 48 hours after measurable rainfall (>0.01 inches).

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.

The operation of ornamental water features is prohibited unless the fountain uses a recycling system.

Non-compliance with Phase IV water conservation regulations could result in citations with fines up to \$500.

DROUGHT RESPONSE PHASE IV

The City of Porterville has adopted Phase IV of its Drought Response Plan. As part of the Phase IV plan, the City has restricted watering days to one day per week, based on address.

Mandatory Odd/Even Watering Schedule

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DO NOT WATER	DO NOT WATER	DO NOT WATER	DO NOT WATER	DO NOT WATER	OK TO WATER	OK TO WATER
—	—	—	—	—	ODD	EVEN

Odd Address

Even Address

Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

If your address ends with an “odd” number, 1, 3, 5, 7, or 9, your watering day is Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an “even” number, 0, 2, 4, 6, or 8, your watering day is Sunday *only*.

Violation Level	Citation Amount
First Violation	Warning Only
Second Violation	\$100 Fine
Third Violation	\$200 Fine
Fourth Violation	\$500 Fine

Mandatory Odd/Even Watering Schedule

Excessive water runoff prohibited

The washing of sidewalks and driveways is prohibited

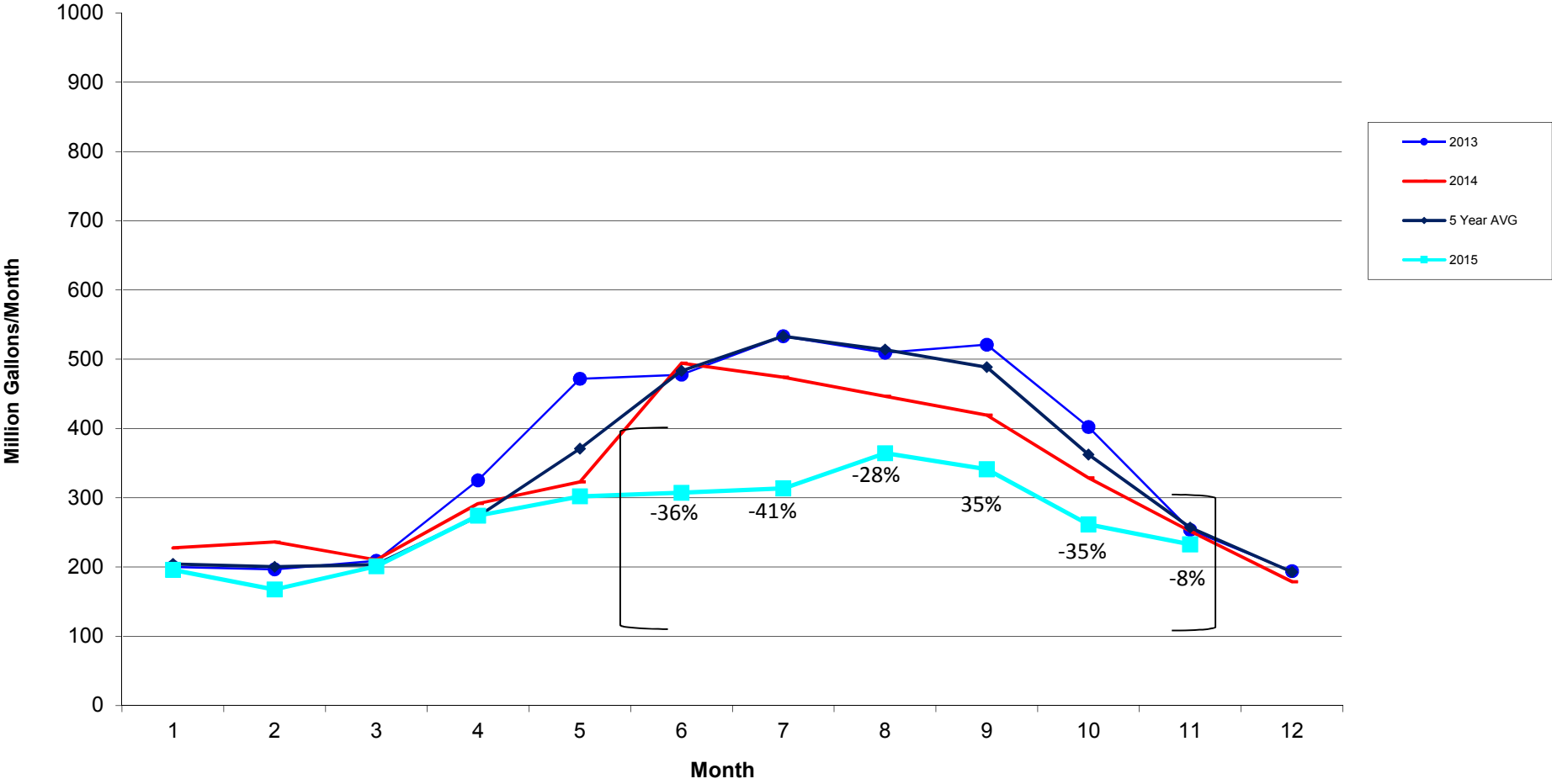
Vehicles shall only be washed on designated watering days and with hoses equipped with a shut-off nozzle

Ornamental water features are prohibited unless the fountain uses a recycling system

WATERING PROHIBITED BETWEEN THE HOURS OF 5:00 – 10:00 AM 5:00 – 10:00 PM

NO WATERING MONDAY THROUGH FRIDAY.

Monthly Production Status
2014 Comparison to 2013 & 5 Year Average
2015 Production





CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: City Council Minutes of May 5, 2015

SOURCE: Administrative Services

COMMENT: The City Clerk's Office has prepared draft minutes for May 5, 2015, for the Council's review and consideration.

RECOMMENDATION: That the City Council approve the draft minutes of May 5, 2015.

ATTACHMENTS: 1. Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 5, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 243-210-065. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Benny and Jean Webb. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Marina Abitra. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.95 – Liability Claim: Claimant: Ismael Gonzalez. Agency claimed against: City of Porterville.

5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases - two in which facts are not yet known to potential plaintiffs, and one case concerning a Demand for Withdrawal of Notice of Immediate Termination dated April 23, 2015, regarding the City's Reclamation Area Lease Agreement.

6 - Government Code Section 54956.9(d) (4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

Pledge of Allegiance led by Council Member Gurrola

Invocation – one individual participated.

REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

The City Attorney reported the Closed Session action as follows:

- A-1. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously approved the purchase of property APN 243-210-065 from Benny and Jean Webb for \$511,494.00.

Documentation: Resolution Nos. 50-2015; and 51-2015
Disposition: Approved.

- A-3. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously rejected the claim filed by Marina Abitra.

Documentation: M.O. 01-050515
Disposition: Claim rejected.

- A-4. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously rejected the claim filed by Ismael Gonzalez.

Documentation: M.O. 02-050515
Disposition: Claim rejected.

- A-5. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Gurrola the City Council unanimously rejected the claim filed by Bob Nuckols in an amount of \$181,616.31.

Documentation: M.O. 03-050515
Disposition: Claim rejected.

PRESENTATIONS

Certificate of Recognition - Sgt. Richard Standridge
MDA Fill the Boot Campaign

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG) - April 27, 2015
Council Member Gurrola reported on workshops, and extended an invitation to the next TCAG meeting at 11:30 a.m. on May 18th, at the Lindsay Wellness Center.
2. SJVAPCD Special City Selection Committee - April 30, 2015
Council Member Gurrola announced that she had been appointed to the San Joaquin Valley Air Pollution Control District Governing Board, and would be attending a Study Session on May 6th and 7th.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and Staff informational items.

- I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission – no report.
2. Library & Literacy Commission – no report.
3. Animal Control Commission - May 4, 2015 – no report.
4. Arts Commission - April 29, 2015 – no report.
5. Youth Commission – no report.
6. Transactions and Use Tax Oversight Committee (TUTOC) – Chairman Russell Fletcher extended an invitation to the committee’s next meeting on May 6th; and spoke about the progress of the Public Safety Building Project.

II. Staff Informational Reports

1. Attendance Report for City Commissions and Committees - 3rd Quarter FY 2014/15
Council Member Ward requested a more formal policy regarding commission/committee attendance rates.
2. Building Permit Activity - Fiscal Year 2014/2015 3rd Quarter Report (January, February and March, 2015)
3. Code Enforcement 3rd Quarter Report
4. Report on Charitable Car Washes
5. Quarterly Porterville Golf Course Report
6. Performance Measure 3rd Quarter Report
7. Lease of 298 North Main Street

ORAL COMMUNICATIONS

- Elva Beltran, 368 E. Date, provided an update regarding water provision activities and donations being received.
- Fred Beltran, Porterville, spoke of water donors, clusters of County residents without water, reports of stolen water pumps, and the 450 E. Date Avenue water station.
- Yolanda Anguiano, spoke of the importance of supporting the police as a community, and spoke of her positive experience with police officers and dispatch staff.
- Kat Harris, Porterville, spoke about the need to establish an Animal Control Department.

CONSENT CALENDAR

Item No. 13 was pulled for further discussion, and Council Member Ward stated that he would be abstaining from Item Nos. 9 and 11 due to a conflict of interest.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 8 through 12, and 14 through 22. The motion carried unanimously.

8. CITY COUNCIL MINUTES OF SEPTEMBER 16, 2015.

Recommendation: That the City Council approve the Minutes of September 16, 2015.

Documentation: M.O. 04-050515

Disposition: Approved.

9. AWARD OF CONTACT – TRANSIT MAINTENANCE CNG FACILITY EXPANSION PROJECT

Recommendation: That the City Council:

1. Award the transit maintenance & CNG Fueling Facility Expansion Project to RJ Berry in the amount of \$2,027,315;
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for the construction management, quality control, inspection services, and construction surveying;
3. Re-affirm the \$300,000 Solid Waste Fund appropriation;
4. Authorize the Finance Director to appropriate an additional \$10,185 from the Waste Water Facility Capital Reserve Funds and \$100,000 from the Local Transportation Fund;
5. Authorize progress payments up to 100% of the contract amount and;
6. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 05-050515

Disposition: Approved.

10. AWARD OF CONTRACT FOR THE RIVERWALK PHASE II PROJECT GREENHOUSE-GAS EMMERSION ANALYSIS

Recommendation: That the City Council:

1. Award the contract for the Greenhouse-Gas Emissions Analysis and Partial Recirculated Environmental Impact Report for the Riverwalk Phase II Project; and
2. Authorize the Mayor to sign contracts and documents.

Documentation: M.O. 06-050515

Disposition: Approved.

11. BID RESULTS FOR THE WASTE WATER TREATMENT FACILITY (WWTF) SLUDGE DE-WATERING AND ELECTRIC AIR BLOWER PROJECT

Recommendation: That the City Council:

1. Award the WWTF Sludge De-watering and Electric Air Blower Project to Cushman Contracting Corporation in the amount of \$3,561,739.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5% for construction management, quality control, and inspection; and
4. Authorize the Finance Director to appropriate the additional funds needed to finance the project.

Documentation: M.O. 07-050515

Disposition: Approved.

12. ACCEPTANCE OF IMPROVEMENTS - RIVERVIEW ESTATES NO. 5 (GARY SMEE - SMEE BUILDERS, INC.)

Recommendation: That the City Council:

1. Accept the public improvements, including those related to the Landscape & Lighting District of Riverview Estates No. 5 Subdivisions for maintenance;
2. Authorize the City Clerk to file the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 08-050515

Disposition: Approved.

14. CONSIDERATION OF PARTICIPATION IN THE TULE RIVER BASIN INTEGRATED REGIONAL WATER MANAGEMENT PLAN

Recommendation: That the City Council confirm interest in becoming a stakeholder in the Tule River Basin Integrated Regional Water Management Plan to authorize staff to participate in the development of a Memorandum of Understanding for the plan.

Documentation: M.O. 09-050515

Disposition: Approved.

15. AUTHORIZATION TO LEASE PROPERTY – 298 NORTH MAIN STREET

Recommendation: That the City Council authorize the Mayor and Staff to sign all necessary documents regarding the leases of Suite Eight and the joint-use agreement of Suite Seven for Centennial Plaza located at 298 North Main Street.

Documentation: M.O. 10-050515

Disposition: Approved.

16. FREEDOM FEST AND FIREWORK SHOW

Recommendation: That the City Council:

1. Authorize an appropriation of \$7,500 to the Freedom Fest account from the Council's Special Purpose Reserve;
2. Authorize the Airport to purchase fuel and hotel accommodations for the All Red Star Formation Flying Team; and
3. Authorize staff to operate a shuttle route to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 27, 2015.

Documentation: M.O. 11-05
Disposition: Approved.

17. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 12-050515
Disposition: Approved.

18. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 13-050515
Disposition: Approved.

19. REQUEST FOR PROCLAMATION - MDA & FIREFIGHTER MONTH - MAY 2015

Recommendation: That the City Council consider approval of the request to proclaim May 2015 as "MDA & Firefighter Month."

Documentation: M.O. 14-050515
Disposition: Approved.

20. REQUEST FOR PROCLAMATION - FREEDOM DAYS - JUNE 14 - JULY 4, 2015

Recommendation: That the City Council consider approval of the request to proclaim June 14 to July 4, 2015, as "Freedom Days in Porterville."

Documentation: M.O. 15-050515
Disposition: Approved.

21. APPROVAL FOR COMMUNITY CIVIC EVENT - TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR - PORTERVILLE FAIR - MAY 13 - 17, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A, Exhibit B.

Documentation: M.O. 16-050515

Disposition: Approved.

22. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - REQUEST FOR THE CITY COUNCIL TO CONSIDER PROHIBITING THE INSTALLATION OF NATURAL GRASS IN COMMERCIAL AND INDUSTRIAL ZONED AREAS, AND TO REQUIRE A PERMIT FOR THE INSTALLATION OF NATURAL GRASS EXCEEDING 300 SQUARE FEET IN RESIDENTIAL ZONED AREAS

Recommendation: That the City Council authorize a Scheduled Matter on the next Council Agenda to consider prohibiting the installation of natural grass in Commercial and Industrial zoned areas, and to require a permit for the installation of natural grass exceeding 300 square feet in Residential zone areas.

Documentation: M.O. 17-050515

Disposition: Approved.

The Council took a ten minutes recess at 7:12 p.m.

PROCLAMATIONS

“MDA & Firefighter Month” – May 2015

PUBLIC HEARINGS

23. CALIFORNIA HERO PROGRAM - PROPERTY ASSESSED CLEAN ENERGY

Recommendation: That the City Council adopt the draft resolution and authorize the Mayor to sign the Joint Exercise of Powers Agreement opting into California HERO Program.

City Manager Lollis introduced the item, and the staff report was presented by Development Associate Jason Ridenour.

The public hearing was opened at 7:25 p.m. Seeing no one, the public hearing was closed at 7:25 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution and authorize the Mayor to sign the Joint Exercise of Powers Agreement opting into California HERO Program. The motion carried unanimously.

Documentation: Resolution No. 47-2015

Disposition: Approved.

24. REQUEST FOR A CONDITIONAL USE PERMIT (PRC 2015-008-C) TO ALLOW FOR THE SALE OF ALCOHOL FOR THE VAULT BAR & GRILL LOCATED AT 178 N. MAIN STREET

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2015-008-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the letter of Public Convenience or Necessity.

The City Manager introduced the item, and the staff report was presented by Interim Community Development Director Jenni Byers.

The public hearing opened at 7:29 p.m.

- Brock Neeley, inquired about an oversaturation of liquor licenses, and the condition of the building.

The public hearing closed at 7:30 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the resolution approving Conditional Use Permit (PRC 2015-008-C) subject to conditions of approval; and authorize the Mayor to sign the letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 48-2015

Disposition: Approved.

SECOND READINGS

25. SECOND READING - ORDINANCE 1823, APPROVING ZONE CHANGE (PRC 2015-002-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) AT 61 W. NORTH AVENUE

Recommendation: That the City Council give second reading to Ordinance 1832, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council give second reading to Ordinance 1832, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2015-002-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) AT 61 W. NORTH AVENUE, waive further reading, and adopt said Ordinance.

The adopted ordinance was read by title only.

Documentation: Ordinance No. 1823

Disposition: Approved.

SCHEDULED MATTERS

27. GOVERNOR'S EXECUTIVE ORDER FOR STATEWIDE MANDATORY WATER REDUCTIONS, CONSIDERATION OF ADOPTION OF RESOLUTION FOR DECLARATION OF LOCAL EMERGENCY, AND RECONSIDERATION OF PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council:

1. Consider adoption of a Resolution of Declaration of Local Emergency; and
2. Consider Mayor Stowe's request to reconsider the County's request to purchase potable water for East Porterville residents.

City Manager Lollis introduced the item and presented the staff report. Following the report, staff addressed questions from the Council regarding the status of the water analysis and Akin and Beverly Grand water projects. The Council expressed frustrations with delays and concerns regarding the provision of water in light of those delays.

- Eric Lamoureux, Office of Emergency Services, Regional Director, stated that the State Department of Water Resources had committed to funding the well; addressed concerns regarding the progress made to date; spoke of the importance of moving forward in partnership and the declaration of emergency process; and requested provision of water to support the tank program.
- Bill Croyle, Department of Water Resources, Deputy Director for Statewide Emergency Preparedness and Security, communicated his agency's commitment to being part of the solution; spoke of drought management and drought resiliency; and stated that they were prepared to move quickly once a scope of services was available.

Both Mr. Lamoureux and Mr. Croyle addressed questions from the Council, and City Manager Lollis advised of a meeting to take place with regard to the agreement, scope of work, funding, and long-term agency commitments.

- Andrew Lockman, Tulare County, spoke of the status of the City-County Agreement; stated that the County and City were conceptually in agreement with regard to the 100 water connections, and it was just a matter of putting it in writing.

City Manager Lollis advised of two City wells that were independent of the municipal water system, located west of town off of Olive Avenue; which could be an option should the

Council approve the provision of water to East Porterville. He also spoke of the need to focus on tertiary treatment for the future and staff attendance at an upcoming funding fair.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council reconsider the Mutual Aid Request for the provision of water to East Porterville residents. The motion carried unanimously.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the provision of water to County residents for a period of 30 days with a 500,000 gallon cap; authorize Acting Public Works Director Reed to cease the provision of water if needed; and approve the continued Declaration of Emergency. The motion carried unanimously.

The Council briefly discussed those affected by the drought in East Porterville, and resources available to help educate and direct them towards services.

Documentation: M.O. 18-051515; Resolution No. 49-2015; and M.O. 19-050515
Disposition: Approved.

The Council took a five minute recess at 8:25 p.m.

26. ANIMAL CONTROL ORDINANCE UPDATE

Recommendation: That the City Council review the proposed changes and if the Council opines that no major additions or revisions are required, direct staff to schedule the ordinance for the public hearing at a future Council meeting.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report. Following the report, staff addressed questions from the Council regarding the licensing of cats, keeping of chickens, the proposed transition period for annexed areas, and enforcement language.

Council Member Ward suggested changes pertaining to license renewal, 4-H animals, online licensing, the transition period, pigeons, and requested that the number and size of animals permitted be dependent on the size of a property.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, and SECONDED by Council Member Reyes that the City Council approve amending 5-7.1 (C) of the draft ordinance to refer to Chapter 2, Article XIV of the Municipal Code and removal of regulations pertaining to cat licensing and spaying; and authorize scheduling of the Public Hearing. The motion carried unanimously.

Documentation: M.O. 20-050515

Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

13. REQUEST TO SET A PUBLIC HEARING FOR JUNE 2, 2015, TO CONSIDER MOVING INTO PHASE III OF THE CITY'S WATER CONSERVATION PLAN

Recommendation: That the City Council set a Public Hearing for June 2, 2015, to consider transitioning from Phase II to Phase III of the City's Water Conservation Plan.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward stated that staff had addressed his question earlier in the evening, and the Public Hearing was not scheduled for the next meeting because more noticing time was required.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the scheduling of a Public Hearing for June 2, 2015, to consider transitioning from Phase II to Phase III of the City's Water Conservation Plan. The motion carried unanimously.

Documentation: M.O. 21-050515

Disposition: Approved.

ORAL COMMUNICATIONS

- Patricia Young, Porterville, thanked the Council for their humanity and encouraged the Council to take water conservation seriously.

OTHER MATTERS

- Vice Mayor Hamilton, encouraged participation and donations to MDA Fill-the-Boot event on May 6th; and spoke of recent SETCO donation to a local veteran.
- Mayor Stowe spoke of the Cinco de Mayo parade that took place on Saturday, May 2, 2015.
- Council Member Gurrola, spoke of the importance of helping disabled veterans.
- Council Member Ward, requested an agenda item to consider ways the City could facilitate employee donations to good work organizations.
- Vice Mayor Hamilton, stated that he had missed Monache's Band Concert, but spoke of Porterville Band Concert on Friday, May 8th.
- Council Member Reyes, suggested sending out an informational flyer in utility bills regarding water saving tips and water conservation.
- City Attorney Lew stated that there would be a live feed of the California Water Resources Board meeting.

- City Manager Lollis announced staff attendance at a Fund Fair, upcoming Youth Summit, and Council Budget Study Session.

CLOSED SESSION

None.

ADJOURNMENT

The Council adjourned at 9:47 p.m. to the meeting of May 19, 2015

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Award of Contract –One (1) Compressed Natural Gas Street Sweeper

SOURCE: Public Works

COMMENT: On November 12, 2015, staff received two (2) bids for one (1) compressed natural gas (CNG) street sweeper. The bids are as follows:

<u>Bidder – One (1) CNG Street Sweeper</u>	<u>Amount</u>
Municipal Maintenance Equipment, Inc. Sacramento, CA	\$295,833.55
Haaker Equipment Company La Verne, CA	\$318,029.78

Staff has reviewed the bids and found the low bidder to be responsive to the specifications. The low bid is 4.9% higher than the Engineer's estimate of probable cost of \$282,000.

The purchase of the CNG powered street sweeper is authorized by a Federal Congestion Mitigation & Air Quality (CMAQ) grant which must be matched by local funds. The federal share is \$249,000 and funding in the amount of \$33,000 for the local share was approved in the 2015/2016 annual budget to be paid from the Public Works' Solid Waste Equipment Replacement Fund. Staff respectfully requests that the City Council appropriate an additional \$13,833.55 from the Public Works' Solid Waste Equipment Replacement Fund to cover the shortfall caused by the low bid coming in higher than the estimate. Funding for the appropriation is available.

RECOMMENDATION: That the City Council:

1. Award the contract for one (1) new CNG Street Sweeper in the amount of \$295,833.55 to Municipal Maintenance Equipment, Inc.;
2. Authorize the Finance Director to appropriate an additional \$13,833.55 from the Public Works' Solid Waste Equipment Replacement Fund; and
3. Authorize payment upon satisfactory delivery of the

equipment.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Acceptance of Project - Miscellaneous Repair of the Downtown Parking Lots Project

SOURCE: Public Works

COMMENT: Bush Engineering has completed the Miscellaneous Repair of the Downtown Parking Lots Project per plans and specifications. The project consisted of reconstructing existing parking lots by removing and replacing portions of asphalt, concrete and trees. The reconstructed parking lots are as follows: 1) the parking lot at the northwest corner of Olive Avenue and Second Street; 2) the parking lot at the southwest corner of Second Street and Mill Avenue; 3) the parking lot at the northwest corner of Second Street and Putnam Avenue; and 4) the parking lot at the northeast corner of Putnam Avenue and Hockett Street.

Staff tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by the City Council. On February 17, 2015, City Council authorized expenditure of \$445,217 for construction and \$35,617.36 for construction management, surveying and quality control. In addition, the Council authorized \$111,305 for the installation of nostalgic lights. As a result, the total authorized construction budget was \$556,522, which, when coupled with the budget of \$35,617.36 for construction management, surveying and quality control, resulted in a total approved expenditure of \$592,140 for the project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management, quality control, and surveying.

Location	Project No.	Const. Cost	CM, QC, INSP, Sur
Putnam and Hockett	89-9877	\$159,371.95	\$25,076.53
Second and Olive	89-9878	\$79,661.38	\$15,050.77
Second and Mill	89-9879	\$122,281.98	\$16,932.87
Second and Putnam	89-9880	\$176,195.75	\$17,926.26
Total		\$537,511.06	\$74,986.43

- 1) Final construction cost is \$537,511.06;
- 2) Construction management, quality control and surveying costs are \$74,986.43.

Total project expenditures equate to \$612,497.49.

The cost to install nostalgic lights within the parking lots exceeded the amount augmented by the Council. Instead, staff utilized the funds budgeted for lights to provide for the installation of underground electrical conduit, necessary for placement of future lights. The nostalgic parking lot lights can now be installed when funding is available without disturbing the new pavement within each parking lot.

During construction, issues arose with the quality of the asphalt concrete material placed in the parking lots along Second Street at Olive Avenue, Mill Avenue and Putnam Avenue. Projects of this nature typically do not warrant quality control testing to the degree implemented with this project. It became apparent during the paving of the first three parking lots (completed in one day) that it was necessary to perform the full array of testing to substantiate staff concerns with the material delivered to the project. The quality control testing proved that the placed asphalt concrete did not meet project specifications. The material was later removed and replaced, creating project delays, additional staff time, and quality control testing costs not originally anticipated. The full array of asphalt concrete quality control testing continued to the final phase of the project, the parking lot at Hockett Street and Putnam Avenue. This effort also created additional project costs.

The additional staff time and quality control testing has caused the total cost of this project to exceed Council authorized amount. Total project costs equate to \$612,497.49, which is \$20,358.13 more than the \$592,140 overall budget approved by Council at the time of award.

This project is funded by Community Development Block Grant (CDBG) and Risk Management funds as approved in the 2015/2016 Annual budget. The original CDBG funding allocations are in place and can sufficiently finance the additional project costs.

Staff requests that the City Council 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 immediate release of final payment,
 provided no stop notices have been filed.

ATTACHMENTS: 1. Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE
 ENGINEERING DIVISION
 291 NORTH MAIN STREET
 PORTERVILLE, CA. 93257
 (559) 782-7462

MISCELLANEOUS REPAIR OF DOWNTOWN PARKING LOTS

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Addendum to the Dee Jaspar & Associates Design, Construction Management and Inspection Service Agreement for Well #32

SOURCE: Public Works

COMMENT: Dee Jaspar & Associates is under contract with the City to design and provide inspection and administration services for a maximum of five municipal water wells. Well #32 is one of those five water wells. A service agreement was signed with Dee Jaspar & Associates on August 3, 2012, for \$76,115. Addendum #1, an increase of \$6,600, was issued on March 13, 2013, for additional design efforts associated with newly adopted State regulations mandating 100-foot control zones around municipal wells.

Staff is now seeking a second addendum for Dee Jaspar & Associates' completion of Water Well #32. Addendum #2 includes additional services necessary for project management and inspection efforts that are now exceeding the original anticipated amount.

Attached for Council's review is an amendment fee proposal in the amount of \$27,204. Staff has reviewed the fee proposal from Dee Jaspar and Associates and finds it acceptable. Typically, consulting services for construction management and inspection services range between 15% and 25% of the estimated project cost. Dee Jaspar and Associates agreement includes a design component, which is in addition to the construction management and inspection services. In total, Dee Jaspar and Associates' original agreement fee structure included design, construction management and inspection services, equating to about 5% of the overall project costs (\$1,500,000 plus). With the additional funds being requested, Dee Jaspar and Associates services will be approximately 7% of the estimated project costs, still well below the industry average.

A California Improvement and Economic Development Bank (CIEDB) loan is the funding source for this project, which was approved in the 2014/2015 Annual Budget. These engineering services are part of the loan agreement and funds are available to fully finance the requested additional engineering costs.

RECOMMENDATION: That City Council:

1. Authorize the Acting Public Works Director to execute Addendum No. 2 to Dee Jaspar & Associates Service Agreement

at an agreed upon fee of \$27,204 for the services described herein; and

2. Authorize progress payments up to 100% of the fee amount.

ATTACHMENTS:

1. Addendum #2 to the Service Agreement with Dee Jaspar & Associates - Well 32

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

ADDENDUM NO. 2
P.O. NO. 10-04752

WATER WELL #32

CITY OF PORTERVILLE
AND
DEE JASPAR & ASSOCIATES, INC.

Addendum No. 2 to P.O. No. 10-04752 is issued by the City and accepted by CONSULTANT pursuant to the mutual promises, covenants and conditions contained in the Service Agreement between the above named parties dated August 3, 2012 in connection with the engineering design to prepare plans, specifications, inspection and management and other appurtenant services as detailed in the scope of services contained in the Service Agreement.

PURPOSE:

The purpose of this addendum is to amend the contract with CONSULTANT to amend the budget for the inspection and contract administration of Well #32 until January 2016. CONSULTANT requests the Service Agreement for this project be increased by the amount expended for September 2015, October 2015 and November 2015, plus estimated costs for December 2015 and January 2016. See attached memo and budget amendment.

PAYMENT:

CITY shall pay CONSULTANT the amount of \$27,204 to complete all services of Addendum No.2. Payment will be made monthly on presentation of documented invoices and shall include CONSULTANT'S direct labor costs, indirect labor costs (overhead), direct expenses and CONSULTANT'S fee, not to exceed the sum set forth herein above.

IN WITNESS WHEREOF, duly authorized representatives of the CITY and the CONSULTANT have executed Addendum No. 2 to P.O. No. 10-04752 evidencing its issuance by CITY and accepted by CONSULTANT.

CONSULTANT'S NAME

CITY OF PORTERVILLE

By: Dee Jaspar, Dee Jaspar & Associates

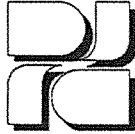
Michael K. Reed, Acting Public Works Director

Date

Date

DEE JASPAR & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS

2730 Unicorn Road, Bldg. A
Bakersfield, CA 93308
(661) 393-4796
Fax: (661) 393-4799



639 N. Main Street, #B
Porterville, CA 93257
(559) 791-9286
Fax: (559) 783-9275

November 25, 2015

Michael K. Reed, Acting Public Works Director
City of Porterville, Public Works Department
291 N. Main Street
Porterville, CA 93257

Re: **City Well No. 32 Project**
Budget Amendment

Mr. Reed,

Attached is a detailed budget amendment accounting for the DJA inspection and contract administration time involved during September, October, and November 2015 as well as the time anticipated for December of 2015 and January 2016. The total estimated budget amendment is estimated as \$27,204.00 and can be broken down by month as shown below in Table 1.

Table 1 – Budget Amendment Summary		
Year	Month	Cost
2015	September	\$4,915
2015	October	\$2,980
2015	November	\$1,500
2015	December	\$6,142
2016	January	\$11,667

Please let me know if you have any questions, concerns, or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis M. Skaggs'.

Curtis M. Skaggs, PE
Dee Jaspar & Associates, Inc.

Dee Jaspas Associates
Consulting Civil Engineers

City of Porterville											
Well No. 32 Facility											
Construction Inspection and Administration Budget - Amendment											
	Principal Engineer	Registered Engineer / Project Manager	Staff Engineer	Surveyor	Survey Crew	Datapoint	Secretary	Electrical Design	Total		
	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)	Estimated Time (hrs)
Scope of Work:	\$189.00	\$147.00	\$131.50	\$136.50	\$241.50	\$94.50	\$73.50	\$220.00			
1. General Site Inspection, Quality Control, and Project Correspondence											
Provide on-site construction inspection, correspondence with the Contractor, submittal reviews, and quality control.			122					12			\$18,683
2. Project Start-up, Testing & Troubleshooting											
Perform project start-up, testing, and troubleshooting on-site for pump, motor, valves, electrical equipment and chlorination system. Work with contractors to address punchlist items and complete site construction.		8	30					8			\$6,881
3. Project Closeout											
Prepare project closeout documents including, but not limited to, letter of acceptance, project binders, O&M manuals, approved submittals, and as-built drawings.		4	8								\$1,640
Subtotal:	0	12	160	0	0	0	0	20			\$27,204
Total Hours Estimated:	0	12	180	0	0	0	0	20			
Total Engineering Estimate:	\$0	\$1,704	\$21,040	\$0	\$0	\$0	\$0	\$4,400			\$27,204



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: California Statewide Communities Development Authority (CSCDA) Open PACE Program

SOURCE: Community Development

COMMENT: Since 2014, City Council has opted into five Property Assessed Clean Energy (PACE) Programs. The programs include the Tulare County PACE Program, California First Pace Program, California Hero Program, Figtree PACE Program, and the California Municipal Finance Authority (CMFA) PACE Program. Staff was recently contacted by the PACE Funding Group requesting that the City of Porterville opt into the California Statewide Communities Development Authority (CSCDA) Open PACE Program.

California Statewide Communities Development Authority is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties. The member agencies of the California Communities include 57 counties and more than 400 other local agencies throughout California, including the City of Porterville. The City of Porterville adopted Resolution 16-94 entering into a joint powers agreement with the California Statewide Communities Development Authority on March 15, 1994.

On March 17, 2015, City Council opted into the California First PACE Program, which is sponsored by the CSCDA. Since that time the CSCDA has created the CSCDA Open PACE Program in an effort to create an open competitive marketplace for prequalified PACE administrators.

CSCDA's Commissioners pre-qualified and appointed three PACE Administrators to manage the CSCDA Open PACE program in order to offer members turn-key PACE solutions that provide residential and commercial property owners the choice among prequalified PACE financing providers, creating competition on terms, service and interest rates. The prequalified program administrators operating the following programs are AllianceNRG Program, PACE Funding LLC and Renewable Funding LLC (administering CaliforniaFIRST).

CSCDA Open PACE is being offered to allow property owners in participating cities and counties to finance renewable energy, energy water efficiency improvements, seismic improvements and electric vehicle charging infrastructure on their property. Participation in the assessment is 100% voluntary by the property owner. The improvements installed on the owner's property are financed by the issuance of bonds by CSCDA. The bonds are

secured by a voluntary contractual assessment levied on the owner's property. Property owners who wish to participate in PACE agree to repay the money through the voluntary contractual assessment collected with property taxes. The voluntary contractual assessments will be levied by CSCDA and collected in annual installments through the applicable county secured property tax bill. The City of Porterville is not obligated to repay the bonds or to pay the assessments levied on the participating properties.

The goal of the program is to promote economic growth and job creation in the city of Porterville by allowing businesses and property owners an additional financing tool to lower their operating costs by decreasing energy and water consumption.

RECOMMENDATION: That the City Council adopt the draft resolution opting into the California Statewide Communities Development Authority (CSCDA) Open PACE Program.

ATTACHMENTS: 1. CSCDA Open PACE Program Draft Resolution
 2. CSCDA Open PACE Program Fact Sheet

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF
THE CITY IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA
STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT
APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL
ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN
THE TERRITORY OF THE CITY AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority (the “Authority”) is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California, including the City of Porterville (the “City”); and

WHEREAS, the Authority is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CSCDA Open PACE, consisting of CSCDA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the “Programs”), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the “Improvements”) through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code (“Chapter 29”) within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time; and

WHEREAS, the program administrators currently active in administering Programs are the AllianceNRG Program (presently consisting of Deutsche Bank Securities Inc., CounterPointe Energy Solutions LLC and Leidos Engineering, LLC), PACE Funding LLC and Renewable Funding LLC, and the Authority will notify the City in advance of any additions or changes; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

WHEREAS, the City desires to allow the owners of property (“Participating Property Owners”) within its territory to participate in the Programs and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

WHEREAS, the territory within which assessments may be levied for the Programs shall include all of the territory within the City’s official boundaries; and

WHEREAS, the Authority will conduct all assessment proceedings under Chapter 29 for the Programs and issue any bonds issued in connection with the Programs; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs;

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

Section 1. This City Council hereby finds and declares that properties in the territory of the City will benefit from the availability of the Programs within the territory of the City and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

Section 2. In connection with the Programs, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the City and the issuance of bonds to finance or refinance Improvements; provided, that

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(2) The City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs.

Section 3. The appropriate officials and staff of the [County/City] are hereby authorized and directed to make applications for the Programs available to all property owners who wish to finance or refinance Improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the Mayor or City Manager of the City from time to time, are hereby designated as the contact persons for the Authority in connection with the Programs: Jennifer M. Byers, Community Development Director.

Section 4. The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Programs.

Section 5. The City Council hereby finds that adoption of this Resolution is not a “project” under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

Section 6. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



In Partnership with  ADMIRALS BANK 



Benefits of CSCDA Open PACE Program

Lowest Cost, Integrated PACE Financing Program

November, 2015

Who Benefits from CSCDA Open PACE Financing?



Municipalities

Help your communities develop a sustainable future by making energy efficient choices that are safe and affordable for property owners.

- PACE Funding- only PACE program with **Federally chartered** consumer lending bank
- Stringent consumer protection** policies you can expect from a regulated bank
- Lowest** interest rates of any private sector Program Manager



Homeowners

Save money on your energy bills! Cities and Counties in your state now offer an affordable way to invest in home energy improvements.

- Lowest** Interest rates of any private sector Program Manager
- NO** credit score requirements
- 100%** financing
- Broad selection of energy efficiency, renewable energy and water conservation products



Contractors

PACE Funding provides contractors with the most efficient software toolset to generate more business and save you time.

- PACE PowerTool™**- best solar quoting tool in the PACE sector
- Quick & paperless** approval process
- NO dealer fees**

PACE Funding/Admirals Bank- Advantages

- 🏠 **First US consumer lending bank** in PACE
- 🏠 **Federally chartered bank** w/ offices in San Francisco, CA, Boston, MA, Providence, RI,
- 🏠 **Stable, low-cost funding source** that results in lower costs to consumers
- 🏠 **Largest FHA Title I lender** in the country
 - Proven ability to originate consumer loans in a heavily regulated environment
- 🏠 Strong focus from bank management on solar PV lending in California

Products

- FastTrack, Title I, PACE
- One stop shop-
- Ability to place more business for a contractor

Partnerships

- Key relationships with national home improvement installers
- Over 1,200 contractors in CA

Funding

- Low cost of funds means better deals for home owners
- Balance sheet lender; no reliance on secondary financing sources

Support

- 30-person Call Center
- Fast funding with milestone payments allows contractors to grow

Most Competitive Interest Rates

Interest Rates*	Term				
	5yr	10yr	15yr	20yr	25yr
PACE Funding	5.95%	6.95%	7.49%	7.79%	8.29%
CaliforniaFIRST	6.75%	7.59%	7.99%	8.29%	8.39%
HERO	5.95%	6.95%	7.95%	8.59%	N/A

- Estimated **75%+** of homeowners will choose the 20 or 25-year term options
- PACE Funding has the lowest in market interest rates for 15, 20 and 25 year terms, leading to lowest payments for consumers
- In partnership with CSCDA, PACE Funding & Admirals Bank plans to stay at the forefront of low rates in residential PACE

*Rates are estimated and are subject to change at any time

Call Center Support

- ❖ 30-person call center
- ❖ Open 7 days a week
 - Monday through Friday (9:00 am – 1:00 am EST)
 - Saturday (9:00 am – 9:00 pm EST)
 - Sunday (11:00 am – 7:00 pm EST)
- ❖ Answer Customer & Contractor questions
- ❖ Underwriting Status
- ❖ Payment Processing Status
- ❖ Customer Issue Resolution



If You Can't Measure It, You Can't Manage It

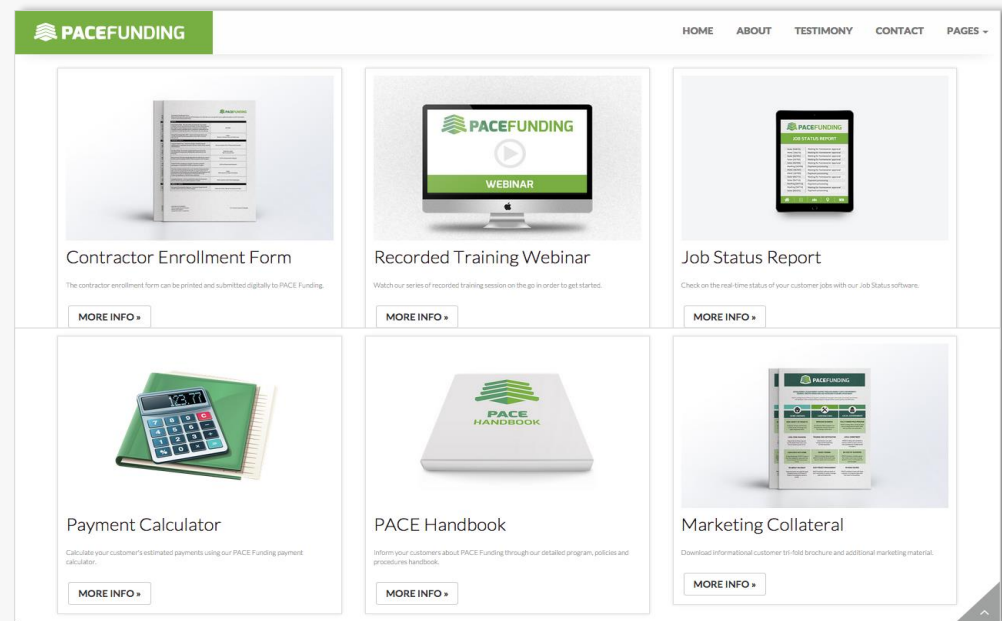
- 🏢 Received **4,136** inbound calls from both Contractors and Consumers
 - Answered **98.67%** of inbound calls (avg. call duration: 7 mins)
 - **82%** average month-over-month increase in inbound call volume
- 🏢 Processed over **10,000** loan applications
 - **55%** ave. month-over-month increase in processed loan applications
- 🏢 Closed over **2,743** loans for **\$56.3 million** in origination volume
 - **72%** average month-over-month increase in closed loans

September
2015
Closed Loans

\$19 million

Contractor Support Tools

- Easy to use materials for contractors to educate customers about the many benefits of PACE
 - Program video and downloadable materials, including brochures and a single-page flyer
- Customizable solar quoting platform and proposal generation for contractors, and program information for homeowners
- Mobile-friendly website and dealer portal- PACE PowerTool™



Eligible Properties

- 🏠 If the property receives a **property tax bill**, it is eligible for PACE.
- 🏠 **Manufactured/mobile homes** permanently attached to real property (and the owner pays property taxes)
- 🏠 **Condominiums** (with written authorization by the association stating Owner is allowed to install the requested Eligible Products)
- 🏠 **Rental Properties & Second Homes**
- 🏠 **NO** new construction

Core Eligibility Requirements

 Equity:	10% minimum
 Mortgage:	Current, one late allowed in last 12 months
 Property Taxes:	Current for last 3 years
 Involuntary Liens:	< \$1,000 in aggregate
 Minimum Assessment Amount:	\$5,000
 Maximum Assessment Amount:	15% of property value, up to \$750,000, 10% beyond (capped at \$200k)
 Combined Lien to Value:	Assessment + existing property debt $\leq$ 100%
 Other:	No bankruptcy in the past 5 years



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Consideration to Transfer City Fee Title Property to City Road Right of Way (Pioneer Avenue)

SOURCE: Public Works

COMMENT: On January 26, 2015, the City of Porterville purchased the abandoned Union Pacific Railroad property that traversed through the city west of Main Street through recordation of a Quitclaim Deed, as had been authorized by the City Council in August of 2014. Acquisition of this property was in fee title and now staff is seeking authorization to convert a portion of this property for road purposes. Pioneer Avenue is fully improved between State Route 65 and Villa Street, which is adjacent to the recently purchased railroad property. An unimproved segment of Pioneer Avenue exists between the railroad property and Main Street via the Pioneer Land Company Subdivision Map, known to staff as a “paper street.”

Included in the City Council’s packet is a Grant Deed and Resolution describing a strip of land across the recently purchased railroad property, which is the missing link in eventually connecting Pioneer Avenue to Main Street. Oddly enough, and worth noting, this segment of Pioneer Avenue was abandoned in 1953 while under the jurisdiction of Tulare County. This area was annexed into the City of Porterville in 1962.

Staff believes there is merit in securing this segment of property for road right of way for future connectivity between the Porterville Adult School and the surrounding street patterns. The rationale is simply based on the fact that Caltrans, at some point in the future, will seek abandonment of the Pioneer Avenue access to State Route 65. Access from local streets such as Pioneer Avenue to state routes no longer meets Caltrans’ design standards, which became very apparent during the State Route 190 Corridor Study. Extension of Pioneer Avenue to North Main Street will provide an alternative arterial for north-south connectivity.

RECOMMENDATION: That the City Council:

1. Authorize the transition of City fee title property to Pioneer Avenue road right of way; and
2. Authorize the Mayor and City Clerk to sign the attached resolution executing the conversion Grant Deed.

ATTACHMENTS: 1. Grant Deed with Resolution
 2. Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:**

City of Porterville
291 N. Main St.
Porterville, CA 93257

**NO FEE PURSUANT TO GOVERNMENT
SECTION 27383**

Space above this line for Recorder's Use

**GRANT DEED
(CORPORATION)**

Atlas Sheet	Section	Township	Range	Street/Avenue
I 7	23	T21S	R27E	Pioneer

City of Porterville, a Municipal Corporation, GRANT AND CONVEY to the CITY OF PORTERVILLE, a Municipal Corporation, all right of way and incidents thereto for a public road and public utility purposes on, over and under the following described parcel of land in the City of Porterville, County of Tulare, State of California, described as:

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

GRANTOR:

City of Porterville

Dated this ____ day of _____, 2015

By: _____
Milt Stowe, City of Porterville Mayor

CALIFORNIA ALL PURPOSE

} SS

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

County of _____

} SS

On this the _____ day of _____, 20____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)



(for notary seal or stamp)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET
AND UNDERGROUND UTILITIES PURPOSES FROM THE CITY OF PORTERVILLE, A
MUNICIPAL CORPORATION

WHEREAS: On January 26, 2015, the City of Porterville acquired certain segments of the abandoned Union Pacific Railroad Company alignment, which includes a segment that was formerly identified as the Pioneer Avenue road right of way, for future use as a regional multi-modal transportation corridor; and

WHEREAS: A crossing of this corridor by Pioneer Avenue to connect to North Main Street would benefit the community by providing future connectivity between the Porterville Adult School and the surrounding street patterns, and an alternative arterial for north-south connectivity in this area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from City of Porterville, a Municipal Corporation, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

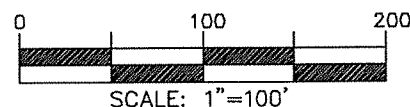
BE IT FURTHER RESOLVED that the purchase price of \$0 is hereby approved with the City, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

PROPOSED CONVERSION OF FEE TITLE PROPERTY TO ROAD RIGHT OF WAY



174 LOT NUMBER PER PIONEER LAND
COMPANY'S 1st SUBDIVISION

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

UNIMPROVED PORTION OF PIONEER AVENUE
BETWEEN VILLA STREET AND MAIN STREET

LOCATOR MAP



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Renewal of Airport Lease Agreement - Lot 44C

SOURCE: Finance

COMMENT: Gillespie Ag Service is the current leaseholder of Lot 44C at the Porterville Municipal Airport. The lease expires on December 31, 2015. We have received a request from Mr. Dana Gillespie, President of Gillespie Ag Service, dated July 6, 2015, to renew his lease for a period of ten (10) years. This lot is approximately 4,200 square feet in area and will rent for a rate of \$0.298 per square foot with an annual adjustment according to the change in the Consumer Price Index. The lease will begin on January 1, 2016, and expire on December 31, 2026.

RECOMMENDATION: That City Council approve the Lease Agreement between the City of Porterville and Gillespie Ag Service for Lot 44C at the Porterville Municipal Airport.

ATTACHMENTS:

1. Locator Map
2. Letter from Mr. Gillespie Requesting Renewal
3. Lease Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

AIRPORT LEASE SITES



44A	44B	44C
-----	-----	-----

40	41	42	43
36	37	38	39

45

46A	46B	46C	46D
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35

A	B	C	34	D	E	F
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33

32A

B

C

31C

31A

31B

30B

30A1

30A2

30A3

47

50

TAXIWAY

TAXIWAY

HANGAR ROAD

HOPE ROAD

THUNDERBOLT DR.

ADMIN.
BLD.



July 6, 2015

Janie Rodriguez
City of Porterville
291 N. Main Street
Porterville, CA 93247

Re: Lot 44C at Porterville Municipal Airport

Dear Ms. Rodriguez,

Gillespie Ag Service would like to renew our 10 year lease for Lot 44C at the Porterville Municipal Airport.

If you have any questions or require additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Gillespie", with a long, sweeping horizontal line extending to the right.

Dana Gillespie
President

LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of January, 2016, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Gillespie Ag Service, hereinafter referred to as "Lessee."

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

WHEREAS, Lessee desires to lease a portion of said airport for the purpose of operating an existing aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto; and

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 44C at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this Lease shall commence on January 1, 2016, both parties having executed the same, and shall terminate on December 31, 2026, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Notwithstanding the stated term of the Lease, the City may terminate this Lease at its pleasure and repossess the premises therein described upon three months' notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee

appraiser appointed by the lessee. The parties will follow Charter Section 68 concerning the determination of the value of the improvements.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Finance Director, City of Porterville, 291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of \$0.298 per square foot per year. Inasmuch as the lease site (See Exhibit "A" attached) contains approximately 4,200 square feet of land area, said rental rate will be \$1,251.60 annually, or \$104.30 per month, payable in advance.

Beginning January 1, 2017, and each January 1 thereafter for the term of this Lease, the rate shall be adjusted by a percentage equal to the annual percentage increase or decrease in the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the San Francisco CPI and the Los Angeles CPI as published for October of the prior year. The CPI index will be "All Urban Consumers."

4. Purpose: This Lease is made for the purpose of operating an existing aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. The City reserves the right to conduct on-site inspections for the purpose of compliance with Building Code, Fire Code, and Zoning Ordinance. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes a nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent neighboring property.

Lessee further agrees that, within 72 hours from receiving written notice by the City that a nuisance exists, to abate or otherwise cause said nuisance to be cured.

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville, within 72 hours, then City may enter and abate said nuisance at the expense of Lessee without any liability whatsoever to City for monetary loss or anticipated profits of Lessee or others.

Said appeal to the City Council must be made in writing and be received by the City

Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice of said nuisance.

5. Right of Ingress and Egress: Lessee shall have the right-of-way to property owned and controlled by City for ingress thereto and egress therefrom for pedestrian, vehicular, and air travel, together with the right to use in common with other Lessee or licensees of City the airplane landing field adjacent to the demised premises. None of these rights are exclusive, but shall be exercised in common with and subject to possible similar rights of other users of said airport. All of the foregoing is subject to such reasonable rules and regulations as the City or its authorized agents may make from time to time. Such rules and regulations, however, shall be reasonable and shall not conflict in any way with similar rules and regulations adopted from time to time by the Federal Aviation Administration or its successor.

6. Condition of Premises: Lessee has inspected the demised premises and knows the extent and condition thereof and accepts same in its present condition, subject to and including all defects, latent and/or patent.

7. Alteration: Lessee shall make no structural modifications to existing structures or make permanent improvements or additions in or on the demised premises without the written consent of the City Airport Manager first being obtained.

8. Maintenance: Lessee agrees to keep the improvements in a good state of repair by periodic maintenance and painting as the same are required and to keep the grounds of Lessee in a good state of maintenance and repair. During the term of this Lease, the City Airport Manager shall have the right to notify Lessee in writing wherein Lessee has failed to maintain said structure and improvements in a good state of repair. Lessee shall make such corrections in the time and manner prescribed by said Airport Manager, or in the event Lessee disagrees, Lessee shall have the right to appeal within fifteen (15) days from date of notice from said Airport Manager to the City Council concerning the request for maintenance made to Lessee by said Airport Manager; it being understood and agreed that the decision of the City Council shall be final.

9. Utilities: Lessee agrees to pay during the term of the Lease, or any holding over, any

and all utilities utilized by it to said demised premises. The term "utilities" as used herein shall include, but is not limited to, telephone, electrical, water, sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.

10. Utility Extension or Modification: Lessee shall pay any and all expenses that may be incurred in obtaining the extension of public utility services to the demised premises from existing utility facilities or any modifications of same.

11. Taxes and Assessments: Lessee understands that the Lease of the premises creates a possessory interest subject to taxation by the County of Tulare. Lessee agrees to pay all taxes and /or assessments levied by any governmental agency upon any interest acquired by Lessee under the terms of this Lease.

12. Compliance with Law: Lessee shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements, and order whatever, present or future, of the national, state, county or city government which may in any way apply to the use, maintenance or occupation of, or operations on the premises.

13. Liens and Encumbrances: Lessee shall keep the premises and all structures and improvements situated thereon free from any liens or encumbrances arising out of any work performed, material furnished, or obligations incurred by Lessee, or from any other cause.

14. Negation of Partnership: City shall not become or be deemed a partner or joint venturer with Lessee or associate in any relationship with Lessee's operations thereon. City reserves all rights in and with respect to the premises, not inconsistent with Lessee's use of the premises as in this Lease provided, including (without limiting the generality of the foregoing) the right of City to enter upon the premises for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as City may deem desirable in connection with the development or use of any other property in the neighborhood of the premises. City shall compensate Lessee for any and all damage to Lessee's improvement and personal property caused by the exercise of the rights reserved in this paragraph.

15. Indemnification: Lessee agrees to indemnify, defend (upon request by the City) and

save harmless the City, its agents, officers, and employees, and each of them, from any and all losses, costs, expenses, claims, liabilities, action, or damages, including liability for injuries to person or persons, or damage to property of third persons arising out of or in any way connected with (a) the conducting or operation of Lessee's business on the demised premises during the term of the Lease or any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this Lease or any holding over.

16. Liability Insurance: Lessee, in order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of Lessee's (a) use and operations on the demised premises or in connection therewith, or (b) construction or removal of any improvements on the demised premises or in connection therewith, shall name the City as additional insured on Lessee's aircraft insurance policy or policies in the amount of not less than ONE MILLION DOLLARS (\$1,000,000). Coverage shall include General Liability combined Bodily Injury and Property Damage, Single Limits and Aggregate, with a reliable insurance carrier authorized to do such public liability and property damage insurance business in the State of California. Said insurance shall not be subject to cancellation or coverage reduction without thirty (30) days prior written notice to City. Within (10) days from the date of this Lease, Lessee shall file with the City Clerk, City of Porterville, a duly certified Certificate of Insurance evidencing that the herein above mentioned public liability and property damage provisions have been complied with, and setting forth that City, its agents, officers, and employees are named as additional insured. In the event that Lessee shall fail to take out and keep in effect such policy or to furnish evidence thereof to City, City may, at City's option, procure the same, pay the premium thereof and collect same with the next payment of rental due from Lessee or immediately terminate this Lease. The limits of insurance coverage set forth herein may be reviewed by City each January and may be adjusted at such reviews in order to protect the interests of the City.

17. Nondiscrimination: Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, sex, sexual orientation, ancestry, disability, gender, age, religion or national origin shall be excluded from participation, denied the benefits of, or be otherwise

subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, sexual orientation, ancestry, disability, gender, age, religion or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that Lessee shall use the premises in compliance with other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally - Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume purchasers.

In the event of breach of any of the above nondiscriminatory covenants, City shall have the right to terminate this Lease and to re-enter and repossess the demised premises and the facilities thereon and hold the same as if the Lease had never been made or issued.

Lessee agrees that it shall insert the above nondiscrimination provisions in any sublease or other agreement by which Lessee grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.

18. Improvement of Land Area: City reserves the right to further develop or improve the landing area of the airport as it sees fit regardless of the desires or views of Lessee and without interference or hindrance.

19. Maintenance of Landing Area: City reserves the right to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard; providing further, City shall keep and maintain in a safe and operable condition the taxiways, runways (including the lighting thereof) and roadways on the airport during such hours and to such extent as City may determine is reasonably required for the operation of the airport.

20. Lease Subordinate to Agreements with the United States Government:

This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between the City and the United States relative to the development, operation or maintenance of the airport.

21. Non-Exclusive Right: It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 (a) of the Federal Aviation Act of 1958. (49 U.S.C. 1349).

22. Rights of United States Government: This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation, or taking over of said airport.

23. Notices: All notices herein provided to be given, or which may be given, by either party to the other shall be deemed to have been fully given when made in writing and deposited with the United States Postal Service, Registered or Certified, postage prepaid and addressed as follows:

To the Lessee: Dana Gillespie, President
Gillespie Ag Service
15301 Road 192
Porterville, CA 93257

To the City: Airport Manager
City of Porterville
291 N. Main Street
Porterville, CA 93257

The address to which the notices shall be or may be mailed, as aforesaid, to either party shall or may be changed by written notice given by such party to the other, as hereinbefore provided, but nothing herein contained shall preclude the giving of any such notice by personal service.

24. Authorized Agent of the City: The Airport Manager of the City of Porterville is the duly authorized agent of the City for purposes of this Lease; and as to any obligations assumed herein by Lessee, they shall be performed to the satisfaction of said Airport Manager.

25. Assignment and Subletting: This Lease shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties

hereto. Lessee shall not, and Lessee herewith agrees that it will not, sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder without the prior written consent of the City. In the event the Lessee shall sublet, assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder, or any part thereof, or attempt to do so in violation to the foregoing provision, then in addition to any and all other rights and remedies available to it, the City may, at its option by written notice to Lessee, either declare such sublease, assignment, transfer, mortgage or other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

26. Hypothecation: Lessee may, with the consent of the City, give, assign, transfer, mortgage, hypothecate, grant control of, or encumber Lessee's interest under this Lease and the leasehold estate so created to a bona-fide lender on the security of the leasehold estate. Any such bona-fide lender shall have the right at any time during the term of the loan and while this Lease is in full force and effect:

(a) To do any act or thing required of Lessee in order to prevent a forfeiture of Lessee's rights hereunder, and all such acts or things so done shall be as effective to prevent a forfeiture of Lessee's rights hereunder by Lessee.

(b) To succeed to the interest of Lessee hereunder and thereafter at such lender's option to convey, assign or sublease the interest or title to said leasehold estate to another person acceptable to City, subject to all the terms, conditions, and covenants of this Lease. Two (2) copies of any and all security devices or instruments shall be filed with City's Airport Manager prior to the effective date thereof, and Lessee shall give Airport Manager prior written notice of any changes or amendments thereto.

Any bona-fide lender shall have the right, if so permitted by the terms and conditions of the concerned instrument of hypothecation between lender and Lessee, to remove any or all of Lessee's improvements under said hypothecation from the demised premises, subject only to the restriction

that in the event of such removal, the demised premises herein above described be restored by Lessee to a condition satisfactory to the City's Airport Manager, and that said removal be done in a manner and at a time satisfactory with said Airport Manager.

27. Breach by Lessee: In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including attorney's fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee's right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

28. Waiver of Breach: The waiver by City of any breach by Lessee of any provision contained herein shall not be deemed to be a waiver of such provision, or a waiver of any breach of any other provision contained herein.

29. Bankruptcy: In the event the (a) Lessee shall file a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee shall be instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; or (c) a receiver or judicial trustee or custodian shall be appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distraint shall be levied upon any of Lessee's rights or interest under this Lease; or (d) there shall be any other assignment of any of Lessee's rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this

Lease and all rights and interest of Lessee and all other persons under this Lease. The term "Lessee," as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each partner of any partnership who is a Lessee hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

30. Quiet Possession: Notwithstanding any other provision in this Lease, City covenants that Lessee, on paying the rent and performing the covenants herein contained, shall and may peaceably and quietly have and enjoy the demised premises for the term hereof.

31. Surrender of Premises: On the last day of said term, or extension thereof, or sooner termination of the Lease, Lessee will peaceably and quietly leave, surrender, and yield up to the City the demised premises in as good condition and repair as at the commencement of Lessee's occupancy, reasonable use and wear thereof, and damage by earthquake, public calamity, by the elements, by acts of God, or by fire or other circumstances over which Lessee has no control, excepted.

32. Removal of Improvement at Termination: Upon the termination of this Lease, or any holding over, for any reason other than Lessee's failure to perform its obligations under the terms and conditions of this Lease, Lessee shall have the right at Lessee's sole cost and expense, to remove all improvements and/or furniture, furnishings, equipment, and fixtures of whatsoever kind or nature placed on the demised premises by Lessee or its contractors so long as they could be removed without damage or disfigurement to the demised premises. Full restoration of the demised premises as it existed prior to the construction of said improvements or the installation of said furniture, furnishings, equipment, and fixtures shall be made by Lessee. If after the termination of this Lease Lessee has not removed said improvements, furniture, furnishings, equipment, and fixtures, the City shall have the option to claim the ownership thereof or to remove same and restore the demised premises as set forth above at the expense of Lessee. Said expense shall also include consideration for the additional time Lessee or its improvements occupy the premises beyond the termination date and disallow the City's total utilization of the premises pursuant to its ownership of the property.

In the event of a termination by City of this Lease because of Lessee's failure to faithfully

perform the terms and conditions of this Lease, the City may accept cash or other satisfactory security for the amount of its costs, expense, loss and damage accruing from Lessee's failure to perform and thereupon the Lessee shall have the right to remove the said improvements.

33. Incorporation of Prior Agreements and Amendments: This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of modification.

34. Severability: The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction shall in no way affect the validity of any other provision hereof.

35. Construed Pursuant to California Law: The parties hereto agree that the provisions of this Lease will be construed pursuant to the laws of the State of California.

36. Venue: If either Lessee or City initiates an action to enforce the terms hereof or declare rights hereunder, including actions on any bonds and/or surety agreements, the parties agree that the venue thereof shall be the County of Tulare, State of California. Lessee hereby waives any rights he might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

37. Covenants and Conditions: Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition.

38. Captions: The use of Paragraph headings in this Lease is solely for convenience, and they shall be wholly disregarded in the construction of this Lease.

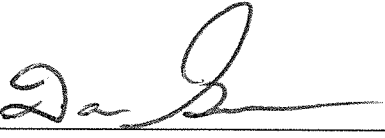
39. Time of Essence: Time is hereby expressly declared to be the essence of this Lease and of each and every provision thereof, and each such provision is hereby made and declared to be a material, necessary, and essential part of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.

CITY OF PORTERVILLE

LESSEE

By: _____
Milt Stowe, Mayor

By:  _____
Dana Gillespie, President
Gillespie Ag Service

ATTEST:

By: _____
John D. Lollis, City Clerk

APPROVED AS TO FORM:

By: _____
Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Renewal of Airport Lease - Sports Complex Parking

SOURCE: Finance

COMMENT: The City's Sports Complex currently leases 35.23 acres of airport land to supply vehicle parking for the Complex. The parking area is immediately adjacent to the Sports Complex as shown on the attached locator map.

The renewable Lease Agreement between the Airport Enterprise Fund and the City of Porterville expires on December 31, 2015. The City is requesting renewal of the lease agreement effective January 1, 2016, at an annual lease payment of \$5,380.01 and adjusted annually at the beginning of each fiscal year by an average of the Los Angeles and San Francisco Consumer Price Index, all items index. Lease terms allow the lease to continue until such time as the subject property is required for Airport development. Annual lease payments are to be made from the Park Development Fund. Staff recommends that City Council renew the Lease Agreement to December 31, 2018.

RECOMMENDATION: That City Council approve the renewal of the Lease Agreement between the City of Porterville and the Airport Enterprise Fund and authorize the Mayor to sign said Lease Agreement.

ATTACHMENTS:

1. Lease Agreement
2. Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

LEASE AGREEMENT FOR USE OF AIRPORT PROPERTY
LOCATED AT THE PORTERVILLE MUNICIPAL AIRPORT
FOR PARKING AT THE CITY OF PORTERVILLE SPORTS COMPLEX

This Lease Agreement is entered into this 15th day of December, 2015, by and between the City of Porterville, a Charter Law City and Municipal Corporation, hereinafter referred to as "City," and the City of Porterville Airport Enterprise Fund, hereinafter referred to as "Airport."

WITNESSETH:

1. For and in consideration of the terms, conditions and covenants hereinafter contained, the Airport hereby lets, leases and demises unto the City, and the City hereby hires and takes from the Airport, that real property situated in the City of Porterville, in the County of Tulare, State of California, identified as 35.23 Acres adjacent to the Sports Center, as shown on the map attached as Exhibit "A."
2. This Lease Agreement shall be a three (3) year renewable agreement effective January 1, 2016, and ending on December 31, 2018.
3. City agrees to pay an annual lease payment to the Airport Enterprise Fund in the amount of \$5,380.01 adjusted at the beginning of each fiscal year by the rise or fall of the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the Los Angeles and San Francisco CPI, all items index.
4. This agreement shall become null and void in the event the Airport has a need for any or all of the subject property.

Dated this 15th day of December, 2015.

CITY OF PORTERVILLE

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

APPROVED AS TO FORM:

By: Patrice Hildreth, Chief Deputy
City Clerk

Julia Lew, City Attorney

City of Porterville



**SUBJECT
LOCATION**

SCRANTON AVE.

WESTWOOD ST.

ROAD 224

AVE. 136

SPORTS CENTER

35.23
ACRES

OHV

YOWLUMNE

TREDC

YAUDANCHI

WUKCHUMNI

POND

PORTERVILLE AIRPORT

SLUDGE
BEDS

ROAD 220

WEST RD.



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Renewal of Airport Lease - Sewer Operating Fund

SOURCE: Finance

COMMENT: The City's Sewer Division currently operates 7.1 acres (Lot 13) of sludge drying beds at the Porterville Municipal Airport and also leases 160 acres (Lot 12) of the airport land for the discharge of treated wastewater. The renewable Lease Agreement between the Airport Enterprise Fund and the Sewer Operating Fund expires on December 31, 2015.

The City is requesting renewal of the lease agreement effective January 1, 2016, at an annual lease payment of \$22,109.87 and adjusted annually at the beginning of each fiscal year by an average of the Los Angeles and San Francisco Consumer Price Index, all items index. Lease terms allow the lease to continue until such time as the subject property is required for Airport development. Staff recommends that City Council renew the Lease Agreement to December 31, 2018.

RECOMMENDATION: That City Council approve the renewal of the Lease Agreement between the City of Porterville Sewer Operating Fund and the Airport Enterprise Fund and authorize the Mayor to sign said Lease Agreement.

ATTACHMENTS:

1. Lease Agreement
2. Locator Map

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

LEASE AGREEMENT FOR USE OF AIRPORT PROPERTY
LOCATED AT THE PORTERVILLE MUNICIPAL AIRPORT
FOR TREATED WASTE WATER AND BIOSOLIDS DISPOSAL OPERATIONS

This Lease Agreement is entered into this 15th day of December, 2015, by and between the City of Porterville, a Charter Law City and Municipal Corporation, hereinafter referred to as "City," and the City of Porterville Airport Enterprise Fund, hereinafter referred to as "Airport."

WITNESSETH:

1. For and in consideration of the terms, conditions and covenants hereinafter contained, the Airport hereby lets, leases and demises unto the City, and the City hereby hires and takes from the Airport, that real property situated in the City of Porterville, in the County of Tulare, State of California, identified as Lots 12 & 13, as shown on the map attached as Exhibit "A."
2. This Lease Agreement shall be a three (3) year renewable agreement effective January 1, 2016, and ending on December 31, 2018.
3. City agrees to pay an annual lease payment to the Airport Enterprise Fund in the amount of \$22,109.87 adjusted at the beginning of each fiscal year by the rise or fall of the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the Los Angeles and San Francisco CPI, all items index.
4. This agreement shall become null and void in the event the Airport has a need for any or all of the subject property.

Dated this 15th day of December, 2015.

CITY OF PORTERVILLE

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

APPROVED AS TO FORM:

By: Patrice Hildreth, Chief Deputy
City Clerk

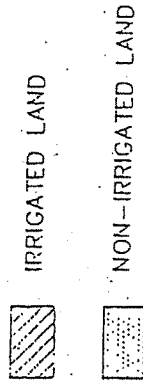
Julia Lew, City Attorney

Exhibit "A"

City of Porterville AIRPORT LEASE GF-SRF 2003

NON-IRRIGATED LAND = 67.3 ACRES
IRRIGATED LAND = 570.3 ACRES
TOTAL LEASED PROPERTY = 637.6 ACRES

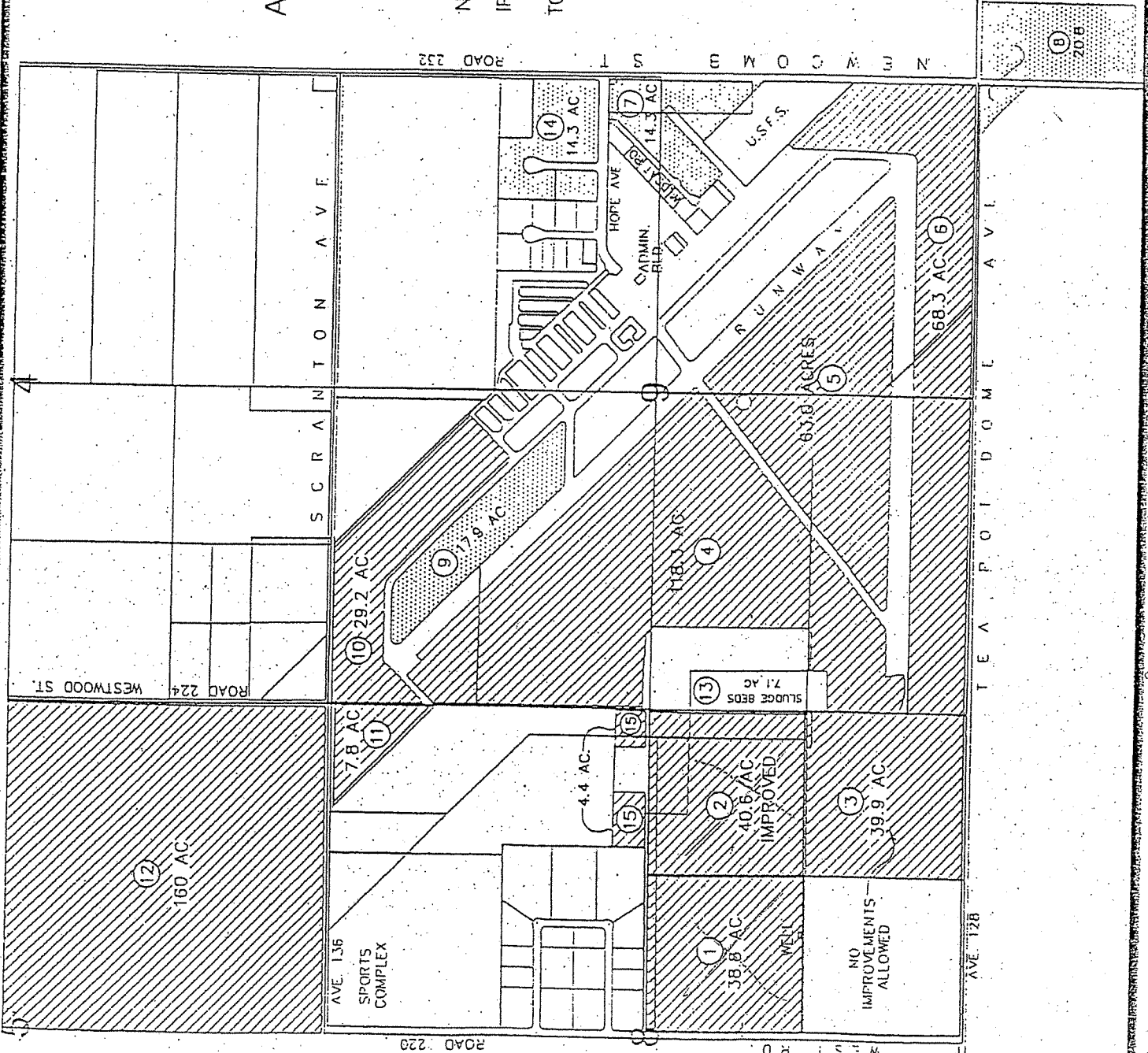
LEGEND



SCALE: 1" = 1200'

400 0 100 1200 FT

REMOVED 5-2-2003





CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Authorization to Increase Departmental Contributions Towards the City's Self-funded Healthcare Plan and Approval of Budget Adjustments

SOURCE: Finance

COMMENT: On October 7, 2014, City Council approved to increase the City's contribution to its self-funded healthcare plan assets held in the Risk Management Fund. In addition, cost-saving amendments to the healthcare plan and increased contributions to the fund by employees, retirees and dependents have been established to arrest the continued depletion of the plan's assets. A more recent analysis reveals the need to further increase contributions to the fund to avert a deficit in the Risk Management Fund.

Staff proposes to increase the City's departmental contributions towards the healthcare plan from \$700 per employee per month to \$1,000 per employee per month. The total estimated cost to the City annually is approximately \$975,000. The General Fund portion of this cost is about 70% or \$682,000.

RECOMMENDATION: That the City Council authorize the increase in departmental contributions towards the City's self-funded healthcare plan effective January 1, 2016, and approve the necessary budget adjustments.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Amendment to Employee Pay & Benefit Plan -- Public Safety Support Unit

SOURCE: Administrative Services

COMMENT: Within the scope of the Meyers-Miliias-Brown Act, City representatives have concluded labor negotiations with the Public Safety Support Unit (PSSU). City representatives and PSSU have reached an agreement, and a written Memorandum of Understanding (MOU) has been executed restating current benefits as well as amendments pertaining to wages, benefits, and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents that are necessary to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council approve the draft Resolution amending the Employee Pay and Benefit Plan for Public Safety Support Unit employees.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver:

RESOLUTION NO. ____-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
FOR THE PUBLIC SAFETY SUPPORT UNIT

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City's affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same; and

WHEREAS, there has been concurrence on a comprehensive Memorandum of Understanding with the Public Safety Support Unit for the period from July 1, 2015, until June 30, 2017, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Twenty-four months, from July 1, 2015, through June 30, 2017.

II. SALARIES

Effective the pay period beginning December 16, 2015, PSSU employees shall receive a one percent (1%) salary increase.

Effective July 1, 2016, PSSU employees shall receive a one percent (1%) salary increase.

III. ONE TIME OFF SCHEDULE PAYMENT

Effective the pay period beginning December 16, 2015, PSSU employees shall receive a one-time payment equivalent to one-percent (1%) of the employee's annual base salary.

Effective December 1, 2016, PSSU employees shall receive a one-time payment equivalent to one-percent (1%) of the employee's annual base salary.

IV. COMMUNICATIONS DISPATCHER EXPERIENCE PAY

Effective the pay period beginning December 16, 2015, PSSU employees classified as Full-time Communications Dispatchers shall be eligible to receive experience pay at the following rates. Communications Dispatchers shall receive said experience pay the first full pay-period following the applicable service years' completion, based on total years of California Peace Officers Standards and Training (POST) qualified dispatcher experience.

2.5%	10 years of communications dispatcher experience
2.5%	15 years of communications dispatcher experience
2.5%	20 years of communications dispatcher experience

V. COMMUNICATIONS DISPATCHER CERTIFICATE PAY

Effective the pay-period beginning December 16, 2015, Communications Dispatchers certificate pay shall be amended to be as follows:

2.5%	P.O.S.T. Intermediate Certificate
2.5%	P.O.S.T. Advanced Certificate

VI. CALPERS

PSSU employees shall continue to pay four percent (4%) towards the Employer's contribution rate.

Effective July 1, 2015, the City's CalPERS employer contribution rate for the Local Miscellaneous group increased from 24.743% to 26.074% (an increase of 1.33% from prior year). The City agrees to absorb this rate increase.

The City shall have the right to re-open negotiations on this item if the CalPERS employer contribution rate for Local Miscellaneous group increases more than 2% for FY 2016/2017.

VII. VACATION SELL BACK

Subject to IRS regulations, PSSU employees with at least five (5) years of service with the City of Porterville shall have the opportunity to sell back up to forty (40) hours of vacation time provided said PSSU employee has utilized a minimum of forty (40) hours of vacation time in the 12 months prior to sell back pay period and provided a balance of at least forty (40) hours remains on account after sell back. Said sell back shall occur once per year, during the second pay-period of October.

VIII. UNIFORM ALLOWANCE

The annual Uniform Allowance for PSSU employees shall be increased as follows:

<u>Position</u>	<u>Current</u>	<u>New</u>
Community Services Officer I	\$700	\$850
Community Services Officer II	\$548	\$700
Public Education Officer	\$548	\$700
Communications Dispatcher	\$350	\$500
Senior Comm Dispatcher	\$350	\$500
Records Clerk	\$350	\$500
Senior Records Clerk	\$350	\$500
Code Enforcement Officer	\$350	\$500

The Uniform allowance shall be paid in one installment for those that are \$500, and in two installments for those that exceed \$500 on the pay-periods ending June 30 and December 31.

IX. COMPENSATORY TIME

PSSU employees may receive compensatory time at time and one-half (1½) in lieu of overtime pay. Compensatory time shall be recorded on the employee's time sheet and accounted for through the payroll system. Compensatory time accrual may be accumulated at not more than a maximum of 120 hours at any given time.

X. DUES DEDUCTION AND COLLECTION

PSSU may have the regular Union dues of its members within the representation unit deducted from employees' paychecks under the following procedure. Dues deduction shall be made only upon signed authorization from the employee upon a form furnished by the Union to the City and shall continue until such authorization is revoked, in writing, by the employee or until the employee is transferred to a unit represented by another employee organization or terminates employment.

Dues shall be collected each pay-period based on the monthly dues amount set by the Operating Engineers Local #3. Dues may change on a yearly basis after the employee and city have been notified of the change by the Union by mail. No new authorization shall be necessary. Dues shall be submitted to the Operating Engineers Local #3, 1620 S. Loop Road, Alameda, CA 94502, on a monthly basis.

The Union shall indemnify the City and hold it harmless against all claims, demands, expenses, judgments, or other liabilities on account of union dues collected to the City and paid over to the Union. Further, the Union agrees to refund any amounts paid by the City to the Union in error upon presentation of proper documentation of said error(s).

XI. 2017/2018 NEGOTIATIONS

Labor Negotiations for the 2017/2018 fiscal year shall begin no later than three months prior to the end of the contract term.

XII. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

Benefits and working conditions as were previously agreed upon through the Meet and Confer process, and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in effect until such time as they are subsequently modified or eliminated through the Meet and Confer process and similarly approved by appropriate authority.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED, AND ADOPTED this 15th day of December, 2015.

Milt Stowe, Mayor

ATTEST:
John Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Amendment to Employee Pay & Benefit Plan -- Unrepresented Management Employees

SOURCE: Administrative Services

COMMENT: As the Council is aware, staff has been in negotiations for successor agreements with all six of the City's employee bargaining units. With agreements now being reached with three of the six units, staff met with those employees who do not fall within the scope and purview of the Meyers-Milias-Brown Act, i.e., employees not designated for purposes of recognition and representation as an organized group for the purposes of bargaining. Pursuant to Council direction, the unrepresented employees were presented with a proposal consistent with the agreements reached with, and/or proposals made to, the six other employee units.

The unrepresented employees were agreeable to the City's proposal. As such, City Council acceptance and approval of authorized changes in wages, benefits and conditions of employment are commonly made by amendments to those documents necessary to implement such changes. To this end, a draft resolution is herein provided for your consideration.

RECOMMENDATION: That the City Council adopt the draft Resolution amending the Employee Pay and Benefit Plan pertaining to all Unrepresented Management Employees.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
FOR ALL UNREPRESENTED MISCELLANEOUS AND SAFETY
MANAGEMENT EMPLOYEES

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City's affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same; and

WHEREAS, the City Council agrees that unrecognized Executive Management employees, i.e., employees not designated for purposes of recognition and representation as an organized group for purposes of labor relations, should also be acknowledged through such amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions designated in the Executive Management group, including the positions of Deputy City Manager, Director, Deputy Director, Police Chief, Fire Chief, Police Captain, Police Lieutenant, and Fire Battalion Chief, hereinafter ("Unrepresented Employees") are hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Twenty-four months, from July 1, 2015 through June 30, 2017.

II. SALARIES

Effective the pay-period beginning December 16, 2015, all Unrepresented Employees shall receive a one percent (1%) salary increase.

Effective the pay-period beginning July 1, 2016, all Unrepresented Employees shall receive a one percent (1%) salary increase.

III. ONE TIME OFF SCHEDULE PAYMENT

Effective the pay-period beginning December 16, 2015, all Unrepresented Employees shall receive a one-time payment equivalent to two-percent (2%) of the employee's annual base salary.

Effective December 1, 2016, all Unrepresented Employees shall receive a one-time payment equivalent to one percent (1%) of the employee's annual base salary.

IV. CALPERS

Local Miscellaneous:

Unrepresented Employees within the Local Miscellaneous group shall continue to pay three percent (3%) towards the Employer's contribution rate. Effective July 1, 2015, the City's CalPERS employer contribution rate for the Local Miscellaneous Group increased from 24.743% to 26.074% (an increase of 1.33% from prior year). The City agrees to absorb this rate increase.

The City shall have the right to re-open negotiations on this item if the CalPERS employer contribution rate for Local Miscellaneous Unrepresented Employees increases by more than two percent (2%) for FY 2016/2017.

Safety

Unrepresented Employees within the Safety group (except Police Lieutenants) shall continue to pay three percent (3%) towards the Employer's contribution rate. Police Lieutenants shall continue to pay one percent (1%) towards the Employer's contribution rate. Effective July 1, 2015, the City's CalPERS employer contribution rate for Safety increased from 32.507% to 33.563% (an increase of 1.056% from prior year). The City agrees to absorb this rate increase.

V. VACATION SELL BACK

Subject to IRS regulations, Unrepresented Employees with at least five (5) years of service with the City of Porterville shall have the opportunity to sell back up to forty (40) hours of vacation time provided said Unrepresented Employee has utilized a minimum of eighty (80) hours of vacation time within the 12 months prior to the sell back pay period and provided a balance of at least forty (40) hours remains on account after sell back. Under certain circumstances created by departmental workload, the City Manager may permit the sell back when an employee has utilized less than 80 hours but more than 40 hours within the prior twelve month period. Said sell back shall occur once per year, during the second pay-period of October.

VI. CHRISTMAS EVE SCHEDULE

When Christmas Eve Day falls during the normal work week (Monday through Friday), Municipal offices shall close at 1:00 p.m. and Unrepresented employees shall be granted four (4) hours of holiday pay. Unrepresented employees required to work on Christmas Eve Day, regardless of on which day of the week it falls, shall be granted additional vacation time equal to the time worked, but not to exceed four (4) hours, as allowable by applicable law.

VII. RE-OPENER CONCERNING UNREPRESENTED SAFETY EMPLOYEES

Because negotiations remain open with the City's three safety bargaining units (Porterville City Firefighters Association, Fire Officers Series, and Porterville Peace Officers Association), future agreements reached may have the potential to impact Unrepresented safety employees. As such, the City shall have the right to re-open this agreement with respect to all Unrepresented safety employees.

VIII. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

All other terms and conditions previously negotiated and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in full force and effect until such time as they are subsequently modified or eliminated through the meet and confer process and mutually agreed upon by the City and Unrepresented management employees.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2015.

Milt Stowe, Mayor

ATTEST:
John Lollis, City Clerk

By: _____
Luisa M Zavala, Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Cancellation of January 5, 2016, City Council Meeting

SOURCE: City Manager's Office

COMMENT: The City Council has cancelled the first Council meeting in January for the past twelve years due to staff workloads and efforts to conform to the vacation and administrative leave policies by relevant management and support personnel. In light of this, this item is again being presented for Council's consideration.

If the January 5th meeting is not held, the next regularly scheduled meeting would be January 19, 2016. However, should a necessity arise, a special meeting could be conducted to expedite any item which might require immediate action.

RECOMMENDATION: That the City Council cancel the January 5, 2016, City Council Meeting.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver:



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Adoption of the 5th Cycle Housing Element

SOURCE: Community Development

BACKGROUND:

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

At the meeting of October 20, 2015, the City Council held a public information meeting to receive comments from the public regarding the 5th Cycle Housing Element as required by the State. No comments were received at that meeting, and no comments have been received as of the date of this report in regards to either the draft Housing Element or the environmental document prepared for the project.

COMMENT: The Housing Element update has included various evaluations, surveys, and calculations. In addition to multiple public outreach efforts and public meetings, staff and the consultant, LeSar Development Consultants, have completed parcel by parcel land use surveys, an assessment of vacant and under-utilized parcels for residential development, windshield surveys of housing conditions, and review of the accomplishments of the last cycle of the Housing Element, from 2009 through 2014. Further, the Housing Element update addresses various modifications in State law since adoption of the prior Element. In all, the Housing Element provides a comprehensive study of housing availability, needs, and constraints to development, in addition to establishing specific goals to further the opportunities to meet the housing needs of all aspects of Porterville's population.

ANALYSIS: A very important component of the Housing Element identifies the types and number of housing units the City must provide and/or have available in developable land as mandated by the 2014 Regional Housing Needs Assessment (RHNA) Plan for the planning period of January 1, 2014, to September 30, 2023. The California Department of Housing and Community Development (HCD) provides each region throughout the state its proportional share of housing units that must be provided for within the seven and a half year RHNA period. The Council of Governments within each region then allocates to each jurisdiction its proportionate share based on the RHNA plan. Tulare County Association of

Governments (TCAG) makes allocations specific to jurisdictions based on housing needs of all incomes (market rate and affordable rate housing), market demand for housing, employment opportunities, availability of sites and public facilities, commuting patterns, type and tenure of housing, and the housing needs of special populations. The City of Porterville has been allocated 3,196 units to accommodate over the remainder of the planning period. Below is a break-down by income level:

Extremely Low	312 units
Very Low	311 units
Low	576 units
Moderate	566 units
Above Moderate	1,431 units
Total Units by 2023	3,196 units

To remain on an eight-year planning cycle, the City must adopt the Housing Element within 120 calendar days from the statutory due date of December 31, 2015. If adopted after this date, the Government Code requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. Staff and the consultant have held multiple conference calls with HCD in order to progress toward a document that meets all of HCD's requirements. Based on one initial formal consultation and multiple subsequent informal consultations, the draft provided herein is anticipated to meet all requirements. A formal consultation process will commence following approval by the City Council. In the unlikely event that additional changes are required, the 120 days provided after the December 31, 2015, deadline should be more than adequate to accommodate further modifications.

ENVIRONMENTAL REVIEW:

As noted above, this project is subject to environmental review. The Community Development Director, in her role as Environmental Coordinator, has overseen preparation of an Initial Study, which was publicly noticed and made available from November 13, 2015, to December 14, 2015. No significant impacts were identified in the Initial Study, nor were mitigation measures. As a result, staff has prepared and recommends approval of a Negative Declaration for the proposed planning document.

RECOMMENDATION:

That the City Council:

1. Hold a Public Hearing;
2. Adopt the draft Resolution approving a Negative Declaration for the 5th Cycle Housing Element;
3. Adopt the draft Resolution approving the 5th Cycle Housing Element; and
4. Direct staff to submit the approved 5th Cycle Housing Element to the California Department of Housing and Community Development for review and ratification.

ATTACHMENTS:

1. Draft Resolution to Approve Negative Declaration

- Pursuant to CEQA
2. Initial Study with Negative Declaration
 3. Draft Resolution to Adopt 5th Cycle Housing Element
 4. 5th Cycle Housing Element

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORTERVILLE TO APPROVE A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT FOR THE 5th CYCLE HOUSING ELEMENT OF THE
GENERAL PLAN

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

WHEREAS, at the meeting of December 15, 2015, the City Council of the City of Porterville held a public hearing, which was duly noticed in the Porterville Recorder on December 5, 2015, and public comment was heard and considered in regards to the approval of a Negative Declaration for adoption of the draft 5th Cycle Housing Element; and

WHEREAS, the 5th Cycle Housing Element will implement housing related goals, objectives, and policies from the date of its adoption through September 30, 2023; and

WHEREAS, the Community Development Director, in her role as Environmental Coordinator, has overseen preparation of an Initial Study, which lead to a preliminary determination that a Negative Declaration is the appropriate level of environmental review; and

WHEREAS, both the Initial Study and Negative Declaration were prepared for the project in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and California Code of Regulations Title 14, Chapter 3, Section 15000 et seq., and are incorporated hereto as Exhibit A. The document was transmitted to interested agencies, including the State Clearinghouse, and made available online and in hard copy for public review and comment from November 13, 2015, to December 14, 2015. No comment letters, calls, or other correspondence was received related to environmental issues; and

WHEREAS, no mitigation measures were deemed necessary or applicable. The Housing Element is, and is required to be, consistent with all other elements of the City's General Plan. The 5th Cycle Housing Element is a planning document that provides guidance for new housing development throughout the City of Porterville in conformity with the City's 2030 General Plan. The Housing Element does not propose any physical changes to the environment; such actions could only take place in a manner consistent with the Land Use Element. The Housing Element includes programs and policies, but the physical realization of any development activity referenced within the Housing Element would either have been assessed with the Land Use Element, or would be subject to its own environmental review; and

WHEREAS, review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project. Adoption of policies and programs does not result in any physical impact that may in turn impact wildlife resources; and

WHEREAS, as defined by the California Environmental Quality Act, the City of Porterville is the Lead Agency for this proposed Project. Further, the City Council is the decision-making body for the project.

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve the Negative Declaration for the 5th Cycle Housing Element.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2015.

By: _____

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

City of Porterville

Housing Element 2015-2023

Draft Initial Study / Negative Declaration

City of Porterville
November 2015

Prepared for:
City of Porterville
Porterville, CA

Prepared by:
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CHAPTER 1

INTRODUCTION

1 - Introduction

The City of Porterville (City) has prepared this Initial Study/Negative Declaration (IS/ND) to address the potential environmental impacts resulting from the implementation of the City's 2015-2023 Housing Element Project (proposed Project). This IS/ND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and California Code of Regulations (CCR) Title 14 (Chapter 3, Section 15000 et seq.), known as the CEQA Guidelines. As defined by CEQA the City of Porterville is the Lead Agency under CEQA for this proposed Project.

The 2015-2023 Housing Element is a planning document that provides guidance for new housing development throughout the City of Porterville in conformity with the City's 2030 General Plan. More details about the proposed Project and its features are described in **2 - Project Description**.

Pursuant to CEQA, this Initial Study evaluates the potential environmental impacts that could result from activities associated with the implementation of the proposed Project.

1.1 CEQA Statutory Information

In accordance with the CEQA Guidelines, an Initial Study (IS) is a document prepared by a lead agency to determine if a project may have a significant effect on the environment. Section 15063(b)(1) states that an Environmental Impact Report (EIR) must be prepared if there is substantial evidence that any aspect of the proposed project either individually or cumulatively, may cause a significant effect on the environment. Subsequently, CEQA Guidelines Section 15070 states that a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) shall be prepared for a project subject to CEQA when either:

- a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b. The IS identified potentially significant effects, but:
 1. Revisions in the project plans or proposals made by or agreed to by the project proponent before the proposed (mitigated) negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly less than significant effects would occur, and
 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

1.1.1 Document Format

This Initial Study/Negative Declaration contains four chapters:

Chapter 1: Introduction – Provides an overview of the proposed Project and the CEQA Initial Study/Negative Declaration process.

Chapter 2: Project Description – Provides a detailed description of the proposed Project, its objectives and components.

Chapter 3: Impact Analysis – Presents the CEQA Guidelines Appendix G Checklist and contains the environmental analysis for all impact areas and mandatory findings of significance.

In Chapter 3, the environmental impacts are separated into the following categories:

- **Potentially Significant Impact.** This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- **Less Than Significant After Mitigation Incorporated.** This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).
- **Less Than Significant Impact.** This category is identified when the proposed project would result in impacts below the threshold of significance, and no mitigation measures are required.
- **No Impact.** This category applies when a project would not create an impact in the specific environmental issue area. “No Impact” answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (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.)

If the proposed Project does not have the potential to significantly impact a given topic, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the topic discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level.

Chapter 4: List of Preparers – Provides a list of key personnel involved in the preparation of the Initial Study.

1.1.2 Acronyms Used in this Document

ALUC	Tulare County Airport Land Use Commission
BACT	Best Available Control Technology
Basin	San Joaquin Valley Air Basin
CalEPA	California Environmental Protection Agency
CalTrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
HCD	California Department Community Development
IS	Initial Study
LOS	Level of Service
RHNA	Regional Housing Needs Allocation
RM-3	High Density Residential
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
TCAG	Tulare County Association of Governments
UDB	Urban Development Boundary
USEPA	United States Environmental Protection Agency
VMF	Vehicle Miles Traveled

CHAPTER 2

PROJECT DESCRIPTION

2 - Project Description

City of Porterville Housing Element, 2015-2023

2.1.1 Lead Agency Name and Address

City of Porterville
291 N. Main Street
Porterville, CA 93257

2.1.2 Contact Person and Phone Number

2.1.2.1 Proponent

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2.1.2.2 CEQA Consultant

Provost & Pritchard Consulting Group
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2.1.3 Project Location

The 2015-2023 Housing Element is a planning document that provides guidance for new housing development throughout the City of Porterville. Porterville is located in southeastern Tulare County, as shown in **Figure 1 – Regional Vicinity Map**. Porterville is entirely surrounded by unincorporated Tulare County, and is immediately abutted to the east by the community of East Porterville. Tulare County is bordered by Kern County to the south, Kings County to the west, Inyo County to the east, and Fresno County to the north.

2.1.4 General Plan Land Use Designations and Housing Element Consistency

The Housing Element is one of seven mandatory elements of the Porterville General Plan¹, which provides goals, objectives, policies, and programs to guide development in the City. State law requires consistency between the elements of the General Plan. As a result, goals and policies contained in the Housing Element must be consistent with the goals and policies set forth in the other elements of the General Plan, and the City will continue to ensure this consistency. The General Plan, including the Housing Element, covers all land within the City of Porterville's limits. Because the Housing Element is a policy document that is in some way applicable to all residential development during the planning period, all nine of the City's residential land use designations – including two that promote mixed residential-commercial development – will be encountered (see **Figure 2 – General Plan Land Use Residential Areas**).

2.1.5 Zoning

The City of Porterville's Development Ordinance includes five specifically-residential zone districts along with seven additional districts that can support residential uses. Further, the Code contains four overlay districts, of which one or more may be applicable to a given property (See **Figure 3 – Zoning – Residential Areas**). Each district provides the opportunity for development of housing projects at a particular density. A detailed description of the zoning and an inventory of sites available for residential development is contained in the Housing Element. The City has determined that its portion of the Regional Housing Needs Allocation (RHNA) can be accommodated by efficiently utilizing existing residentially-zoned land, so no rezoning of any parcel is needed to implement the Housing Element. To further ensure appropriate density of development within the RM-3 (High Density Residential) zone district, the Porterville City Council enacted Ordinance No. 1826 on September 15, 2015. This ordinance amended the City's Development Code to set the minimum density within the RM-3 zone to 20.0 units per acre.

2.1.6 Project Objectives

The 2015-2023 Housing Element is a component of the Porterville 2030 General Plan. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the next eight years. It is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community.

In preparing a housing plan to address the housing needs of residents, the City has set forth policies and programs that:

- Preserve existing housing stock and conserve existing affordable housing opportunities in Porterville
- Expand the City's low and moderate income housing opportunities
- Address the housing needs of special populations, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, and homeless individuals and families
- Assure that all present and future residents have equal access to housing, commensurate with their financial capacity, without discrimination
- Identify, address, and reduce governmental constraints
- Ensure adequate services to infrastructure and housing

¹ The Porterville General Plan also contains an optional eighth element, the Public Utilities Element, which addresses infrastructure.

2.1.7 Project Description

The Project consists of the adoption and implementation of the City of Porterville 2015-2023 Housing Element in compliance with State Law.

2.1.7.1 Background

This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the CEQA Guidelines (California Code of Regulations 15000 et seq.), and the regulations and policies of the City of Porterville. The State of California requires that every city provide its regional fair share of land available for residential development. By State law, cities must identify how and where their respective housing needs will be met by completing a Housing Element, effectively making the Housing Element the blueprint for future housing development in the City. It includes goals, policies, and programs that guide or direct decision-making regarding residential development. The City of Porterville's Housing Element covers a period extending from its adoption until January 31, 2023 and builds on the progress made under previous Porterville Housing Elements. The City has previously adopted five Housing Elements, the most recent being the 2009-2014 City of Porterville Housing Element in 2010.

2.1.7.2 Statutory Requirements

Note: Govt. Code Section 65032(b) states that, with certain exceptions, no mandatory element of a general plan may be amended more than four (4) times per calendar year. Adoption of the Housing Element 2015-2023 would constitute the first amendment to the Housing Element of the City of Porterville 2030 General Plan in calendar year 2015. Though not specifically relevant to the Project, the Land Use Element and Safety Element have also been amended one time each in 2015.

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

Housing Elements must:

- Evaluate the City's existing housing policies and programs.
- Conduct a housing needs assessment based on local housing conditions.
- Develop goals, objectives, and policies defining the community's position on housing issues and setting measurable targets for meeting housing needs.
- Develop an inventory of potential sites where housing may be constructed.
- Analyze any obstacles or constraints to housing production in the community.
- Create an action plan identifying implementing programs the city or other entities will implement to achieve our housing objectives.

The City of Porterville is the lead agency under CEQA and has prepared this Initial Study to address the potential impacts associated with implementation of the Housing Element. This Initial Study evaluates the potential environmental effects that might reasonably be anticipated to result from planning for the potential development of approximately 3,000 housing units within Porterville during the 2015-2023 planning period.

2.1.8 Surrounding Land Uses and Setting

The Housing Element update includes the entire City of Porterville, a community of 57,415 residents (as of 2015). Porterville is located in the south-central portion of Tulare County, a productive agricultural region of the San Joaquin Valley, located along the foothills of the Sierra Nevada Mountains. The City of Porterville lies approximately 70 miles south of Fresno, 50 miles north of Bakersfield, and 30 miles southeast of Visalia. As of October 2015, Porterville's city limits encompass approximately 11,309 acres or 17.67 square miles. Outside the city limits, the area predominately consists of agriculturally-developed unincorporated land. The community of East Porterville abuts the City to the east.

2.1.9 Other Public Agencies Whose Approval is Required

The Housing Element is subject to review and certification by the California Department of Housing and Community Development (HCD).

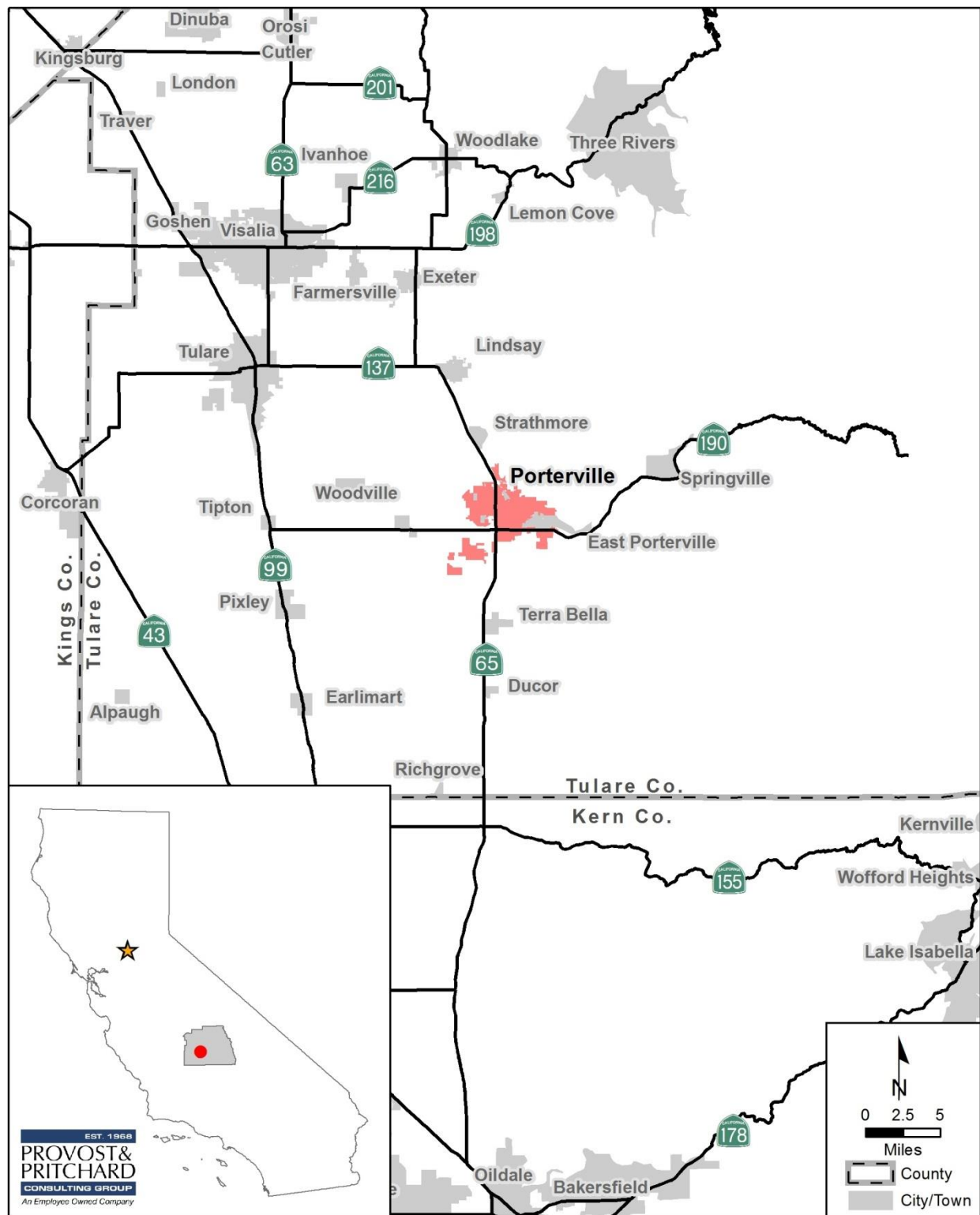


Figure 2-1. Regional Vicinity Map

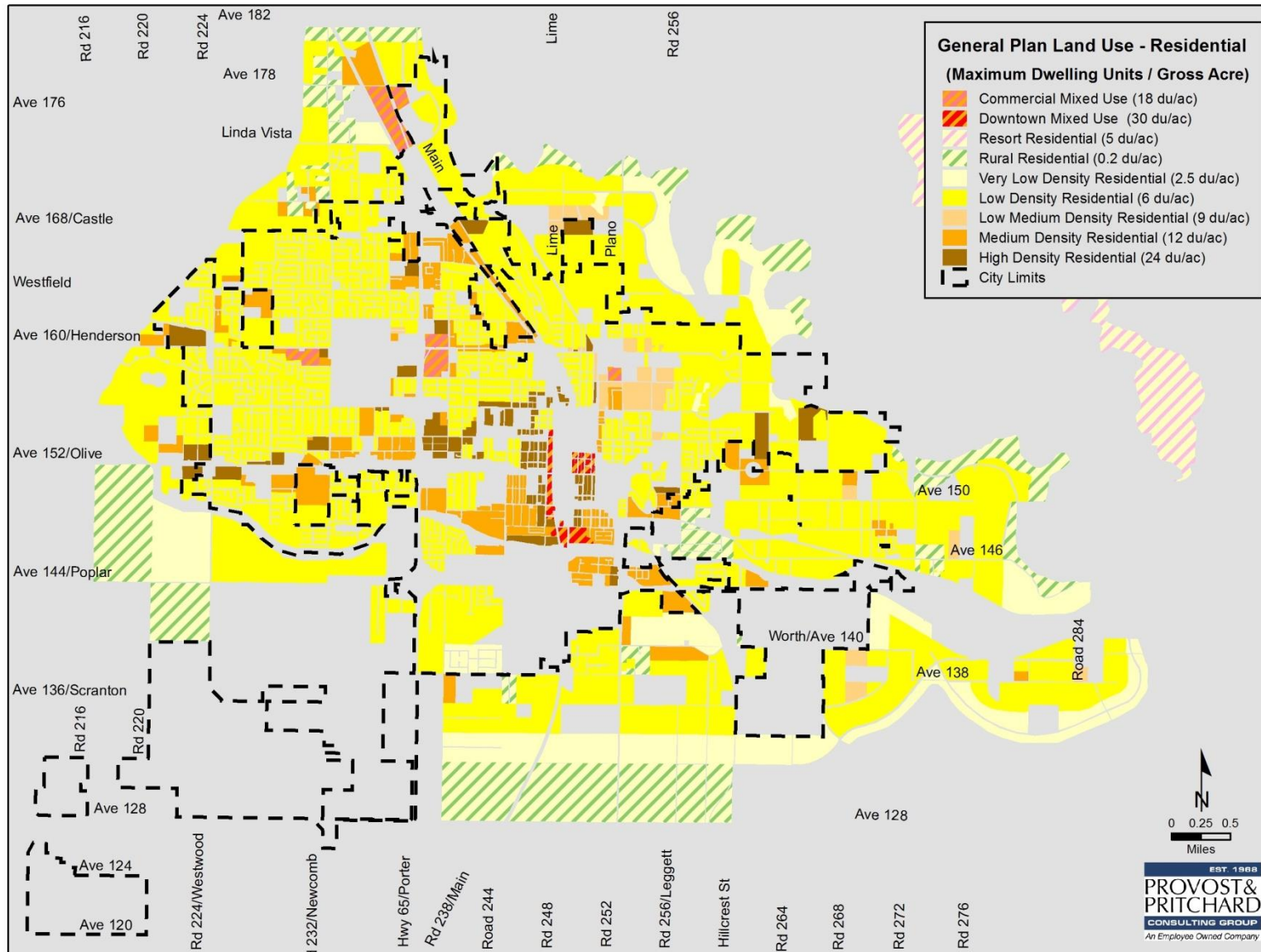


Figure 2-2. General Plan Land Use - Residential Areas

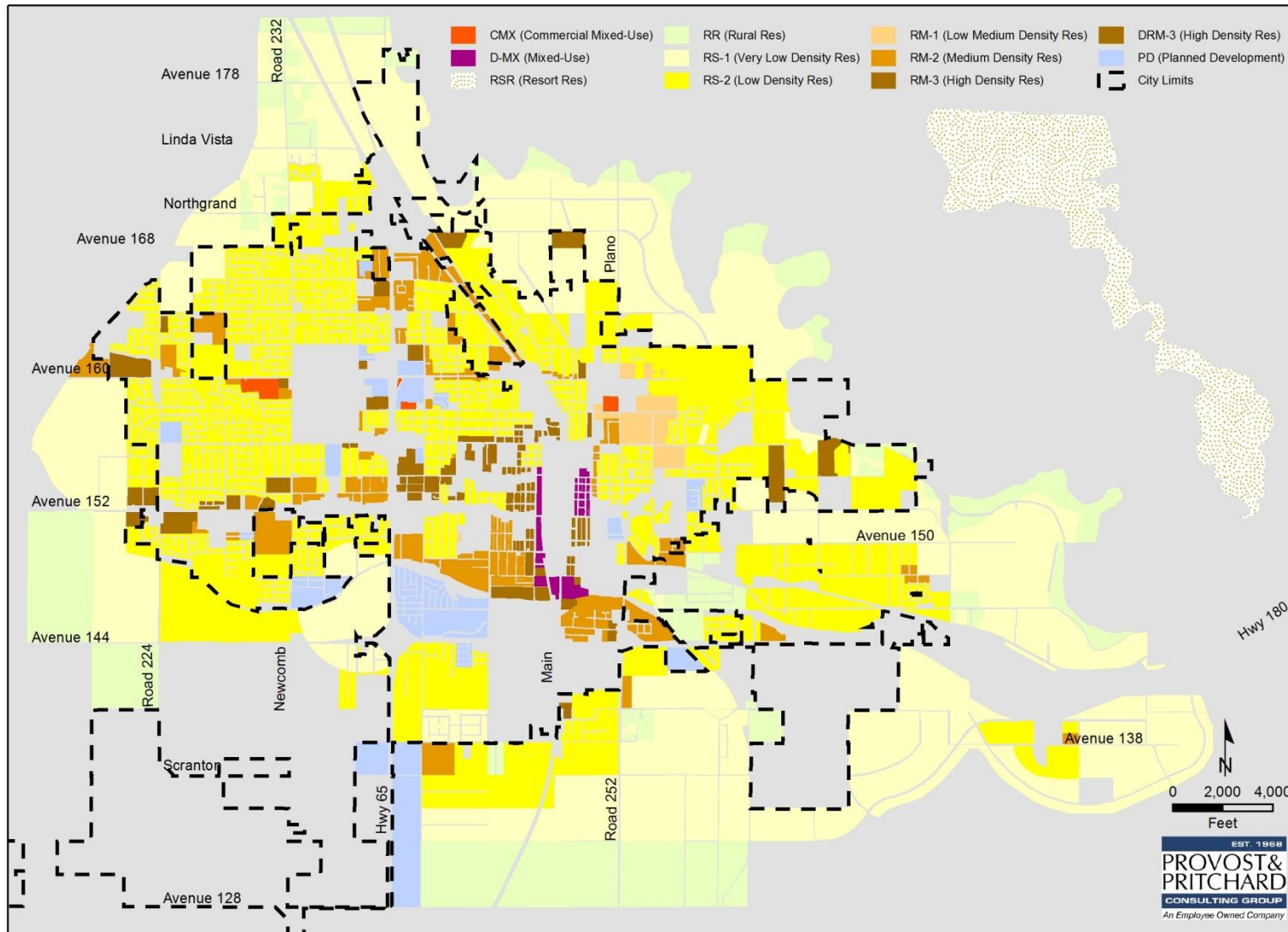


Figure 2-3.Zoning - Residential Areas

Preliminary Environmental Determination

The Community Development Director of the City of Porterville, authorized agent for the Lead Agency and Project Proponent (City of Porterville) has reviewed the proposed Project to determine whether it could have a significant effect on the environment as a result of its implementation. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the existing (baseline) physical conditions within the area affected by the Project including those listed alphabetically below. Pursuant to the analyses contained in Chapter 3 and the supporting information provided in the Appendices, the Community Development Director has made a preliminary determination that the proposed Project may have a significant effect on the resource areas check-marked below.

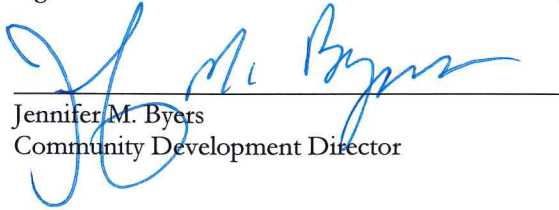
- | | | |
|---|--|---|
| ☐ Aesthetics | ☐ Agriculture Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology/Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Noise |
|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

DETERMINATION:

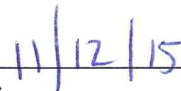
On the basis of this Initial Study and impacts analysis contained in Chapter 3, the Community Development Manager determines:

- ☒ 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 the Project Proponent has made or agrees to incorporate, certain revisions in the project, consisting of every and all recommended mitigation measures set forth in Chapter 3 and listed on the page attached hereto.. A MITIGATED NEGATIVE DECLARATION has been prepared and will be circulated for public review and comment.
- ☐ 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 of Authorized Environmental Review Agent of Project Proponent (City of Porterville):



Jennifer M. Byers
Community Development Director



Date

CHAPTER 3

IMPACT ANALYSIS

3 - Impact Analysis

3.1 Aesthetics

Table 3-1. Aesthetics

Aesthetics				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.1.1 Discussion

Visual Resources: Potential impacts to aesthetics, including scenic vistas and resources were analyzed in the 2008 EIR (General Plan EIR) for the Porterville 2030 General Plan (General Plan) and no additional impacts have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the General Plan as a whole.

The potential development sites are located within Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect scenic and visual resources, the City will undertake, and/or new development will comply with, the following Visual Resources Policies from the General Plan:

- LU-1-3: Amend the Urban Development Boundary (UDB) in order to guide growth through annexation and development, and the efficient extension of public services to new areas;
- LU-1-12: Require residential development on slopes over six percent to comply with the Hillside Development Ordinance;
- LU-1-14: Allow residential development to employ creative site design, landscaping, and architectural quality that blend with the characteristics of each location and its surroundings and offer superior design solutions;
- LU-1-15: Adopt community design standards for new residential development;
- LU-1-17: Require that all new subdivisions preserve natural, cultural, and biological resources, including standards of large trees, historic and landmark trees (in healthy condition as determined by a licensed/certified arborist) and rock outcroppings, to the maximum extent feasible;
- LU-1-34: Utilize redevelopment, or other tools where available, to revitalize and preserve historic buildings;

- OSC-1-5: Require, as a condition of any Resort Residential development, commitments to permanent open space, and preservation of ridges and steep hillside land that form the scenic backdrop of the Resort Residential district;
- OSC-1-13: Preserve Rocky Hill as an open space resource through the establishment of a conservancy, Open Space District, or other device;
- OSC-1-27 Protect and enhance the natural habitat features of the Tule River and open space corridors within the Planning Area;
- OSC-1-31: Require, as part of the proposed Tule River Corridor Plan, measures to protect and enhance riparian zones, natural areas, and wildlife habitat qualities; and establish and maintain a buffer along the river where development shall not occur, except as part of the parkway enhancement (e.g. trails and bikeways);
- OSC-1-71: Update the City's inventory of historic resources to determine site or buildings of federal, State, or local historic significance;
- OSC-1-73: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, or historic resources by:
 - Requiring a records review for development proposed in areas that are considered archaeologically sensitive;
 - Studying the potential effects of development and construction (as required by CEQA);
 - Developing, where appropriate, mitigation measures to minimize potential impacts;
 - Implementing appropriate measures to avoid the identified impacts;

Adherence to the above policies along with the development standards contained within the City's Development Code will ensure that development will not significantly impact scenic vistas or resources and ensure compatible development within the areas in which infill or new development will occur.

3.1.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.1.3 Conclusion

The proposed Project will not result in significant adverse visual or aesthetic impacts.

3.2 Agricultural Land and Forestry Resources

Table 3-2. Agriculture and Forest Resources

Agriculture and Forest Resources				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

3.2.1 Discussion

Agricultural Resources: The General Plan EIR for the City of Porterville recognizes the conversion of important agricultural lands (“Farmland”) to urban uses as the result of a full build-out of the proposed General Plan within the City’s planning area as a substantial, but unavoidable, impact. It is estimated that approximately 3,050 acres of Prime Farmland (of which 2,880 acres are on unincorporated lands) would be converted to urban uses. Additionally, substantial amounts of Farmland of Statewide Importance and Unique Farmland soils (approximately 4,200 acres) would also be converted².

As of 2006, 932 acres of agricultural lands designated by the California Department of Conservation as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land were located within the City of Porterville. Of the 932 acres, 169 acres were designated Prime Farmland, 201 acres were designated Farmland of Statewide Importance and 74 acres were labeled as Unique Farmland.³

There are several properties zoned for residential uses within the City of Porterville that are identified as Farmland by the California Department of Conservation. [Error! Reference source not found.](#) shows residentially-zoned properties which lie within Farmland-designated areas.

The City of Porterville’s General Plan contains policies, such as Policy LU-I-5, which discourages leap-frog development, providing safeguards for these agricultural lands, and Policy OSC-I-2, which encourages the

² Porterville 2030 General Plan: Draft Environmental Impact Report. Page E-7.

³ Porterville 2030 General Plan: Draft Environmental Impact Report. Table 3.1-2. Page 46.

retention of agriculture and open space areas around the City. Additionally, the General Plan contains several features intended to minimize impacts on existing agriculture operations, such as maintaining an Urban Development Boundary (UDB) and using land efficiently.⁴

Forest Resources: The City of Porterville is located in the southeastern portion of the San Joaquin Valley, at the base of the foothills of the Sierra Nevada Mountains. Porterville is characterized by relatively level terrain with generally broad, open plain areas sloping to the west with minimal topographic relief. The Sierra Nevada foothills, with gentle rolling hills and hardwood forests, extend eastward from the city limits.

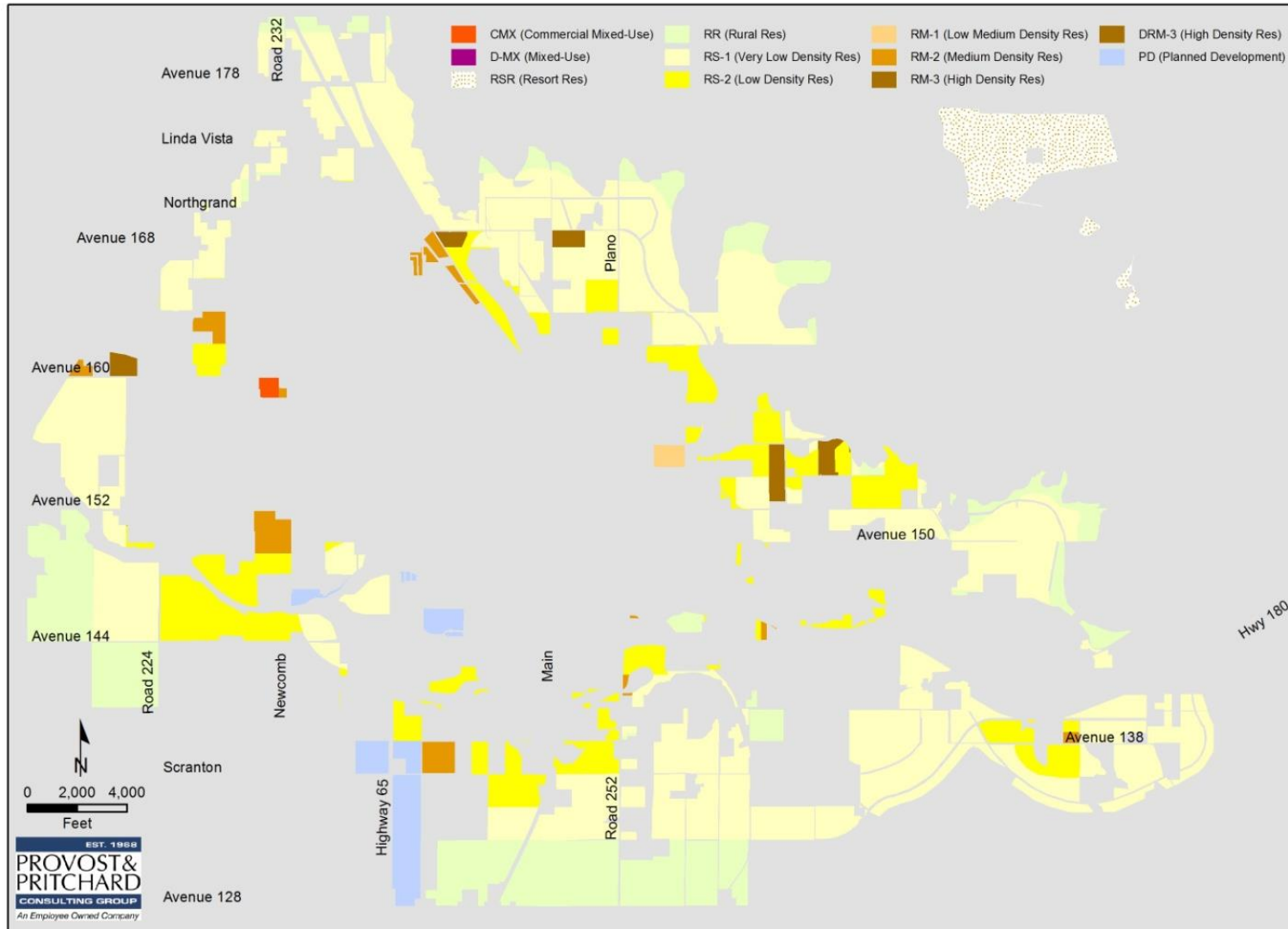
No identified forest or timberland resources are located within the City of Porterville.

The potential development sites are located within Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect agricultural land and forestry resources, the City will undertake, and/or new development will comply with, the following Land Use Policies from the General Plan:

- LU-1-5: Require contiguous development within the Urban Development Boundary (UDB) unless it can be demonstrated that development of property which is contiguous to urban development is unavailable.
- OSC-1-1: Adopt resources protection regulations for Agricultural/Rural/ Conservation areas designated on the General Plan Land Use Diagram.
- OSC-1-2: Work with the County with the objective of:
 - Retaining agriculture and open space areas around the City, consistent with the General Plan; and
 - Notifying the City of development applications to areas adjacent to the City's Planning Area.
- OSC-1-16: Decline request for annexation of any land subject to an ongoing Williamson Act contract.
- OSC-1-17: Prohibit the conversion of prime agricultural land for urban development through General Plan amendments, after adoption of this General Plan Update, unless there are no other feasible alternatives for development.
- OSC-1-18: Adopt a Right to Farm Ordinance to facilitate the continuance of agricultural activities within the Planning Area until the land is needed to accommodate population and employment growth.
- OSC-1-20: work with Tulare County and non-profit land trust to establish and fund programs for purchase of conservation easements, which may assist property owners who want to maintain agricultural and rural land in the Planning Area.

⁴ *Ibid.* Page 50.

Figure 3-1. Residentially-Zoned Parcels Containing Important Farmland.



10/23/2015 : G:\Porterville_City_of-1016\01016-15-001- Env Report for Housing\GIS\Map\Zoning_Overlap.mxd

3.2.2 Mitigation Measures

Conversion of Prime, Important, and Unique Farmland to urban use is not directly mitigable, aside from preventing development altogether. The General Plan policies provide a framework for preventing long-term impacts and offsetting some potential impacts through the proposed use of mitigation credits or banking, thereby limiting conversion of important farmland areas to the minimum extent needed to accommodate long-term growth.⁵ No additional mitigation measures are proposed.

3.2.3 Conclusion

The proposed Project, as a policy document, will not directly result in significant and unavoidable impacts to agricultural land; more specifically, the permanent conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. However, those impacts will likely be an indirect result of the projected buildout of the 2030 General Plan. As a policy document that serves to assist in implementing the Land Use Element of the General plan while not directly resulting in any physical changes to the environment, the proposed Project will not itself result in any additional impacts.

⁵ *Ibid* 53-54

3.3 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.

Table 3-3. Air Quality

Air Quality				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.3.1 Discussion

Potential impacts to air quality were analyzed in General Plan EIR for the Porterville General Plan and no additional impacts are identified. The Housing Element contains the City's goals, policies and strategic plan for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element shall be consistent with the goals and policies of the General Plan as required by state law.

The City of Porterville lies within the San Joaquin Valley Air Basin (SJVAB), which is regulated by the San Joaquin Valley Air Pollution Control District (SJVAPCD). This agency has primary responsibility for ensuring that the district attains and maintains compliance with federal and state ambient air quality standards. This regional agency regulates air quality through its permit authority over most types of stationary emission sources and through its planning and review process. Ambient air quality standards are set to protect public health. Both federal and state ambient air quality standards apply, as established by the U.S. Environmental Protection Agency (USEPA) and state air quality agencies (CALEPA for California). California air quality standards are generally more stringent than federal standards. Continuous air monitoring by these agencies and SJVAPCD ensure that air quality standards are being met or improved.

According to the 2030 General Plan, "Buildout of the proposed General Plan will result in an unavoidable and significant increase in emissions associated with vehicle miles traveled (VMT) and electricity use, directly related to population growth.

While the proposed General Plan commits the City to support federal, State, and SJVAPCD efforts to reduce emissions through its policies to reduce automobile use, promote walkability, support transit, and increase energy conservation in new buildings and energy management in public buildings, public infrastructures (e.g.

street lighting), and publicly-owned vehicles, any plan designed to accommodate population growth, as this plan is designed to do, would result in this unavoidable significant impact.⁶

The development of up to 3,000 additional housing units would result in increases of both short-term and long-term emissions. According the General Plan EIR:

“Construction activities would affect local particulate concentrations primarily due to fugitive dust sources and increase other criteria pollutant emissions from equipment exhaust. The Plan commits the City to use Best Management Practices to reduce these emissions, including airborne naturally occurring asbestos, consistent with SJVAPCD guidelines, resulting in less than significant impacts.

Over the long term, the full implementation of the proposed Porterville General Plan [and thereby, the 2015-2023 Housing Element] would result in an increase in criteria pollutant emissions primarily due to related motor vehicle trips, which would exceed the annual SJVAPCD thresholds for NO_x and ROG. However, the Plan also commits the City to support federal, State and SJVAPCD efforts to reduce emissions through its policies to reduce automobile use and increase the use of alternative transportation. This may mean that the proposed General Plan would not interfere with the SJVAPCD’s efforts to achieve and maintain air quality standards. However, because the full scope and effectiveness of these measures is not fully known, this impact is considered significant and unavoidable.

Stationary sources and area sources would result in lesser quantities of criteria pollutant emissions. Stationary sources and diesel-fueled mobile sources would also generate emissions of toxic air contaminants including diesel particulate matter that could pose a health risk. However, implementation of the proposed Porterville General Plan in itself would not create objectionable odors affecting a substantial number of people.”⁷

The potential development sites are located within Porterville’s city limits and have been identified in the Housing Element as either “undeveloped” or “underdeveloped” properties. To protect the air quality of the City of Porterville and the SJVAB, the City will undertake, and/or new development will comply with, the following Air Quality Policies from the General Plan:

- LU-1-16: Adopt guidelines and incentives for using green building standards in new construction.
- C-1-7: Require street tree planting as part of an urban forestry program.
- OSC-1-33: protect, revitalize and expand Porterville’s urban forest through public education, sensitive regulation, and a long-term financial commitment that is adequate to protect this resource.
- OSC-1-34: Continue to require street tree planting in new development and support the City’s tree planting fund.
- OSC-1-58: Continue to assess air quality impacts through environmental review and require developers to implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.
- OSC-59: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics “Hot Spots” Act.
- OSC-1-60 Require dust control measures as a condition of approval for subdivision maps, site plans, and all grading permits.
- OSC-1-61: Coordinate air quality planning efforts with other local, regional and State agencies.
- OSC-1-62: Be proactive in educating the public about the linkages between land use, transportation and air quality.
- OSC-1-63: Notify local and regional jurisdiction of proposed projections that may affect regional air quality.
- OSC-1-64: Investigate replacing City vehicles with low-emission technology.

⁶ *Ibid* Page E-7.

⁷ *Ibid* Page 92.

- OSC-1-65: When asbestos has been identified in the preliminary soils report, require all new development and public works projects to comply with all provisions of State and regional ATCM regulations for control of airborne asbestos emissions relating to construction, road maintenance, and grading activities.

3.3.2 Mitigation Measures

Build-out of the 2030 General Plan will allow planned development to occur within both developed (infill) and undeveloped portions of the Planning Area. While the pace and timing of build-out will ultimately be developed will be market driven, for modeling purposes the analysis completed for the General Plan EIR was based on the assumption that most uses will be developed by the year 2030 and emissions were estimated for this planning horizon. The analysis was based on methodologies and thresholds included in the SJVAPCD's Guide Assessing and Mitigating Air Quality Impacts published in 2002.⁸ No additional mitigation measures are proposed.

3.3.3 Conclusion

According to the General Plan EIR, population growth and development projected to occur within the planning period and the associated criteria air pollutant increases will result in significant and unavoidable impacts. Long-term development of up to 3,000 dwellings will contribute to an increase emission of criteria pollutants, exacerbate non-attainment conditions for those pollutants, and will result in the exposure of sensitive receptors to a substantial increase in air pollution. However, those impacts are the direct result of the projected buildout of the 2030 General Plan. As a policy document that serves to assist in implementing the Land Use Element of the General plan while not directly resulting in any physical changes to the environment, the proposed Project will not itself result in any additional impacts.

⁸ *Ibid* Page 92

3.4 Biological Resources

Table 3-4. Biological Resources

Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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 Wildlife 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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct 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?	☐	☐	☐	☒

3.4.1 Discussion

According to the 2008 General Plan Environmental Impact Report,

“Buildout of the proposed General Plan will allow for the introduction of development (predominately residential land uses) into largely undisturbed areas. Such construction has the potential to result in a significant impact on sensitive habitats, individual plants, and wildlife species. The majority of impacts wildlife species and their habitats will occur as a result of project-specific activities developed subsequent to the proposed General Plan. At the time individual development applications are submitted, the City will assess development proposals for potential impacts to significant biological resources pursuant to CEQA and associated State and federal regulations.

The protection of environmentally sensitive areas, including wildlife species habitat, and other natural resources is a key initiative of the proposed General Plan. Policies within the Land Use and Open Space and Conservation elements strive to establish specific measures that the City will implement to protect and

preserve sensitive habitats which support protected species. However, even with implementation of the below mentioned policies, this impact is still considered significant and unavoidable.”⁹

Development resulting from buildout of the General Plan will result in the conversion of riparian and other sensitive habitats to urban land uses as well. The protection of environmentally sensitive areas, such as riparian habitat and other natural communities, is a key initiative of the proposed General Plan. Therefore, proposed policies strive to establish specific measures that the City will implement to protect and preserve sensitive habitats. However, even with implementation of the policies indicated in Impact 3.6-1, the development proposed in the General Plan Land Use Diagram will result in the conversion of open space areas which support sensitive habitat to more urban uses. Therefore, this impact is still considered significant and unavoidable¹⁰.

Development proposed under the proposed General Plan would largely be on land contiguous to existing development, with the exception of the Resort Residential along Lake Success¹¹. No development is proposed directly within the Tule River channel on any watercourse, and therefore, would not interfere with the movement of any fish species. Therefore, development within the planned urban areas would not interfere with the movement of fish or other wildlife species that migrate through the already urbanized areas of the City, and impacts would be less than significant.¹²

New development under the proposed Housing Element would remain consistent with the General Plan and zoning designations. The City of Porterville’s General Plan was been developed to ensure continued coordination with all adopted plans, such as the Recovery Plan for Upland Species of the San Joaquin Valley and the Valley Elderberry Longhorn Beetle Habitat Conservation Plan. Implementation of the General Plan, and thereby the 2015-2023 Housing Element, would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.¹³

As the Housing Element is required to remain consistent with the General Plan and would not modify the location or amount of residentially-designated land allowed in the General Plan and zoning ordinance, biological impacts associated with new residential or infill development would not be intensified over those identified in the 2008 General Plan EIR. Based on the above, the Housing Element would result in less than significant impacts to biological resources and would minimize those impacts found to be significant and unavoidable.

The potential development sites are located within Porterville’s city limits and have been identified in the Housing Element as either “undeveloped” or “underdeveloped” properties. To protect biological resources, the City will undertake, and/or new development will comply with, the following Biological Resources Policies from the General Plan:

- LU-1-3: Amend the Urban Development Boundary (UDB) in order to guide growth through annexation and development, and the efficient extension of public services to new areas.
- LU-1-5: Require contiguous development within the UDB unless it can be demonstrated that development of property which is contiguous to urban development is unavailable.
- LU-1-17: Require that all new subdivisions preserve natural, cultural, and biological resources, including stands of large trees and rock outcroppings, to the maximum extent feasible.
- LU-1-23: Establish an incentive program that will provide for density and FAR bonuses for mixed use development that includes amenities for public benefit, such as workforce housing, pedestrian-oriented

⁹ *Ibid* Page 128.

¹⁰ *Ibid* Page 132.

¹¹ *Ibid* Page 127.

¹² *Ibid*.

¹³ *Ibid*.

facilities (outdoor seating, plazas, weather protection, and transit waiting areas), historic preservation, cultural facilities, public art and water features, and open space preservation.

- LU-1-43: Require master planning using specific plan [in the Resort Residential community] – as authorized by the Government Code – or a similar planning program (e.g. a PD Planned Development Plan).
- C-1-7: Require street tree planting as part of an urban forestry program.
- OSC-1-3: Establish a secure funding source for open space acquisition and management.
- OSC-1-4: Establish standards for the management and maintenance of open space within subdivisions, and require formation of open space acquisition and maintenance districts where necessary and appropriate, to protect open space resources.
- OSC-1-6: Support the preservation of the Yaudanchi Ecological Preserve.
- OSC-1-11: Support regional and sub-regional efforts to acquire, develop, and maintain, open space lands.
- OSC-1-12: Establish priorities for open space preservation and acquisition based on an evaluation of:
 - Significant natural areas that are historically, ecological, or scientifically unique or are outstanding, important or threatened;
 - Wildlife habitats fragile ecosystems in need of protection;
 - Watersheds or significant water recharge areas;
 - Lands suitable for recreation such as biking, photography, or nature study.
 - Land suitable for agricultural production.
- OSC-1-13: Preserve Rocky Hill as an open space resource through the establishment of a conservancy, Open Space District or other device.
- OSC-1-28: Require protection of sensitive habitat areas and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation, 3) offsite mitigation, and 4) purchase of mitigation credits.
- OSC-1-29: Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.
- OSC-1-33: Protect, revitalize and expand Porterville’s urban forest through public education, sensitive regulation, and a long-term financial commitment that is adequate to protect this resource.
- OSC-1-34: Continue to require street tree planting in new development and support the City’s tree planting fund.
- OSC-1-35: Consult with all responsible agencies about wetland and vernal pool habitat potentially affected by development.
- OSC-1-36 Establish a “no net loss” policy for wetlands and vernal pools, including credits for land banking and off-site mitigation, and maintain a protection zone around wetlands, riparian corridors, and identified habitat areas where development shall not occur, except as part of a parkway enhancement program (e.g., trails and bikeways).

3.4.2 Mitigation Measures

Development that may occur under the proposed General Plan is located along the outskirts of the urbanized areas on previously undeveloped sites, but this would not result in the exclusion of species from their normal migration routes. No development is proposed directly within the Tule River channel or any watercourse, and therefore, would not interfere with the movement of any fish species. Therefore, development within the planned urban areas would not interfere with the movement of fish or wildlife species that migrate through

the already urbanized areas of the City, and impacts would be less than significant. ¹⁴ No new mitigation measures are proposed.

3.4.3 Conclusion

The proposed Project, as a policy document, will not directly result in significant and unavoidable impacts to biological resources by promoting development that will result in encroachment of urbanization into previously undisturbed areas. However, those impacts are the direct result of the projected buildout of the 2030 General Plan, and are not intensified by implementation of the proposed Project. As a policy document that serves to assist in implementing the Land Use Element of the General plan, the proposed Project will not itself result in any additional impacts.

¹⁴ *Ibid* Page 127

3.5 Cultural Resources

Table 3-5. Cultural Resources

Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.5.1 Discussion

Potential impacts to cultural resources were analyzed in 2008 EIR for the Porterville General Plan and no additional impacts are identified. The Housing Element contains the City's goals, policies and strategic plan for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element shall be consistent with the goals and policies of the General Plan as required by state law.

According to the General Plan EIR, national register sites located within the City of Porterville planning area include the First Congregational Church, Zalud House, Porterville Main U.S. Post Office, all of which are located within downtown Porterville and the Walter Richardson House, which is located on the eastern outskirts of town¹⁵.

California Historic Landmarks identified in the General Plan include the Tule River Stage Station (#473), located in the downtown area, and the First Tule River Indian Reservation (#388) and its associated Tribal Land Sites, which are located east of the city limits¹⁶.

A records search conducted for the General Plan EIR revealed 45 recorded archaeological sites within the Porterville Planning Area. Most of these sites are prehistoric and contain some of the following attributes: bedrock mortars, rock art, human burials, village complexes contain extensive midden, and many artifacts such as projectile points, pestles, and pottery. According to the Southern San Joaquin Valley Archaeological Information Center, the Porterville region is extremely sensitive, and there is a high possibility of uncovering and identifying additional archaeological resources in the Planning Area. New development that occurs outside of existing urban areas and within these likely archaeological deposit sites may adversely affect these archaeological resources either during ground disturbance or development activity¹⁷.

The potential development sites are located within Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. The General Plan Land Use and Open Space and Conservation Element sets forth clear goals, policies and programs for the protection and preservation of historic cultural resources. To protect prehistoric and historic archaeological resources as well

¹⁵ *Ibid* Pages 138-139.

¹⁶ *Ibid* Page 139.

¹⁷ *Ibid* Page 145.

as paleontological resources, new development will comply with the policies outlined in the General Plan, such as LU-1-17 which requires that “new subdivisions preserve natural, cultural, and biological resources, including stands of large trees and rock outcroppings, to the maximum extent feasible.”¹⁸

Additionally, the City will undertake, and/or new development will comply with, the following Cultural Resources Policies from the General Plan:

- LU-1-17: Require that all new subdivisions preserve natural, cultural, and biological resources, including stands of large trees and rock outcropping, to the maximum extent feasible.
- LU-1-34: Utilize redevelopment, or other tools where available, to revitalize and preserve historic buildings.
- OSC-1-71: Update the City’s inventory of historic resources to determine sites or buildings of federal, State, or local historic significance.
- OSC-1-72: Develop agreement with Native American representatives for consultation in the cases where new development may result in disturbance to Native American sites.
- OSC-1-73: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:
 - Require a records review for development proposed in areas that are considered archaeologically sensitive, including hillsides and near the Tule River;
 - Studying the potential effects of development and construction (as required by CEQA);
 - Developing, where appropriate, mitigation measures to minimize potential impacts; and
 - Implementing appropriate measures to avoid the identified impacts.

Additionally, future residential projects shall be subject to site-specific environmental review, compliance with California’s Historic Buildings Code as applicable, the City of Porterville Development Code, and design standards to reduce potential impacts to cultural resources, and are statutorily obligated to comply with provisions for inadvertent discoveries within the areas in which infill or new development will occur.

3.5.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.5.3 Conclusion

Overall, current federal, state and local laws as well as policies summarized in the City of Porterville 2030 General Plan would reduce impacts on paleontological and archeological resources to less than significant levels.

¹⁸ *Ibid* Page 144.

3.6 Geology and Soils

Table 3-6. Geology and Soils

Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Chapter 18 of the most recently adopted California Building Code creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

3.6.1 Discussion

Potential impacts related to the City's geologic setting and location relative to the San Joaquin Valley faults and how the underlying soils could contribute to seismic hazards in the City of Porterville's planning area were analyzed in the General Plan EIR. No additional impacts are identified. The Housing Element contains the City's goals, policies and strategic plan for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element shall be consistent with the goals and policies of the General Plan as required by state law.

The potential development sites are located within Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect soil and geological resources, new development will comply with the policies outlined in the General Plan, zoning ordinances, applicable development ordinances, municipal codes and design standards to reduce any impacts resulting from geologic and soil conditions and to ensure compatible development within the areas in which infill or new

development will occur. For example, new structures are required to adhere to current IBC standards as modified as adopted within the California Building Code, providing adequate design, construction and maintenance of structures to prevent exposure of people and structures to major geologic hazards¹⁹. Applicable policies included in the General Plan are as follows:

- OSC-1-15: Preserve open space designated for public safety to minimize damage to people and property resulting from potential hazards. Such hazards include, but are not limited to: quaking, slope collapse, liquefaction, fire, earth sliding, flooding, erosion and siltation, soil compression, lateral spreading, and subsidence.
- OSC-1-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-1-22: Continue to require soils geological surveys for all proposed development in hillside areas.
- OSC-1-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- OSC-1-39: Adopt the Regional Water Quality Control Board's policies on soil disturbance activities in order to minimize the disturbance of soil, vegetation, organic debris, and other materials that control runoff. These policies include:
 - Planning and conducting operations and activities in a manner that will not disturb extensive areas of soil or that will disrupt local drainage;
 - Promptly reseeded or stabilizing areas where soil is disturbed to prevent erosion;
 - Establishing restrictions on activities in water protection zones, designated by the U.S Forest Service and the California Department of Forestry and Fire Protection;
 - Stabilizing and maintain the stream flow regimen and apply soil control measures in a timely manners;
 - Prohibiting organic or earthen material from being discharged into any streams or placed at locations where they can pass into streams in quantities that could impair any beneficial use of the water; and
 - Regulating operations and activities that cause increase turbidity levels in local streams so that streams are not affected for extended periods or for more than ten percent of the time and operations and activities shall not violate water quality objectives.
- OSC-1-48: Protect groundwater recharge areas by carefully regulating the type of development within these areas.
- PHS-1-1: Amend the Zoning Ordinance to include provisions for a geological hazards abatement district for hillside areas to ensure that geologic hazards are properly mitigated by developers or avoided prior to, or during development.
- PHS-1-2: Maintain and enforce appropriate building standards and codes to avoid and / or reduce risks associated with geological constraints and to ensure that all new construction is designed to meet current regulations.
- PHS-1-3: Provide information and incentives for property owners to rehabilitate existing buildings using construction techniques to protect against seismic hazards.
- PHS-1-4: Support continued investigation by State agencies of geological conditions within the City's Planning Area to promote public awareness of potential geologic and seismic hazards.
- PHS-1-5: Require as part of the preliminary soil report, a construction dust management plan when it has been determined that soils contain naturally-occurring asbestos.
- PHS-1-6: Require construction work on open routes be done when soil moisture is sufficient to adequately compact the tread and prevent visible dust, which may contain airborne asbestos emissions.

¹⁹ *Ibid* Page 194.

3.6.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.6.3 Conclusion

As discussed in the General Plan EIR, there are no known active earthquake faults in the Porterville area, creating minimal risk for ground-shaking, surface fault rupture, and liquefaction. Near the Tule River, risk for liquefaction, landslides and soil slumping increases. Areas within the City of Porterville and possibly potential development sites are at risk of soil erosion, subsidence, and naturally-occurring asbestos. However, the proposed Project will not result in significant, adverse impacts to the geologic and soil stability of the City of Porterville provided that residential development adheres to the General Plan policies identified above.

3.7 Greenhouse Gas Emissions

Table 3-7. Greenhouse Gas Emissions

Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.7.1 Discussion

Potential impacts related to Greenhouse Gas Emissions have been analyzed in the General Plan EIR for the 2030 General Plan. While at the time that EIR was prepared there existed little if any formal guidance to local agencies regarding analysis of greenhouse gases, it has since been established that adherence to the regulations, policies, and best management practices established by the San Joaquin Valley Air Pollution Control District (Air District) has the effect of reducing all potential GHG impacts to a less than significant level.

The environmental conditions most likely to impact Porterville are decreased air quality, more severe heat, and water shortages. The primary sources of GHG emissions related to urban development in Porterville are anticipated to continue to be from the combustion of fossil fuels by motor vehicles and from electric power generation.

Short-term impacts are also anticipated from construction activity that will occur during buildout under the General Plan. Because the generation of GHGs is, for the most part, related to growth, policies that reduce energy consumption and fuel usage can have a positive effect. In addition to promoting development patterns that will reduce the vehicles miles traveled per capita, the General Plan identifies a variety of other actions that can reduce emissions that contribute to climate change and global warming, including green building measures, tree planting, energy conservation in new construction, and energy management in public buildings²⁰.

The potential development sites are located within the City of Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect reduce impacts caused by greenhouse gas emissions as a result of additional residential development and population growth, the City will undertake, and / or new development will comply with, the following Land Use, Circulation, and Open Space and Conservation Policies from the General Plan:

- LU-I-2: Require a mix of civic, retail and service-oriented uses in the commercial component of neighborhood centers.
- LU-I-5: Require contiguous development within the UDB unless it can be demonstrated that development of property which is contiguous to urban development is unavailable.
- LU-I-15: Adopt community design standards for new residential development.

²⁰ *Ibid* Page 245-246.

- LU-I-16: Establish guidelines and incentives to promote green building techniques and materials in residential development.
- LU-I-20: Establish standards for pedestrian-oriented design in neighborhood centers.
- C-I-3: Provide for greater street connectivity by:
 - Incorporating in subdivision regulations requirements for a minimum number of access points to existing local or collector streets for each development;
 - Encouraging roundabouts over signals, where feasible and appropriate;
 - Requiring the bicycle and pedestrian connections from cul-de-sacs to nearby public areas and main streets; and
 - Requiring new residential communities on undeveloped land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development should connect to these stubs.
- C-I-10: Require traffic impact studies for all General Plan amendments that will generate more than 100 peak hour trips.
- C-I-15: Situate transit stops and hubs at locations that are convenient for transit users, and promote increased transit ridership through the provision of shelters, benches, bike racks on buses, and other amenities.
- C-I-16: Ensure that new development is designed to make transit a viable choice for residents. Design options include:
 - Have neighborhood focal points with sheltered bus stops;
 - Locate medium-high density development whenever feasible near streets served by transit; and
 - Link neighborhoods to bus stops by continuous sidewalks or pedestrian paths.
- OSC-I-62: Be proactive in educating the public about the linkages between land use, transportation and air quality.
- OSC-I-64: Investigate replacing City vehicles with low-emission technology.
- OSC-I-66: Adopt guidelines and incentives for using green building standards in new construction.
- OSC-I-67: Incorporate cost-effective energy conservation measures into all building programs owned by the City, including construction, operations and maintenance.
- OSC-I-68: Publish best practices guide to saving energy on the City's website and other City publications.
- OSC-I-69: Establish regulations to allow flexibility in site planning, solar orientation, roof design, and landscaping to decrease summer cooling and winter heating needs.
- OSC-I-70: Ensure City codes allow for environmentally acceptable alternative forms of energy production and green building techniques.

3.7.2 Mitigation Measures

No mitigation measures are required or proposed.

3.7.3 Conclusion

The General Plan, and thereby the 2015-2023 Housing Element, promotes a jobs and housing balance, increased transit use, and facilitates additional bicycle and pedestrian activity, which should contribute to a decrease in VMT per capita and limit the impact the anticipated population growth has on global climate

change²¹. The General Plan found that future population growth and the potential for an increase in greenhouse gases emissions would have an impact of unknown significance; however, adherence to the best management practices established by the SJVPACD effectively reduces any impacts to a less than significant level.

²¹ *Ibid* Page 247.

3.8 Hazards and Hazardous Materials

Table 3-8. Hazards and Hazardous Materials

Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.8.1 Discussion

Potential impacts related to Hazards and Hazardous materials have been analyzed in the General Plan EIR and no additional impacts have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the entire General Plan.

The potential development sites are located within the City of Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect people in proximity to the potential development sites, the City will undertake, and / or new development will comply with, the following Hazard and Hazardous Materials Policies from the General Plan:

- C-1-3: Provide for greater street connectivity by:
 - Incorporating in subdivision regulations requirements for a minimum number of access points to existing local or collector streets for each development;
 - Encouraging roundabouts over signals, where feasible and appropriate;
 - Requiring the bicycle and pedestrian connections from cul-de-sacs to nearby public areas and main streets; and
 - Requiring new residential communities on developed land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development should connect to these stubs.
- C-1-28: Designate specific truck routes to provide for safe movement of goods and hazardous materials throughout the City, ensure that adequate pavement depth, lane widths, and turn radii are maintained on the designated truck routes, and prohibit commercial trucks from non-truck routes except for deliveries.
- C-1-35: Ensure that the land uses in the Airport environs are consistent with the Tulare County Comprehensive Airport Land Use Plan in order to protect the safety of persons and property.
 - Ensure no new schools and other noise sensitive uses are built within 4,000 feet of the Airport Clear Zone.
 - Ensure that any non-residential uses are not subject to aircraft hazards based on specific criteria developed to evaluate safety risks.Limit residential parcels within the Airport Outer Approach/Departure Zone to at least 5-acres in size.
- LU-1-13: Discourage residential development within the Airport Safety Zone. If residential development is approved in the County within the Airport Safety Zone, it must comply with Tulare County Airport Land Use Commission's land-use compatibility standards and density restrictions.
- LU-1-25: Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.
- N-1-9: Work with the Tulare County Airport Land Use Commission (ALUC) to prepare an Airport Land Use Compatibility Plan and update airport noise contours, consistent with the new airport layout plan.
- N-1-10: Require the disclosure of the noise environments to prospective homebuyers where noise levels exceed "normally acceptable" standards.
- PHS-1-13: Maintain automatic and / or mutual aid agreements with surrounding jurisdictions for fire protection.
- PHS-1-14: Enforce weed abatement programs and building and fire code requirements to assure adequate fire protection.
- PHS-1-15: Develop and expand existing public fire safety and emergency life support education programs in order to promote public awareness of fire hazards and emergency procedures.
- PHS-1-16: Establish fire hazard standards and review procedures at least equivalent to State requirements to protect new development on or adjacent to the hillsides.
- PHS-1-17: Require remediation and cleanup of sites contaminated with hazardous substances.
- PHS-1-18: Adopt a Household Hazardous Waste Program and support the proper disposal of hazardous household waste and waste oil; encourage citizens and crime watch organizations to report unlawful dumping of hazardous materials.
- PHS-1-19: Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Waste Management Plan.
- PHS-1-20: Prohibit specified hazardous waste residual repositories and onsite facilities utilizing incineration methods unless the facility demonstrates that it will produce insignificant levels of emissions.

- PHS-1-21: Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency.
- PHS-1-22: Coordinate with the Tulare County Department of Environmental Health, and other appropriate regulatory agencies during the review process of all proposals for the use of hazardous materials or those involving properties that may have toxic contamination such as petroleum hydrocarbons, CAM 17 metals, asbestos, and lead.
- PHS-1-23: Require applicants of projects in areas of known or suspected hazardous materials occurrences such as petroleum hydrocarbon contamination, CAM 17 metals, USTs, location of asbestos rocks and other such contamination to perform comprehensive soil and groundwater contamination exceeds regulatory action levels, require the project applicant to undertake remediation procedures prior to grading and development under the supervision of appropriate agencies such as Tulare County Department of Environmental Health, Department of Toxic Substances Control, or Regional Water Quality Control Board.
- PHS-1-24: Provide cost effective fire, police, and emergency medical service within the City to minimize potential injury, loss and / or destruction to persons or property.
- PHS-1-25: Maintain the City's Class 3 ISO rating, or better, for fire protection.
- PHS-1-27: Continually assess the adequacy of current funding programs for police, fire and paramedic services and investigate new funding sources.
- PHS-1-28: Ensure that new development incorporate safety concerns into the site, circulation, building design and landscaping plans.
- PHS-1-29: Maintain and periodically update the City's Emergency Management Plan.
- PHS-1-30: Initiate periodic public information programs that explain the City's emergency preparedness programs and evacuation routes and encourage each household to be self-sufficient for 72 hours after a manmade or natural disaster.
- PHS-1-31: Maintain multi-jurisdictional communication systems and cooperation for emergency training, planning and management.
- PHS-1-32: Work with owners and operators of critical use facilities to ensure that they can provide alternate sources of electricity, water, and sewerage in the event that regular utilities are interrupted in a disaster.

3.8.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.8.3 Conclusion

The proposed Project will not result in significant impacts pertaining to hazards or hazardous materials.

3.9 Hydrology and Water Quality

Table 3-9. Hydrology and Water Quality

Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
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?	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
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?	☐	☐	☒	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

3.9.1 Discussion

Potential impacts to hydrology and water quality, including conservation, groundwater recharge, wastewater flows, flooding and water supply were analyzed in the General Plan EIR for the Porterville General Plan as well as in the 2015-2023 Housing Element, and no additional impacts have been identified. The housing element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State Law to be consistent with the goals and policies of the General Plan as a whole.

The City has historically relied solely on groundwater for supplying municipal water. According to the General Plan, it is an important goal of the City to maintain and enhance sufficient water resources to ensure the community has an adequate water supply to sustain the city's quality of life and support existing and future residential, commercial and industrial development. As the General Plan is implemented, additional water supplies will be required to serve Porterville's current and buildout population²².

According to the 2015-2023 Housing Element, "The City has adopted master plans for its water and sewer systems. These plans reflect anticipated population growth within the plan period as well as relevant general plan policies. The plans direct infrastructure expansion towards desired areas. All the sites identified for future residential development in Chapter 4, Housing Resources, are located within the water and sewer master plan areas. The master plans include technical strategies and financial mechanisms to bring infrastructure to the growth areas."²³ The potential development sites are located within Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect hydrology and water quality, the City will undertake, and/or new development will comply with, the following Hydrology and Water Quality Policies from the General Plan:

- PU-1-1: Adopt and maintain an Urban Water Management Plan consistent with the California Water Code.
- PU-1-2: Update and implement a Water System Master Plan.
- PU-1-3: Periodically review and update development impact fees, water connection charges, and monthly service charges to ensure that adequate funds are collected to operate and maintain existing facilities and to construct new facilities.
- PU-1-4: Support efforts to expand surface water supply and storage that benefits the City.
- PU-1-5: Require that necessary water supply infrastructure and storage facilities are in place coincident with new development, and approve development plans only when a dependable and adequate water supply to serve the development is assured.
- PU-1-6: Cooperate with surrounding water management and irrigation districts in a comprehensive water management and recharge program with the long-term goal of stabilizing the groundwater basin.
- PU-1-7: Continue to require water meters in all new development.
- PU-1-8: Require that agriculture water rights be assigned to the City when agriculture land is annexed to the City for urban development, consistent with this General Plan.
- PU-1-9: Work cooperatively toward a program of conjunctive surface water use with local water purveyors and irrigation districts to retain surface water rights and supply following annexation and urban development so as to protect against aquifer overdrafts and water quality degradation.
- PU-1-10: Encourage private sector use alternative water sources to achieve a water balance, including reclaimed water for irrigation and landscaping purposes.
- PU-1-11: Promote the continued use of surface water for agriculture to reduce groundwater table reductions.
- PU-1-12: Establish a comprehensive program for water conservation.
- PU-1-13: Undertake a program to retrofit public buildings with water conservation features.
- OSC-1-12: Establish priorities for open space preservation and acquisition based on an evaluation of:
 - Significant natural areas that are historically, ecologically, or scientifically unique or are outstanding important or threatened;
 - Wildlife habitats and fragile ecosystems in need of protection;
 - Watersheds or significant water recharge areas;
 - Lands suitable for recreation such as biking, photography or nature study.

²² *Ibid* Page 195-197.

²³ City of Porterville 2015-2023 Housing Element, September 2015. Page 67.

- Land suitable for agricultural production.
- PU-1-14: Update and implement the Sewer System Master Plan.
- PU-1-15: Acquire adequate land to be used for reclamation purposes.
- PU-1-16: Periodically review and update development impact fees, wastewater connection charges, and monthly service charges to ensure that adequate funds are collected to operate and maintain existing facilities and to construct new facilities.
- PU-1-17: In partnership with County, State, and federal agencies, work to prevent illegal wastewater disposal or chemical disposal practices.
- PU-1-18: Update and implement the Storm Drain Master Plan.
- PU-1-19: Require new development to provide storm drainage facilities and / or pay storm drainage impact fee, consistent with the Storm Drain Master Plan.
- PHS-1-7: Coordinate with the U.S. Army Corps of Engineers, the County and local irrigation districts on potential flooding risks, including risks associated with dam failure.
- PHS-1-8: Implement appropriate flood control measures to assure the safety of residents, while emphasizing maintenance of natural wildlife habitats and vegetation.
- PHS-1-9: Require new development to provide for the perpetual funding and ongoing maintenance of detention reservoirs.
- PHS-1-10: Continue to require any new development in the floodway to obtain a permit from the California Reclamation Board and enforce the Flood Damage Prevention Ordinance.
- PHS-1-11: Coordinate with appropriate agencies to ensure that new bridges are constructed according to acceptable standards and maintained to avoid flood damage.
- PHS-1-12: Continue to participate in the National Flood Insurance Program and encourage all property owners within flood hazard areas to carry flood insurance
- OSC-1-37: Establish watershed protection standards and review procedures in the Zoning Ordinance to protect groundwater resources.
- OSC-1-38: Continue to work with the Central Valley Regional Water Quality Control Board (RWQCB) for short- and long-term solutions for excessive salts in the groundwater, and maintain a valid RWQCB permit for all wastewater treatment operations.
- OSC-1-39: Adopt the Regional Water Quality Control Board's policies on soil disturbance activities in order to minimize the disturbance of soil, vegetation, organic debris, and other materials that control runoff.
- OSC-1-40: Support the identification of degraded surface water and groundwater resources and promote restoration where appropriate.
- OSC-1-41: Monitor and enforce provisions to control non-point source water pollution, including storm water flows, contained in the United States Environmental Protection Agency NPDES program as implemented by the Regional Water Quality Control Board.
- OSC-1-42: Support the collection of monitoring data for facilities or uses that are potential sources of groundwater pollution as part of project approvals, including residential and industrial development.
- OSC-1-43: Work with agriculture and industrial uses to ensure that water contamination and waste products are handled in a manner that protects the long-term viability of water resources.
- OSC-1-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-1-45: Continue to require use of feasible and practical best management practices (BMPs) and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities and urban runoff in coordination with the Regional Water Quality Control Board.

- OSC-1-46: Adopt water well standards meeting the requirements of the State with Department of Water Resources.
- OSC-1-47: Prepare a Groundwater Management Plan and develop groundwater monitoring programs with federal, state, and local agencies and the private sector to improve local groundwater pollution detection and monitoring.
- OSC-1-48: Protect groundwater recharge areas by carefully regulating the type of development within these areas.
- OSC-1-49: Promote the combined use of recharge areas, public recreation, wetland mitigation programs and / or banking, as part of the City's open space or recreational trail system to the extent deemed feasible by good engineering or geotechnical practice.
- OSC-1-50: Do not allow new septic systems within the City unless wastewater collection facilities are unavailable and the applicant agrees to connect when permanent facilities are constructed.
- OSC-1-51: Prior to the approval of individual projects, require the City Engineer and / or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.
- OSC-1-52: Establish requirements for appropriate Best Management Practices to be implemented during construction efforts to control the discharge of pollutants, prevent sewage spills, and avoid discharge of sediments into streets, storm-water conveyance channels, or waterways.
- OSC-1-53: Require development to retain areas of open space as natural or landscaped to aid in the recharge and retention of runoff.
- OSC-1-54: Support efforts to create additional water storage where needed, in cooperation with Federal, State, and Local water authorities. Additionally, support and / or engage in water banking in conjunction with these agencies where appropriate.
- OSC-1-55: Participate in the development, implementation, and maintenance of a program to institute recharge aquifers underlying the Planning Area. The program shall make use of flood and other waters to offset existing and future groundwater pumping.
- OSC-1-56: Incorporate natural drainage systems and groundwater recharge features into developments where appropriate and feasible.
- OSC-1-57: Update the emergency water conservation plan to include appropriate conservation policies that can be implemented during times of water shortages caused by drought, loss of one or more major sources of supply, contamination of one of more supply, or other natural or manmade events.

3.9.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.9.3 Conclusion

The proposed Project will not result in significant, adverse hydrological or water quality impacts due to the current federal, state, and local laws as well as policies summarized in the General Plan and development standards.

3.10 Land Use and Planning

Table 3-10. Land Use and Planning

Land Use and Planning				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

3.10.1 Discussion

Potential impacts related to land use have been analyzed in the EIR certified for the 2030 General Plan and no additional impacts have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the entire General Plan.

The Land Use Element of the 2030 General Plan constitutes the framework for land use planning in the City of Porterville. The Land Use Element outlines twenty different land use designations, three area overlays, and permitted residential uses within applicable designations.

The City's Development Ordinance is the primary tool used to manage the development of residential units in Porterville. The Residential Districts described in the Development Ordinance include the following:

- RR: Rural Residential
- RS-1: Very Low Density Residential
- RS-2: Low Density Residential
- RM-1: Low-Medium Density Residential
- RM-2: Medium Density Residential
- RM-3: High Density Residential
- DRM-2: Downtown Medium Density Residential
- DRM-3: Downtown High Density Residential
- D-MX: Downtown Mixed-Use²⁴

The potential development sites are located within the City of Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To ensure compatible land

²⁴ *Ibid* Pages 49-50.

uses at new or infill development sites, the City will undertake, and / or new development will comply with the Land Use Policies identified the General Plan and the City of Porterville's Development Ordinance.

3.10.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.10.3 Conclusion

The proposed Project will not result in significant, adverse impacts to land use.

3.11 Mineral Resources

Table 3-11. Mineral Resources

Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.11.1 Discussion

Potential impacts related to mineral resources have been analyzed in the EIR for the General Plan and no additional impacts have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the entire General Plan.

Mineral Resource zones identified in the General Plan EIR exists largely along the Tule River and make up approximately 2.5% of the City's Planning Area²⁵. Implementation of the proposed Project would have a potentially significant impact if it would result in the loss of availability of mineral deposits classified as MRZ-2 by the State Geologist or mineral deposits of local value as recognized in the local General Plan. However, the lands immediately adjacent to the Tule River are afforded protection by State and federal regulations, and are designated as parks or conservation areas and would not be subject to future urban development.

The potential development sites are located within the City of Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect the identified mineral resources located in Porterville, the City will undertake, and / or new development will comply with, the following Open Space and Conservation Policies from the General Plan:

- OSC-I-22: Continue to require soils and geologic surveys for all proposed development in hillside areas.
- OSC-I-24: Require all mining and sand extraction operations to mitigate completely environmental impacts, including operations affecting water quality, habitat preservation, aesthetics and bridge undermining, and to submit reclamation and ultimate use plans for City approval prior to initiating operations.

3.11.2 Mitigation Measures

No new mitigation measures are required or proposed.

²⁵ Porterville 2030 General Plan: Draft Environmental Impact Report. Page 147.

3.11.3 Conclusion

Although implementation of the 2015-2023 Housing Element would result in the new and infill development of residential structures in areas near the Tule River, zoning regulations associated with mineral resource zones would preclude residential development that would result in the loss of availability of a significant mineral resource.

Further, the General Plan calls for the City's coordination with Tulare County to ensure that reclamation and ultimate use plans for mining operations land are consistent with the General Plan. As a result, no significant impact to mineral resources would occur.

3.12 Noise

Table 3-12. Noise

Noise				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.12.1 Discussion

Potential impacts related to Noise have been analyzed in the EIR certified for the 2030 General Plan and no additional impacts have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the entire General Plan.

The major noise sources in Porterville are related to roadways and vehicle traffic. Other noise sources include aircraft and rail transportation, as well as temporary construction-related noise and vibration Noise produced by industry has a negligible effect on the City's residential noise environment²⁶. Regarding residential development, many noise impacts from such facilities can be mitigated on-site with soundwalls, insulated windows, and other noise-attenuating features. Requirements for such features pose a minor housing constraint based on costs. However, the proximity to such noise sources is typically reflected in lower land costs²⁷.

²⁶ *Ibid* Page 99.

²⁷ City of Porterville 2015-2023 Housing Element, September 2015. Page 67-68.

The potential development sites are located within the City of Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect people in proximity to the potential development sites, the City will undertake, and / or new development will comply with, the following Noise Policies from the General Plan:

- N-I-1: Use the community noise exposure level standards, shown in Table 9-1 [See Table 3.5-4] [of the General Plan EIR], as review criteria for new land uses and require a noise study and mitigation measures for all projects that have noise exposure greater than "normally acceptable" levels.
- N-I-2: Require that all new residential development achieve interior noise level reductions through sound insulation and other measures to meet the land use compatibility standards by acoustical design and construction of the structure and building elements.
- N-I-3: Establish standards for the basic elements of noise reduction design for a new dwelling unit exposed to DNL above 65 dB, including the following:
 - All facades must be constructed with substantial weight and insulation;
 - Sound-rated windows providing noise reduction performance similar to that of the façade must be included for habitable rooms;
 - Sound-rated doors or storm doors providing noise reduction performance similar to that of the façade must be included for all exterior entries;
 - Acoustic baffling of vents is required for chimneys, fans and gable ends; and
 - Installation of a mechanical ventilation system affording comfort under closed window conditions is required.
- N-I-4: Require sound walls or other attenuation measures designed to reduce noise by a minimum of 10 dB in residential areas adjacent to State highways when additional lanes are added or when new residential development or sensitive receptors would be exposed to noise above 65 dB.
- N-I-5: Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities.
- N-I-6: Require new noise sources to use best available control technology (BACT) to minimize noise emissions.
- N-I-7: Require noise from existing mechanical equipment to be reduced by soundproofing materials and sound-deadening installation.
- N-I-8: Work with the Tulare County Airport Land Use Commission (ALUC) to prepare an Airport Land Use Compatibility Plan and updated airport noise contours, consistent with the new airport layout plan.
- N-I-9: Require the disclosure of the noise environment to prospective homebuyers where noise levels exceed "normally acceptable" standards.
- C-I-3: Ensure that the land uses in the Airport environs are consistent with the Tulare County Comprehensive Airport Land Use Plan in order to protect the safety of persons and property.
 - Ensure no new schools and other noise sensitive uses are built within 4,000 feet of the Airport Clear Zone.
 - Ensure that any non-residential uses are not subject to aircraft hazards based on specific criteria developed to evaluate safety risks.
 - Limit residential parcels within the Airport Outer Approach/Departure Zone to at least 5-acres in size.
- LU-I-25: Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.
- LU-I-32: Include standards in the Zoning Ordinance for housing and mixed use development within the Downtown area that address:
 - Building setbacks and relationship to the street;
 - Outdoor dining areas;
 - Street landscaping to create an attractive and livable environment;

- Adequate light, air, ventilation, and noise insulation for residential units;
- Building design, including articulation and quality of materials;
- Ground floor uses;
- Location and quality of parking; and
- Height and setback transitions to adjacent lower density residential uses.

3.12.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.12.3 Conclusion

The proposed Project will not result in significant and unavoidable impacts related to noise. However, impacts resulting from the projected buildout of the 2030 General Plan, as identified in the General Plan EIR, include both temporary increases associated with construction and permanent increases to ambient noise levels resulting from traffic and general urbanization of currently undeveloped areas. These impacts will not be intensified by implementation of the proposed Project. Adverse noise impacts associated with new residential or infill development in accordance with the 2015-2023 Housing Element would not be intensified over the significant and unavoidable impacts identified in the General Plan EIR.

3.13 Population/Housing

Table 3-13. Population/Housing

Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.13.1 Discussion

While intricately connected to the development of housing, the Housing Element itself does not actually induce growth. Rather, the Housing Element establishes the City's programs and policies that are intended to allow it to accommodate population growth that is projected to occur during the planning period. Through the Regional Housing Needs Allocation (RHNA) process, the Department of Housing and Community Development (HCD) and the Tulare County Association of Governments (TCAG) have determined the City's proportionate share of all housing needed within Tulare County as a whole. The City is expected to have or find sufficient land to accommodate the housing need and to implement policies to reduce development constraints such that housing can be made available to all segments of Porterville's population.

3.13.2 Mitigation Measures

No mitigation measures are required or proposed.

3.13.3 Conclusion

Since the Housing Element is a policy document intended to provide avenues to accommodate growth that is already projected to occur, implementation of the Project will not result in impacts to population or housing.

3.14 Public Services

Table 3-14. Public Services

Public Services				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

3.14.1 Discussion

Potential impacts to public services, including emergency response, schools, parks and other public facilities, were analyzed in the EIR for the Porterville 2030 General Plan and no additional impacts have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the General Plan as a whole.

The potential development sites are located within the City of Porterville's limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect public services, the City will undertake, and/or new development will comply with, the following Parks, Schools and Community Facilities, Public Utilities, and Public Health and Safety Policies from the General Plan:

- PSCF-1-19: Cooperate with local school districts to ensure that educational facilities with sufficient permanent capacity are constructed to meet the needs of current and projected student enrollment and required infrastructure is constructed when needed.
- PSCF -1-20: Amend the Subdivision Ordinance to require reservation of school sites, as shown on the General Plan Land Use Diagram, for school district acquisition for a reasonable period of time, not to exceed five years.
- PSCF-1-21: Establish zoning and development incentives for developers who provide sites to accommodate higher education institutions.
- PU-20: Adopt programs to promote waste reduction and recycling and expand recycling programs in multi-family residential and commercial development.

-
- PU-22: Continue participation as a member of Consolidated Waste Management Authority.
- PU-24: Periodically survey residents and businesses to ensure that solid waste programs effectively address community needs and issues.
- PU-26: Adopt a Construction and Demolition Diversion Ordinance.
- PHS-1-24: Provide cost effective fire, police, and emergency medical service within the City to minimize potential injury, loss and / or destruction to persons or property.
- PHS-1-25: Maintain the City's Class 3 ISO rating, or better, for fire protection.
- PHS-1-26: Promote a community-oriented approach to law enforcement.
- PHS-1-27: Continually assess the adequacy of current funding programs for police, fire and paramedic services and investigate new funding sources.
- PHS-1-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

3.14.2 Mitigation Measures

No new Mitigation measures are required or proposed.

3.14.3 Conclusion

The proposed Project will not result in significant, adverse impacts related to public services.

3.15 Recreation

Table 3-15. Recreation

Recreation				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.15.1 Discussion

Recreation: Potential impacts to recreation identified in the General Plan EIR include not meeting the proposed standard of 10.0 acres of parkland per 1,000 residents and increase in use of existing parks can accelerate substantial physical deterioration. No additional impacts associated with recreation have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the General Plan as a whole.

The potential development sites are located within Porterville's city limits and have been identified in the housing element as either "undeveloped" or "underdeveloped". To protect the City's recreational resources, the city will undertake, and / or new development will comply with, the following Parks, Schools & Community Facilities Policies from the General Plan:

- PSCF-1-1: Prepare, adopt, and implement a Parks and Recreation Master Plan, including:
 - Plans for the development and acquisition of parks, recreation facilities, trails, and open space;
 - Specific facility standards and guidelines for landscaping, lighting, signage, parking, and recreational equipment design;
 - Performance guidelines to minimize water, energy, and chemical use and preserve wildlife;
 - Recommended programs for parks and recreation; and
 - Programs for enforcement of park rules.
- PSCF-1-2: Update park impact fees to fund the acquisition and development of land for park and recreation.
- PSCF-1-3: Amend the Subdivision Ordinance to require that residential developers provide a minimum of five acres of neighborhood and community parks per 1,000 residents or pay in lieu fees.
- PSCF-1-4: Establish additional funding for the acquisition and development of specialized park and recreation facilities to serve existing and future residents.
- PSCF-1-6: Establish a program for contributions to the City's park system by non-residential developers, based on their proportional share of needs generated and use of facilities.
- PSCF-1-7: Establish dedication and reservation requirements in the Subdivision Ordinance for open space, parkways and trail systems in new residential developments.

- PSCF-1-8: Provide lighted facilities for active community recreation areas in order to extend usability, whenever possible.
- PSCF-1-13: Conduct community surveys as needed to identify unmet demand for park and recreation services.
- PSCF-1-14: Develop a safe and efficient trail network throughout the City that links parks and other key City destinations.
- PSCF-1-15: Continue to support the development of the Tule River Parkway Bicycle and Pedestrian path and the Rails to Trails Project.
- PSCF-1-18: Cooperate with the school districts to promote joint development and use of school facilities after school hours.

3.15.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.15.3 Conclusion

The proposed Project will not result in significant adverse impacts to recreation resources.

3.16 Transportation/Traffic

Table 3-16. Transportation/Traffic

Transportation/Traffic				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards 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 result 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) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

3.16.1 Discussion

Potential impacts to transportation, including roadway, transit, bicycle/pedestrian, and aviation components of the overall transportation system were analyzed in the 2008 EIR for the Porterville 2030 General Plan and no additional impacts have been identified. The Housing Element contains the City's goals, policies, and strategic plans for addressing the most critical housing needs in the community over the planning period. As a component of the General Plan, the Housing Element is required by State law to be consistent with the goals and policies of the General Plan as a whole.

Since the Housing Element is a policy document intended to provide avenues to accommodate growth that is already projected to occur, implementation of the Project will not directly result in significant impacts to transportation or decrease the level of service (LOS) for the City's transportation network.

The potential development sites are located within Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect the transportation

network and levels of service, the City will undertake, and/or new development will comply with, the following Transportation/Traffic Policies from the General Plan:

- C-1-1: Adopt street standards that provide flexibility in design, especially in residential neighborhoods. Revise right of way and pavement standards to reflect adjacent land use and / or anticipated traffic, and permit reduced right of way dimensions where necessary to maintain neighborhood character.
- C-1-2: Require all new developments to provide right of way and improvements consistent with the General Plan street designations and City street section standards.
- C-1-3: Provide for greater street connectivity by:
 - Incorporating in subdivision regulations requirements for a minimum number of access points to existing local or collectors streets for each development;
 - Encouraging roundabouts over signals, where feasible and appropriate;
 - Requiring the bicycle and pedestrian connections from cul-de-sacs to nearby public areas and main streets; and
 - Requiring new residential communities on undeveloped land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development should connect to these stubs.
- C-1-5: Install traffic calming devices, such as signage and bulbs, as needed and appropriate in existing neighborhoods.
- C-1-6: Require the installation of landscaping in center medians and at major intersections to minimize summer heat and enhance the character of the streetscapes.
- C-1-7: Require street tree planting as part of an urban forestry program.
- C-1-8: Develop and manage the roadway system to obtain LOS D or better during the peak hour for all major roadways and intersections in the City. This policy does not extend to residential streets (i.e., streets with direct driveway access to homes) or state highways and their intersections, where Caltrans policies apply. Exceptions to LOS D policy may be allowed by the City Council in areas, such as downtown and at highway interchanges, where allowing a lower LOS would result in clear public benefits.
- C-1-9: Develop and manage local residential streets (i.e., streets with direct driveway access to homes) to limit average daily vehicle traffic volumes to 2,500 or less and 85th percentile speeds to 25 miles per hour or less.
- C-1-10: Require traffic impact studies for all General Plan amendments that will generate more than 100 peak hour trips.
- C-1-11: Establish and implement additional programs to maintain adequate levels of service at intersections and along roadway segments as circumstances warrant, including the following actions:
 - Collect and analyze traffic volume data on a regular basis and monitor current intersection and roadway segment levels of service on a regular basis. Use this information to update and refine the City's travel forecasting model so that estimates of future conditions are more strongly based upon local travel behavior and trends.
 - Consider, on a case by case basis, how to shift travel demand away from the peak period, especially in those situations where peak traffic problems result from a few major generators.
 - Perform periodic evaluations of the efficiency of the urban street traffic control system, with emphasis on traffic signal timing, phasing and coordination to optimize traffic flow along arterial corridors. Use traffic control systems to balance arterial street utilization.
- C-1-12: Continue to require that new development pays a fair share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels.

- C-1-13: Use city-wide traffic impact fees to provide additional funding for transportation improvements needed to serve new development.
- C-1-14: Require new development that will have an impact on regional transportation facilities to pay a regional transportation impact fee.
- C-1-15: Situate transit stops and hubs at locations that are convenient for transit user, and promote increase transit ridership through the provision of shelters, benches, bike racks on buses, and other amenities.
- C-1-16: Ensure that new development is designed to make transit a viable choice for residents.
Design options include:
 - Have neighborhood focal points with sheltered bus stops;
 - Locate medium-high density development whenever feasible near streets served by transit; and
 - Link neighborhoods to bus stops by continuous sidewalks or pedestrian paths.
- C-1-17: Establish bicycle lanes, bike routes and bike paths consistent with the General Plan.
- C-1-18: Amend the Zoning Ordinance to require bicycle facilities at large commercial and industrial employer sites.
- C-1-19: Increase bicycle safety by:
 - Sweeping and repairing bicycle lanes and paths on a regular basis;
 - Ensuring that bikeways are delineated and signed in accordance with Caltrans' standards, and lighting is provided, where needed;
 - Providing bicycle paths or lanes on bridges and overpasses;
 - Ensuring that all new and improved streets have bicycle-safe drainage grates and are free of hazards such as uneven pavement and gravel;
 - Provided adequate signage and markings warning vehicular traffic of existence of merging or crossing bicycle traffic where bike routes and paths make transitions into or across roadways; and
 - Work with school districts to promote classes on bicycle safety in the schools.
- C-1-20: Give bikes equal treatment in terms of provisions for safety and comfort on arterials and collectors as motor vehicles.
- C-1-21: Develop a series of continuous walkways within new office parks, commercial districts, and residential neighborhood so they connect to one another.
- C-1-22: Provide for pedestrian-friendly zones in conjunction with the development, redevelopment, and design of mixed-use neighborhood core areas, the Downtown area, schools, parks, and other high use areas by:
 - Providing intersection "bump outs" to reduce walking distances across streets in the Downtown and other high use areas;
 - Providing pedestrian facilities at all signalized intersections;
 - Providing sidewalks of adequate width to encourage pedestrian use; and constructing adequately lit and safe access through subdivision sites.
- C-1-23: Establish specific standards for pedestrian facilities to be accessible to physically disabled persons, and ensure that roadway improvements projects address mobility or accessibility for bicyclists or pedestrians.
- C-1-24: Amend the Zoning ordinance to include standards for pedestrian circulation in all new development, including patterned concrete sidewalks, pedestrian-scale lighting and tree canopy shading for walkways.
- OSC-1-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-1-22: Continue to require soils and geological surveys for all proposed development in hillside areas.

- OSC-1-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- OSC-1-39: Adopt the Regional Water Quality Control Board's policies on soil disturbance activities in order to minimize the disturbance of soil, vegetation, organic debris, and other materials that control runoff.
- OSC-1-60: Require dust control measures as a condition of approval for subdivision maps, site plans, and all grading permits.
- PHS-1-6: Require construction work on open routes be done when soil moisture is sufficient to adequately compact the tread and prevent visible dust, which may contain airborne asbestos emissions.

3.16.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.16.3 Conclusion

The proposed Project will not result in significant, adverse impacts to transportation or traffic.

3.17 Utilities and Service Systems

Table 3-17. Utilities and Service Systems

Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.17.1 Discussion

The potential development sites are located within Porterville's city limits and have been identified in the Housing Element as either "undeveloped" or "underdeveloped" properties. To protect utilities and service systems, the City will undertake, and/or new development will comply with, the following Public Utility and Service Policies from the General Plan:

- PU-20: Adopt programs to promote waste reduction and recycling and expand recycling programs in multi-family residential and commercial development.
- PU-21: Establish incentives for existing businesses to participate in the City's recycling program.
- PU-22: Continue participation as a member of Consolidated Waste Management Authority.
- PU-23: Evaluate the feasibility of trash compactors in the Downtown area to eliminate multiple commercial trash containers.
- PU-24: Periodically survey residents and businesses to ensure that solid waste programs effectively address community needs and issues.
- PU-25: Adopt an environmentally preferable purchasing program for all City departments.
- PU-26: Adopt a Construction and Demolition Diversion Ordinance.

3.17.2 Mitigation Measures

No new mitigation measures are required or proposed.

3.17.3 Conclusion

The proposed Project will not result in significant, adverse impacts in regards to public utilities or service systems..

3.18 Mandatory Findings of Significance

Table 3-18. Mandatory Findings of Significance

Mandatory Findings of Significance				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.18.1 Discussion

The 2008 Environmental Impact Report for the 2030 City of Porterville General Plan recognized that buildout of the General Plan would have significant and unavoidable impacts relating to the conversion of farmland to non-agricultural uses, air quality, biological resources, and noise. Population growth and the necessary structural development to support such growth may result in significant and unavoidable impacts to biological resources by promoting development that will result in encroachment of urbanization into previously undisturbed areas. Such construction has the potential to result in a significant impact on sensitive habitats, individual plants, and wildlife species. It will result in the permanent conversion of agricultural land (important farmland), undeveloped land, and other open spaces to urban uses, a permanent increase in ambient noise levels, and a permanent degradation of air quality. All of these impacts are also considered to be significant and unavoidable, and taken in the context of greater Tulare County, may be cumulatively considerable. Although impacts related to traffic, utilities, and other public services can be successfully mitigated within the context of the Porterville 2030 General Plan area, again these may be cumulatively considerable when taken in a more regional context.

Future new and infill residential development may expose sensitive receptors to significantly increased air pollution and noise, resulting in significant and unavoidable impacts to air quality and noise that may directly impact human beings. Development of up to 3,000 dwellings will increase the emission of criteria pollutants, will exacerbate non-attainment conditions for those pollutants, and will result in the exposure of sensitive receptors to a substantial increase in air pollution. Impacts related to noise include both temporary increases associated with construction and permanent increases to ambient noise levels resulting from traffic and general urbanization of currently undeveloped areas.

3.18.2 Mitigation Measures

As described within each Impact Analysis Section above, the EIR prepared in conjunction with the City of Porterville 2030 General Plan identified numerous potentially-significant impacts that were likely to result from implementation of the General Plan. As a mandatory element of the General Plan, the Housing Element 2015-2023 is itself a policy document that contains its own policies and programs that are designed both to allow the City to meet local housing demands and to accomplish the residential goals of the Land Use Element. The various elements of the General Plan contain policies that, when implemented as part of development, serve to reduce impacts to a less than significant level where feasible, and to reduce the severity of impacts that are significant and unavoidable. As a result of the mandatory internal consistency of the General Plan elements, any activity undertaken pursuant to the policies or programs of any element is required to utilize, enforce, and apply all relevant General Plan policies. As described herein, all potentially significant impacts that could result from implementation of the Housing Element are mitigated to the extent feasible by application of the relevant General Plan policies. No additional mitigation is required or proposed.

3.18.3 Conclusion

As a policy document that is internally consistent with the other elements of the Porterville 2030 General Plan, the Housing Element in and of itself will not directly result in any significant impacts. While its implementation, including enforcement of policies and the operation of programs that are intended to facilitate, if not directly create, new housing opportunities, may indirectly result in a number of significant and unavoidable impacts to the human and natural environment, those impacts result from implementation of the 2030 General Plan, and not from the Project itself. As described in 3.18.3 above, concurrent and appropriate implementation of General Plan policies acts to reduce the significance of impacts, although certain impacts remain unavoidable even with mitigation. Any impacts that may reasonably be expected to occur as an indirect result of implementation of the proposed Project have been addressed by the General Plan EIR, and no further mitigation measures are required or proposed.

CHAPTER 4

LIST OF PREPARERS

4 - List of Preparers

The following entities and individuals have contributed to the preparation of this environmental document:

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORTERVILLE TO APPROVE THE 5th CYCLE
HOUSING ELEMENT OF THE GENERAL PLAN

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

WHEREAS, at the meeting of October 20, 2015, the City Council of the City of Porterville held a public information meeting to receive comments from the public regarding the 5th Cycle Housing Element as required by the State. No comments were received at that meeting and the public hearing was continued to the meeting of December 15, 2015; and

WHEREAS, at the meeting of December 15, 2015, the City Council of the City of Porterville held another public hearing, which was duly noticed in the Porterville Recorder on December 5, 2015, and public comment was heard and considered in regards to the adoption of the draft 5th Cycle Housing Element; and

WHEREAS, the 5th Cycle Housing Element will implement housing related goals, objectives, and policies from the date of its adoption through September 30, 2023; and

WHEREAS, the City Council made the following findings relative to the 5th Cycle Housing Element:

1. That the 5th Cycle Housing Element complies with all relevant statutory requirements as identified in Article 10.6 of the California Government Code, including but not limited to: quantifying projected housing needs; evaluation of the effectiveness of the 4th Cycle Housing Element; evaluation of the appropriateness of goals, objectives, and policies; describing the public participation process; assessing housing needs and analyzing an inventory of resources and constraints; establishing programs to achieve the identified goals; and quantifying objectives for the construction, rehabilitation, and conservation of housing.
2. That the 5th Cycle Housing Element has completed a Regional Housing Needs Allocation Process, which includes quantification of the City's existing and projected housing needs for all income levels.
3. That the 5th Cycle Housing Element is consistent with other general plan elements and community goals. This includes the Land Use Element and Safety Element, as updated in September 2015.
4. That the public and other agencies were invited to participate in the process of updating the 5th Cycle Housing Element. Public meetings were held on July 30, 2015, and September 3, 2015, in addition to the public meeting held October 20, 2015, during the meeting of the City Council. Further, housing surveys were provided at various community events, and available online for those interested in making their voice

heard. Staff reached out through direct mailings, posting of flyers, and presentations to community groups.

WHEREAS, the Community Development Director, in her role as Environmental Coordinator, has overseen preparation of an Initial Study, which was publicly noticed and made available from November 13, 2015, to December 14, 2015. No significant impacts were identified in the Initial Study, nor were mitigation measures. As a result, a Negative Declaration has been adopted.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville that does hereby approve the 5th Cycle Housing Element, which is incorporated hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED this 15th day of December, 2015.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



City of Porterville Housing Element 2015-2023



December 2015

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Chapter 1

Introduction

Chapter 1: Introduction

The 2015-2023 Housing Element is a component of the Porterville 2030 General Plan. The Housing Element contains the City's goals, policies, and strategic plan for addressing the most critical housing needs in the community over the next eight years. The Housing Element is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community.

Community Context

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

Tulare County is one of the most productive agricultural areas in the nation, and Porterville is significantly influenced by agriculture and supportive industries, although the economy is more diversified today than in past years. Specifically, Porterville has grown into a regionally important medical and educational center. The Sierra View Medical Center boasts state of the art equipment and accreditation from the nationally recognized Joint Commission. Additionally, Porterville Unified School District's Pathways Program was developed in 2009 to provide students a series of career-themed pathways, and is now nationally recognized as a model of Career Technical Education. The City is also a desirable location for shipping and warehousing business, due to its advantageous location between Northern and Southern California. Porterville is included in the Sequoia Valley Enterprise Zone offering tax incentives to stimulate business.

Incorporated in 1902 with a population of 2,906, Porterville has grown to a community of 55,852 in 2015, according to the Department of Finance population and housing estimates. Similar to Tulare County, Porterville has experienced rapid growth since 1960, with a 50 percent or greater increase during the decades of the 1970s and 1980s. The Tulare County Association of Governments (TCAG) predicts less rapid growth in Porterville through 2025, with an expected population increase of 2.3 percent from 2015.¹ As the City continues to grow into areas where urban services and infrastructure are not yet in place, this expected population growth will pose a challenge in helping ensure that all members of the community have access to decent and affordable housing.

Porterville has undergone significant changes in ethnic composition, with an increasing Hispanic population that now accounts for almost half of all residents. In particular, 45 percent of the population speaks Spanish. The City is also home to an increasing proportion of younger residents, as the City has seen an increase in the proportion of families with children.

The housing stock in Porterville consists predominantly of single-family homes. On par with the Tulare County's homeownership trends, approximately 57 percent of households in Porterville are homeowners, compared to 56 percent Countywide.

¹ Tulare County Association of Governments (TCAG), 2015
<http://www.tularecog.org/DocumentCenter/View/373>

In preparing a housing plan to address the housing needs of residents, the City has set forth policies and programs that:

- Preserve existing housing stock and conserve existing affordable housing opportunities in Porterville
- Expand the City's low and moderate income housing opportunities
- Address the housing needs of special populations, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, and homeless individuals and families
- Assure that all present and future residents have equal access to housing, commensurate with the financial capacity, without discrimination
- Address and Reduce Governmental Constraints
- Ensure Adequate Services to Infrastructure and Housing

State Policy and Authorization

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

This Housing Element covers a period extending from adoption to January 31, 2023 and builds on the progress made under previous Porterville Housing Elements. The City has previously adopted five Housing Elements, the most recent being the 2009-2014 City of Porterville Housing Element adopted in 2010.

A critical measure of compliance with the State Housing Element Law is the City's ability to accommodate its share of the regional housing needs, as allocated in the Regional Housing Needs Assessment (RHNA) Plan prepared by the Tulare County Association of Governments. For Tulare County, the RHNA covers the period between January 1, 2014 and September 30, 2023. Therefore, while the Housing Element is an eight-year document, the City has 9.75 years (January 1, 2014 to September 30, 2023) to fulfill the RHNA.

Housing Element Components

Section 65302(c) of the Government Code (GC) sets forth the specific components to be contained in a community's housing element. **Figure 1.1** summarizes these State requirements and identifies the sections in the Porterville Housing Element where these requirements are addressed. The City of Porterville used HCD's Building Blocks website. Section numbers in **Figure 1.1** refer to the Government Code (Article 10.6). Notable changes from the 2009-2014 Housing Element are indicated.

Figure 1.1: Required Housing Element Components

Required Housing Element Components	Page #	Changes
I. Public Participation (Section 65583(c)(8))		
Description of diligent effort to include all economic segments of the community and/or their representatives in the development and update of the housing element (e.g., types of outreach, meetings, appropriate languages, list of invitees and general comments and how they were incorporated).	14-16	Updated
II. Review and Revise (Section 65588)		
Progress in implementation - A description of the actual results or outcomes of the prior element's goals (i.e., what happened), objectives, policies, and programs. Include quantification of results where possible (e.g., number of units rehabilitated) and may be qualitative where necessary (e.g., mitigation of governmental constraints).	92-98	Updated
Effectiveness of the element – For each program, include an analysis comparing significant differences between what was projected or planned in the earlier element and what was achieved. Analyze the differences to determine where the previous housing element met, exceeded, or fell short of what was anticipated.	92-98	Updated
Appropriateness of goals, objectives, policies and programs – A description of what has been learned based on the analysis of progress and effectiveness of the previous element. A description of how the goals, objectives, policies, and programs in the updated element are being changed or adjusted to incorporate what has been learned from the results of the previous element.	92-98	Updated
III. Housing Needs Assessment (Section 65583(a)(1 and 2))*		
Quantification and analysis of existing and projected housing needs	78, 107	Updated
Populations and employment trends, including documentation of projections	18-20	Updated
Housing and Household characteristics, including:		
• Level of payment compared with ability to pay (overpaying housings)	33	Updated
• Housing stock conditions	47-51	Updated
• Overcrowded households	36-37	Updated

Required Housing Element Components	Page #	Changes
Existing and projected needs for all income levels, including:		
• Regional Housing Need Allocation (RHNA)	78	Updated
• Existing housing need for extremely low income households	78	Updated
• Projected housing need for extremely low income households based on RHNA or Census	78	Updated
IV. Persons with Special Needs (Section 65583 (a)(7))*		
Identification and analysis of any special housing needs including:		
• Elderly	38	Updated
• Persons with disabilities, including developmental disabilities	39-40	Updated
• Large households	46	Updated
• Farmworkers (seasonal and permanent)	44	Updated
• Female headed households	29	Updated
• Homeless (annual and seasonal)	44-45	Updated
V. At-risk Units (Section 65583(a)(9))*		
Inventory of at-risk units (10 years from the housing element due date) (Section 65583(a)(9)(A))	52	Updated
Analyze risk of updated inventory of at-risk units	52	Updated
Evaluate the loss of any at-risk units	52	Updated
Estimate of replacement versus preservation costs (Section 65583(a)(9)(B))	52	Updated
Identification of qualified entities (Section 65583(a)(9)(C))	52	Updated
Identification of potential funding (Section 65583(a)(9)(D))	52	Updated
VI. Potential Governmental and Non-governmental Constraints (Section 65583(a)(5 and 6))*		
Include an analysis of actual and potential governmental constraints for each of the following:		
• Land use controls (e.g. parking lot coverage, heights, unit sizes, open space requirements, floor area ratios, growth controls, caps on units or population or voter approval requirements)	56-70	Updated
• Building codes and their enforcement (e.g., current CBC, any local amendments and local code enforcement programs)	62	Updated

Required Housing Element Components	Page #	Changes
Site improvement requirements (e.g., street widths, etc.)	69	Updated
Fees and other exactions (e.g., analyze all planning and impact fees and impact on total development costs)	63-65	Updated
Local processing and permit procedures (e.g., typical processing times, permit types by housing type, decision-making criteria and bodies)	69	No changes
Housing for persons with disabilities (e.g., definition of family concentration requirements, reasonable accommodation procedures)	38-40, 69	Updated
Potential and actual constraints on the development of a variety of housing types for all income levels, including multifamily rental housing, factory-built housing, mobiles homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters and transitional housing	53	Updated
Local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need	110	Updated
Local efforts to remove governmental constraints that hinder meeting the need for housing for persons with disabilities, supportive housing, transitional housing and emergency shelters	110	Updated
<u>Potential of Non-governmental Constraints</u> Include an analysis of actual and potential non-governmental constraints for each of the following:	53-56	Updated
Availability of financing	85	Updated
Price of land	54	Updated
Cost of construction	53	Updated
Market rents	54	Updated
<u>Programs to Mitigate Identified Constraints</u>	100-111	Updated
VII. Sites Inventory and Analysis (Section 65583(a)(3) and 65583.2))		
List of properties by parcel number or other unique, reference showing for each parcel (Section 65583.2(b)(1) – (3): - Size - General plan designation - Zoning category - For non-vacant sites, description of existing uses - Number of units that can be accommodated on each site	Appendix F	Updated

Required Housing Element Components	Page #	Changes
General description of environmental constraints to the development of housing (Section 65583.2(b)(4))	73-76	No changes
General description of infrastructure (planned/available) including water, sewer and other dry utilities, including availability and access to distribution facilities (Section 65583.2(b)(5))	73-76	No changes
In determining the number of units on each site, indicate how the number of units was determined. • If development is required at minimum density, indicate the number of units at the minimum density. No further analysis is needed. • If development is not required at minimum density, demonstrate how the number of units were determined and adjust, if necessary, for local land use controls.	80	Updated
For non-vacant sites, specify the additional development potential for each site within the planning period and provide an explanation of the methodology to determine development potential considering factors, including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions and regulatory or other incentives to encourage additional residential development (Section 65583.2(b)(7))	81-82	Updated
Demonstration of zoning to accommodate the housing need for lower income households (Section 65583.2(c)(3)) and (d) – (f))	61	Updated
• Indicate those sites that can accommodate lower income households	82	Updated
• For sites that can accommodate lower income households, but with allowed densities less than the “deemed appropriate” density, provide analysis demonstrating how the adopted densities accommodate the need for lower income housing. The analysis must include: ○ Market demand ○ Financial feasibility ○ Project experience with a zone providing housing for lower income households (65583.2(c)(3)(A))	83-84	Updated
Map of sites included in the inventory (Section 65583.2(b)(7))	169	Updated
Summary table of sites included in the inventory by income category in comparison to the RHNA and, if applicable, any carryover obligation (Section 65584.09)	83	Updated

Required Housing Element Components	Page #	Changes
Number of units built between the start of the projection period and the deadline for adoption of the housing element (Government Code Section 65583.1(d))	79	Updated
Number of units proposed using alternative provisions such as rehabilitation conversion, preservation or second units (Section 65583.1)	111	No Change
Identification of zoning for a variety of types:	69	Updated
• Multifamily rental housing	60	Updated
• Factory-built housing	71	Updated
• Mobile homes	71	Updated
• Housing for agricultural employees	70	Updated
• Emergency shelters	72	Updated
• Transitional and supportive housing	72	Updated
• Carryover obligation	82	No Change
VIII. Quantified Objectives and Housing Programs (Section 65583(b) and (c)(1 through 6))		
Provide statement of quantified objectives (Section 65583(b)):		
Maximum of number of units, by income group, including extremely low-income of: • New Construction • Rehabilitation • Conservation	111	Updated
Include programs (Section 65583(c) and (c)(7)) with: • Schedule of specific actions; • Timeline for implementation with a beneficial impact in the planning period; and • Identification of agencies and officials responsible for implementing each program	102-111	Updated
Programs(s) providing adequate sites (Section 65583(c)(1)):		
• Programs to rezone and any other programs needed to address a shortfall of sites to accommodate the regional housing need, if applicable, and any programs included pursuant to Section 65583.2(h) and (i) or carryover obligation pursuant to Section 65584.09	80	Updated

Required Housing Element Components	Page #	Changes
Programs to rezone and any other programs needed to address a shortfall of capacity for housing for farmworkers that could not be accommodated on sites identified in the inventory, if applicable	105-106	Updated
If applicable, programs to facilitate a variety of housing types, including multifamily rental, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single room occupancy, emergency shelters and transitional and supportive housing	107-108	Updated
Programs to assist in the development of housing for extremely low, very low, low and moderate income households (Section 65583(c)(2))	105-107	Updated
Program(s) to address governmental constraints (Section 65583(c)(3)):	111	Updated
Programs to address governmental constraints and where appropriate and legally possible, to remove constraints to the maintenance, improvement and development of housing	105-107, 110	Updated
Program to remove constraints on housing for persons with disabilities and provide reasonable accommodation for housing for persons with disabilities	107	Updated
Program(s) to conserve and improve the condition of the existing affordable housing stock (Section 65583(c)(4))	102-103	Updated
Program(s) to promote housing opportunities for all persons (Section 65583(c)(5))	109	Updated
Program(s) to preserve at-risk units (Section 65583(c)(6))	102	No Change
IX. Quantified Objectives and Housing Programs (Section 5422.5)		
Adopt Programs to require the local agency to use portions of surplus land for affordable housing, as applicable.	105	Updated
X. Other Requirements		
Description of general plan consistency (Section 65583(c)(7))	14	No changes
Analysis of construction, demolition and conversion of housing for lower income households in the Coastal Zone (Section 65588)	91	Updated
Description of opportunities for energy conservation in residential development (Section 65583(a)(8))	90	No changes
Water and Sewer Priority (Section 65589.7)*	90-91	Updated
SB 5 and AB 162 (Flood Hazard Land Management)*	74	No changes

Relationship to Porterville General Plan

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

The City of Porterville has taken action to ensure that the General Plan has been updated as required by SB 244. On September 1, 2015, the Council approved Resolution 96-2015 which incorporated into the Public Utilities Element an analysis of water, wastewater, storm-water drainage, and structural fire protection needs. Further, the General Plan Amendment incorporated into the Land Use Element by reference the Municipal Services Review, which addresses disadvantaged un-incorporated communities within the City's Sphere of Influence. Importantly, the City of Porterville has worked diligently in 2015 to annex many of those areas. Over 800 properties were annexed this year, incorporating seven distinct disadvantaged un-incorporated communities. The vast majority of the subject properties were homes, and many of them are now connected to municipal water as a result of the annexation. If future changes to any element are necessary for internal consistency, changes will be proposed to the City Council.

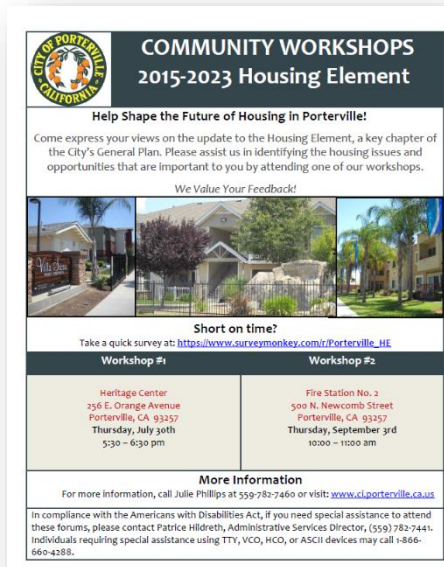
Public Outreach

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

Community Workshops

The City held two community workshops (July 30 and Sept. 3, 2015) to discuss and explain the housing element process and to receive input on the housing issues most important to residents and service providers. The City also provided housing surveys at the Heritage Center, City Library, City Hall, and First Time Homebuyer Workshops from June 2015 through August 2015.

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



CITY OF PORTERVILLE
COMMUNITY WORKSHOPS
2015-2023 Housing Element

Help Shape the Future of Housing in Porterville!

Come express your views on the update to the Housing Element, a key chapter of the City's General Plan. Please assist us in identifying the housing issues and opportunities that are important to you by attending one of our workshops.

We Value Your Feedback!

Short on time?
Take a quick survey at: https://www.surveymonkey.com/r/Porterville_HE

Workshop #1	Workshop #2
Heritage Center 256 E. Orange Avenue Porterville, CA 93257 Thursday, July 30th 5:30 – 6:30 pm	Fire Station No. 2 500 N. Newcomb Street Porterville, CA 93257 Thursday, September 3rd 10:00 – 11:00 am

More information
For more information, call Julie Phillips at 559-782-7460 or visit: www.ci.porterville.ca.us

In compliance with the Americans with Disabilities Act, if you need special assistance to attend these forums, please contact Patrice Hildreth, Administrative Services Director, (559) 782-7441. Individuals requiring special assistance using TTY, VCO, MCO, or ASCII devices may call 1-866-660-4288.

- CCFCC
- Salvation Army
- Rescue Mission
- PSW Independent Living Program
- Central California Legal Services
- Central California Family Crisis Center Media
- Porterville Recorder & Noticiero (Local Newspapers)
- Post Office
- Local Real Estate Offices (Melson Realty, Century 21, Home Realty, Letsinger, Remax, & Ringe/Moore Realty)
- Local Title/ Lending Companies (Chicago Title, Stewart Title, Country Club, CTX)

Housing Needs Survey

The City developed a housing needs survey to gather input from residents and service providers on housing issues, including housing needs, housing policies and programs, and fair housing issues. The survey was made available online and in print from June to August 2015 in both English and Spanish. The survey was advertised on the City's webpage; through flyers, via email, and Facebook; at public counters, and distributed to service providers and workshop attendees. A copy of the survey in English and Spanish is included in **Appendix B** of the report. Surveys submitted online were collected and analyzed via Survey Monkey. Printed surveys were submitted to City officials, in which data from the surveys were entered and aggregated on Survey Monkey.

In total, 136 people completed the survey.

The following provides an overview of the data gathered from the housing needs survey:

- Eighty four percent were residents of Porterville and 16 percent were not.
- More than half (62 percent) of respondents who indicated they are residents of Porterville have lived there for 21 or more years, followed by 17 percent who have lived there for 11-20 years. Thirteen percent have lived there for 6-10 years and 9 percent for 1-5 years.
- Most of respondents live in the Northwest quadrant (33 percent). Twenty-six percent live in the Northeast quadrant and 25 percent are located in the Southeast quadrant. Fifteen percent live in the Southwest quadrant.
- Sixty-eight percent of those who live in Porterville rent and 32 percent own their homes.
- More than half (52 percent) of respondents work in Porterville and 48 percent indicated that they do not.
- Most respondents (85 percent) live in a single-family unit, followed by those who live in an apartment (7 percent) and duplex (3 percent). Three respondents live in a mobile home and one lives in a condominium.
- More than half (64 percent) of respondents think that the housing options available in the City meet their needs. Twenty-percent indicated that the options available do not meet their needs.

- Respondents most frequently identified low-rent apartments, senior housing, and emergency shelters and transitional housing as the types of affordable housing that are most needed in Porterville.
- When asked what the City can do to help make housing more affordable in Porterville, respondents most frequently identified the following:
 - Provide financial assistance to low-income households
 - Provide technical assistance to private loan applications
 - Promote development of affordable housing
- The following highlights the responses survey respondents provided regarding the priority level of specific programs:
 - More than half of respondents indicated that first time homebuyer assistance programs and homeless shelters are of high priority.
 - Transitional housing, single-family housing rehabilitation, multifamily housing rehabilitation, increased development density were identified as being of moderate priority.

The goals, policies, and programs within this Housing Element reflect the community feedback we gathered related to providing a variety of housing opportunities, ensuring the preservation and production of affordable housing.

Data and Information Sources

The information for this Housing Element Update came from a variety of sources. The primary sources used were:

- U.S. Census (Census 2000 and 2010)
- American Community Survey (ACS) data 2009-2013 (5-year estimates)
- California Department of Finance Housing and Population Estimates
- Tulare County Association of Governments (TCAG)
- Federal Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) data systems
- City of Porterville



Chapter 2

Housing Needs Assessment

Chapter 2: Housing Needs Assessment

Introduction

Porterville is committed to addressing the current and projected need for housing for all residents of the City. This chapter provides a discussion and analysis of key population, employment, and housing characteristics in the City. Population trends provide a snapshot of the demographic composition and changes that impact the need for housing in Porterville. Employment data is used to identify the concentration of jobs for different segments of the labor force. Housing characteristics offer information on the housing stock and quality of housing available in the City. Tulare County and Porterville's neighboring jurisdictions are often used as baseline comparison within this Chapter.

This Needs Assessment integrates data from the following sources:

- United States Census
- Tulare County Association of Governments
- American Community Survey
- United States Department of Finance
- United States Department of Agriculture
- California Department of Finance
- California Department of Developmental Services
- Kings/Tulare County Continuum of Care (the Alliance)
- Housing Authority of Tulare County (HATC)

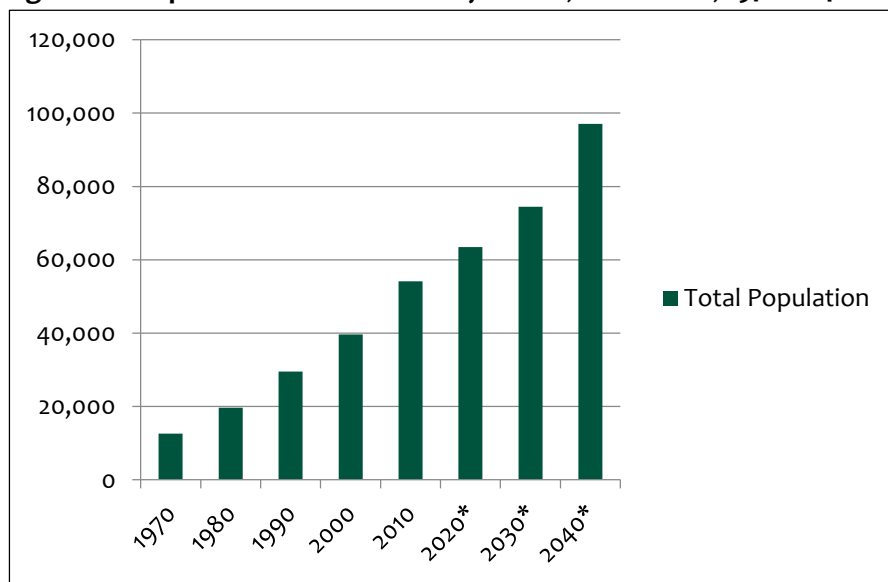
Additionally, this section incorporates data drawn from Porterville's 2015-2020 Consolidated Plan, which is heavily informed by data sets provided by the Department of Housing and Urban Development (HUD). Known as Comprehensive Housing Affordability (CHAS) data, HUD periodically receives custom tabulations of data from the U.S. Census Bureau that are largely unavailable through standard Census products. Whenever possible, CHAS data is used to analyze the extent of housing problems and housing needs in Porterville, particularly for low-income households.

Population Growth Trends and Projections

The City of Porterville (City) is the third largest city in the County of Tulare (County) with an estimated population of 55,852 as of 2015.² As shown in **Figure 2.1**, the City's population has increased steadily for several decades and is expected to continue to grow over the next 25 years. **Figure 2.2** shows a 37 percent increase in the City's population from 2000 to 2010. Tulare County Association of Government (TCAG) growth projections indicate that Porterville's population will continue to grow by 17 percent from 2010 to 2020 and again (17 percent) from 2020 to 2030. In the decade between 2030 and 2040, the City's population is expected to grow by 37 percent and reach 97,097 residents.

² California Department of Finance, 2015

Figure 2.1: Population Trends and Projections, Porterville, 1970-2040



Source: U.S. Census Bureau; TCAG

*TCAG Projections

Figure 2.2: Population Trends and Projections, Porterville, 2000-2040

	2000	2010	2020*	2030*	2040*
Total Population	39,615	54,165	63,505	74,455	97,097
Population Change	10,052	14,550	9,340	10,950	22,642
% Population Change	34%	37%	17%	17%	30%

Source: U.S. Census Bureau, TCAG

*TCAG Projections

Figure 2.3 compares the growth rate of the City to that of other jurisdictions within Tulare County and to the County as a whole. Porterville's population growth rate from 2000 to 2010 was similar to that of Visalia and Tulare County but significantly greater than other jurisdictions in the County. According to TCAG population growth projections, the growth rate for all cities within the County is expected to be identical or nearly identical. The time period between 2010 and 2020 is anticipated to represent a 17 percent growth rate for nearly all cities, with the exception of Tulare, which is expected to grow by 18 percent and Visalia by 21 percent.

Figure 2.3: Population Growth Trends and Projections, Porterville and Tulare County, 2000 to 2020

Jurisdiction	2000	2010	2020*	Percent Change	
				2000-2010	2010-2020
Porterville	39,615	54,165	63,505	37%	17%
Dinuba	16,844	21,453	25,110	27%	17%
Exeter	9,168	10,334	12,058	13%	17%
Farmersville	8,737	10,558	12,354	21%	17%
Lindsay	10,297	11,768	13,731	14%	17%
Tulare	43,994	59,278	69,877	35%	18%
Visalia	91,565	124,442	150,225	36%	21%
Woodlake	6,651	7,279	8,520	9%	17%
Tulare County	368,021	442,179	520,542	20%	18%

Source: U.S. Census Bureau

*TCAG Projections

Age Characteristics

The age characteristics of the City provide insight regarding current and projected housing demands, as different age groups have diverse housing needs and preferences. **Figure 2.4** compares the median age of Porterville residents to that of Tulare County and the State of California as a whole from 2000 to 2013. In 2000, the median age of Porterville residents was 28.6, which increased marginally to 28.8 in 2010. According to ACS estimates, the City's median age rose to 29.6 in 2013, which nearly matched the countywide median age of 29.9. Overall, the population of the City and County remains younger than the population of the state as a whole, which had a median age of 35.4 in 2013.

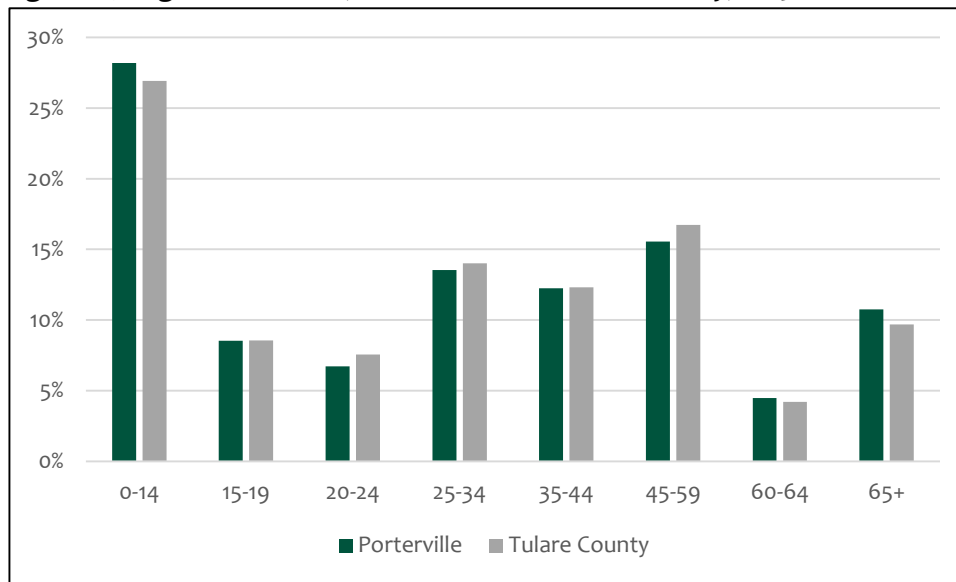
Figure 2.4: Median Age, Porterville, Tulare County, and California, 2000 – 2013

	2000	2010	2013
Porterville	28.6	28.8	29.6
Tulare County	29.2	29.6	29.9
California	33.3	35.2	35.4

Source: 2000 Census; 2010 Census; 2009-2013 American Community Survey 5-Year Estimates

The age distribution of Porterville residents is very similar to that of the County as a whole. As shown in **Figure 2.5**, as of 2013, residents 14 years and younger represented nearly 30 percent of Porterville's total population. In the County, this age group constituted nearly 27 percent of Tulare County's population. The population aged 45-59 is the second largest age group in Porterville and Tulare County, followed by residents ages 25 to 34. Those aged 60 to 64 represent the smallest age group in both the City and County. This data indicates that the age distribution for the City's population is comparable to the age profile of the County as a whole. **Figure 2.6** shows that from 2000 to 2010, the population of Porterville residents grew in every age range but the age composition of the overall population remained nearly the same.

Figure 2.5: Age Distribution, Porterville and Tulare County, 2013



Source: 2009-2013 American Community Survey 5-Year Estimates

Figure 2.6: Population Age Distribution, Porterville, 2000 and 2010

Age Range	2000		2010		Percent Change
Total population	39,615	100%	54,165	100%	37%
Under 5 years	3,759	9.5%	5,342	9.9%	42%
5 to 9 years	3,919	9.9%	5,136	9.5%	31%
10 to 14 years	3,684	9.3%	4,804	8.9%	30%
15 to 19 years	3,598	9.1%	4,736	8.7%	32%
19 and younger	14,960	38%	20,018	37%	34%
20 to 24 years	2,882	7.3%	4,015	7.4%	39%
25 to 34 years	5,541	14%	7,712	14.2%	39%
35 to 44 years	5,559	14%	6,554	12.1%	18%
45 to 54 years	4,439	11.2%	6,094	11.3%	37%
55 to 59 years	1,376	3.5%	2,534	4.7%	84%
60 to 64 years	1,120	2.8%	2,145	4%	92%
20 to 64	20,917	53%	29,054	54%	39%
65 to 74 years	1,738	4.4%	2,690	5%	55%
75 to 84 years	1,402	3.5%	1,670	3.1%	19%
85 years and over	598	1.5%	733	1.4%	23%
65 and older	3,738	9%	5,093	9.4%	36%

Source: U.S. Census Bureau

Racial and Ethnic Composition

As shown in **Figure 2.7**, in the decade between 2000 and 2010, the overall population of Porterville grew by 37 percent, with the greatest population growth occurring among Pacific Islanders (75 percent), Hispanic/Latinos (71 percent), and Asians (33 percent). This trend shows the diversifying population of the City, which is now a “majority-minority,” with Whites constituting 30 percent of the population, compared to 42 percent in 2000. Currently, natural increases, not immigration, make up the majority of the growth in the non-White population. With Hispanic/Latino families having a higher than average birth rate compared to other ethnic groups, this population is expected to continue to grow. Asian, Black/African American, and White populations are expected to stabilize or decrease.³

³ California Coalition for Rural Housing. *San Joaquin Valley Fair Housing and Equity Assessment*. April 2014. <http://www.frbsf.org/community-development/files/SJV-Fair-Housing-and-Equity-Assessment.pdf>

Figure 2.8 compares Porterville’s racial/ethnic composition to that of Tulare County. The racial/ethnic composition of Porterville is reflective of the County’s, with the largest groups being predominantly Hispanic and White, followed by Asian and Black. In 2013, 63 percent of Porterville’s population was Hispanic, 23 percent was White, 5 percent was Asian, and 0.7 percent was Black. During this same time period, 61 percent of the County’s population was Hispanic, 32 percent was White, 3 percent was Asian, and 1 percent was Black.

Figure 2.7: Population by Race and Ethnicity, Porterville, 2000 – 2010

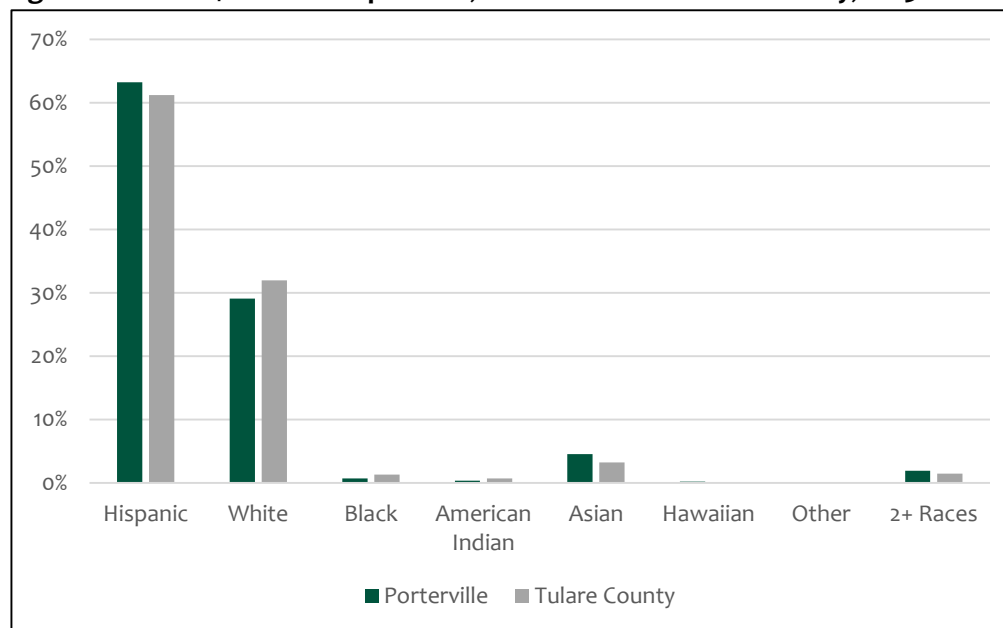
Race/Ethnicity	2000 Population	% of Total	2010 Population	% of Total	Percent Change
Asian	1,761	4%	2,349	4%	33%
American Indian, Alaska Native	378	1%	461	1%	22%
Black/African American	406	1%	454	1%	12%
Hispanic/Latinos	19,589	49%	33,549	62%	71%
White	16,649	42%	16,423	30%	-1%
Pacific Islander	28	0.1%	49	0.1%	75%
Other*	804	2%	880	2%	9%
Total	39,615	100%	54,165	100%	37%

Source: 2000 Census; 2010 Census

*Some Other Race / Two or More Races

Note: Totals may not add to 100% due to rounding

Figure 2.8: Racial/Ethnic Composition, Porterville and Tulare County, 2013



Source: 2009-2013 American Community Survey 5-Year Estimates

Education

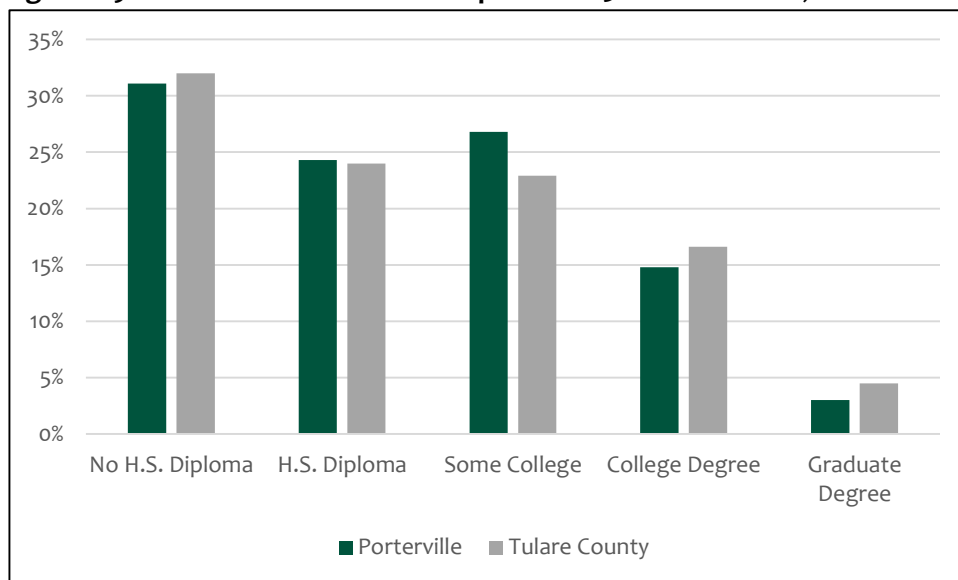
Figure 2.9 compares the educational attainment for residents 25 years of age and older of Porterville to that of the County as a whole.

The educational attainment of Porterville residents is as follows:

- 31 percent have not graduated high school;
- 24 percent have graduated high school (including equivalency), but no further education;
- 27 percent have some college, but no degree;
- 15 percent have a college degree; and
- 3 percent have a graduate or professional degree.

Overall, nearly 70 percent of Porterville residents have at least a high school diploma or higher and 10 percent have a bachelor's degree or higher. Approximately 90 percent of the workforce 25 years of age and older does not hold an advanced or professional degree, making it more difficult for them to compete for jobs requiring higher education or technical skills.

Figure 2.9: Educational Attainment Population 25 Years or Older, Porterville and Tulare County, 2013



Source: 2009-2013 American Community Survey 5-Year Estimates

Employment Trends

Industrial Profile

Figure 2.10 shows historical employment rates within the Visalia-Porterville MSA, by major industry categories. Overall, non-farm jobs account for 77 percent of employment within the MSA (113,500 jobs), compared to 23 percent of on-farm jobs (34,200 jobs). Within the non-farm category, 97,800 service providing jobs account for the majority of employment opportunities (66 percent), with the greatest percentages found in government (20 percent), retail (11 percent), and education/health services (9 percent).

Within the time period of 2000-2013 non-farm jobs have increased 14 percent, while on-farm jobs have decreased by 2 percent. Within the non-farm category, goods producing jobs decreased by 7 percent, while service providing jobs increased by 19 percent. The greatest job growth was seen in the education/health services field (54 percent), followed by transportation, warehousing & utilities (41 percent); leisure and hospitality (35 percent); and professional and business services (24 percent). The largest employment shrinkage was seen in the construction (19 percent) and information (18 percent) industries.

Figure 2.10: Employment by Industry, Visalia-Porterville MSA, 2000 – 2013

Jobs by Industry of Employment	2000		2013		% Change
	Number	% of Total	Number	% of Total	
Goods Producing	16,900	13%	15,700	11%	-7%
Construction	5,200	4%	4,200	3%	-19%
Manufacturing	11,700	9%	11,600	8%	-1%
Service Providing	82,300	61%	97,800	66%	19%
Educational & Health Services	8,200	6%	12,600	9%	54%
Financial Activities	3,900	3%	3,800	3%	-3%
Government	28,300	21%	30,000	20%	6%
Information	1,100	1%	900	1%	-18%
Leisure & Hospitality	7,400	6%	10,000	7%	35%
Professional & Business Services	8,500	6%	10,500	7%	24%
Retail Trade	13,900	10%	16,600	11%	19%
Transportation, Warehousing & Utilities	4,600	3%	6,500	4%	41%
Wholesale Trade	3,600	3%	3,800	3%	6%
Other Services	2,800	2%	3,100	2%	11%
Total Non-farm	99,200	74%	113,500	77%	14%
Total On-Farm	34,900	26%	34,200	23%	-2%
Total Jobs by Industry of Employment	134,100	100%	147,700	100%	10%

Source: California Employment Development Department (EDD) Industry Employment & Labor Force by Annual Average, Visalia-Porterville MSA, 2013

As shown in **Figure 2.11**, Porterville residents are employed in various industries, with the largest percentage (29 percent) of employed residents concentrated in the educational services, health care, and social assistance industry. The next largest employment sector in Porterville is the agriculture, forestry, fishing, and hunting and mining, which employs 13 percent of employed residents. Porterville's concentration of industry employment is similar to that of Tulare County as a whole, which also consists of the largest percentage of employed residents being concentrated in the educational services, health care, and social assistance industry, followed by the agriculture, forestry, fishing, and hunting and mining industry.

Figure 2.11: Industrial Profile, Porterville and Tulare County, 2013

Industry	Porterville		Tulare County	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	2,549	13%	30,328	18%
Construction	719	4%	8,140	5%
Manufacturing	983	5 %	12,764	8%
Wholesale Trade	753	4%	7,819	5%
Retail Trade	2,540	13%	18,888	11 %
Transportation and warehousing, and utilities	833	4%	7,803	5%
Information	224	1%	1,437	1%
Finance and insurance, and real estate and rental and leasing	666	3%	6,297	4%
Professional, scientific, and management, and administrative and waste management services	759	4%	10,402	6%
Educational Services, and health care and social assistance	5,683	29%	35,548	21%
Arts, entertainment, and recreation, and accommodation and food services	1,432	7%	11,835	7%
Other services, except public administration	855	4%	6,635	4%
Public administration	1,652	8%	10,949	6.5%
Totals	19,648	100%	168,845	100%

Source: 2009-2013 American Community Survey 5-Year Estimates

Major Employers

Figure 2.12 provides an overview of major employers in Porterville. The following four major employers provide the largest employment base for residents and non-residents of the City:

- Porterville Public Schools (1,580 employees);
- Wal-Mart Distribution (1,094 employees); and
- Sierra View District Hospital (942 employees).

Figure 2.12: Major Employers, Porterville

Company Name	Category	Employment
Porterville Public Schools	Education	1,580
Porterville Developmental Center	Treatment of developmentally disabled	1,243
Wal-Mart Distribution	Distribution/Truck/Transportation	1,094
Sierra View District Hospital	General Hospital	942
Family Health Care	Health Care Corporation Office and Local Clinics	229
Eagle Mountain Casino	Casino/Restaurant	515
City of Porterville	Municipal Services	542
Wal-Mart Retail Store	Retail Sales	253
Burton School District	Education	442
Foster Farms	Food Processing	454
Beckman Coulter, Inc.	Printed circuit boards for medical & bioanalytical instrumentation	166
U.S. Forest Service	U.S. Forest Service	49
Save Mart (Olive and Henderson)	Grocery	129
Bank of Sierra	Financial	196
Porterville Sheltered Workshop	Training of developmentally disabled	219
McDonalds	Restaurant	171
Bethesda Lutheran Communities	In-Home Care for developmentally disabled	54
E.M. Tharp	Truck Maintenance	92
Sierra Forest Products	Lumber and Forest Humus	119

Source: City of Porterville

Unemployment

Overall, as shown in **Figure 2.13**, unemployment rates in the Visalia-Porterville Metropolitan Statistical Area (MSA) increased by 6.6 percentage points from 2000 to 2010 and decreased by 3 percentage points from 2010 to 2013. This suggests that unemployment rates in the City have not yet reached pre-recession levels. High unemployment rates contribute to the demand for low-cost housing and the need for housing assistance.

Figure 2.13: Unemployment Rates, Visalia-Porterville MSA, 2000 – 2013

	2000	2005	2010	2013
Annual Average Unemployment Rate	10.4%	9.5%	17.0%	14.0%

Source: California Employment Development Department (EDD) Historical Civilian Labor Force, Visalia-Porterville MSA

Household Characteristics

Household Type

Figure 2.14 shows the characteristics of households in Porterville. In 2010, the City had 15,644 households. Seventy nine percent of households were family households and 21 percent were nonfamily households.⁴ Married couples with children under 18 years of age represented 46 percent of households. Seventeen percent of households were single-parent households. Nearly 70 percent (2,962 households) of single-parent households were female-headed households and 30 percent (1,315 households) were male-headed households. Nonfamily households make up 21 percent of the total number of households.

Figure 2.14: Household Characteristics, Porterville, 2000-2010

Households by Type	2000		2010	
	Number	Percent	Number	Percent
Total households	11,884	100%	15,644	100%
Family households (families)	9,170	77%	12,309	79%
With own children under 18 years	5,646	48%	7,131	46%
Husband-wife family	6,310	53%	8,032	51%
With own children under 18 years	3,676	31%	4,459	29%
Male householder, no wife present	-	-	1,315	8%
With own children under 18 years	-	-	817	5%
Female householder, no husband present	3,676	31%	2,962	19%
With own children under 18 years	3,676	31%	1,855	12%
Nonfamily households	2,714	23%	3,335	21%
Householder living alone	2,266	19%	2,679	17%
Households 65 years and over	988	8%	1,102	7%

Source: U.S. Census

⁴ The U.S. Census defines family as a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together; all such people (including related subfamily members) are considered as members of one family.

Household Size

Figure 2.15 compares the average household size of Porterville to that of its neighboring jurisdictions and the County as a whole. The average household size for jurisdictions within Tulare County ranges from 2.58 to 4.08. Porterville's average household size is 3.39 slightly greater than the countywide average of 3.36.

Figure 2.15: Average Household Size, Porterville and Tulare County, 2010

Jurisdiction	Average Household Size
Porterville	3.39
Dinuba	3.81
Exeter	3.04
Farmersville	4.08
Lindsay	3.87
Tulare	3.36
Visalia	2.98
Woodlake	3.70
Tulare County	3.36

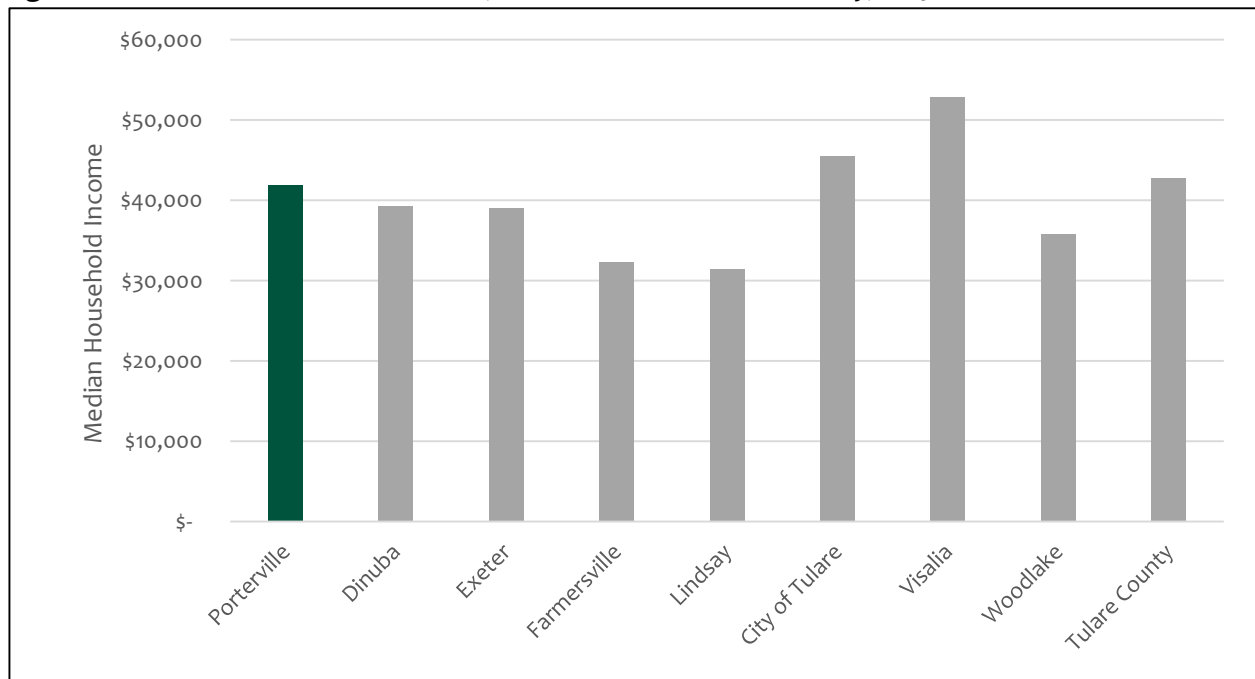
Source: U.S. Census

Household Income

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

According to the 2013 U.S. Census, the median household income for Porterville (\$41,095) was similar to that of Tulare County as a whole. **Figure 2.16** compares the median household incomes for Porterville with nearby cities and Tulare County. Of all cities in Tulare County, only the cities of Tulare and Visalia had a median household income above the County's median household income (\$42,708).

Figure 2.16: Median Household Income, Porterville and Tulare County, 2013



Source: 2009-2013 American Community Survey 5-Year Estimates

Figure 2.17: Household Income Distribution, 2013



Figure 2.18: HUD Annual Household Income Limits, 2015: Visalia-Porterville, CA MSA

Number of Persons in Household	Income Category		
	Extremely Low-Income (0-30% of AMI)	Very Low-Income (31-50% of AMI)	Low-Income (51-80% of AMI)
1	\$11,950	\$19,950	\$31,850
2	\$15,930	\$22,800	\$36,400
3	\$20,090	\$25,650	\$40,950
4	\$24,250	\$28,450	\$45,500
5	\$28,410	\$30,750	\$49,150
6	\$32,570	\$33,050	\$52,800
Median Income	\$44,000		

Source: HUD Income Limits, 2015

The definition of income levels and area median income varies depending on the government entity or program. We use HUD's determination of county and metropolitan household income levels.

- **Extremely Low Income:** Households with incomes between 0-30 percent of County median family income
- **Very Low-Income:** Households with incomes between 31-50 percent of County median family income
- **Low-Income:** Households with incomes between 51-80 percent of County median family income
- **Moderate-Income:** Households with incomes between 81-120 percent of County median family income
- **Above moderate-Income:** Households with incomes greater than 120 percent of County median family income

In 2013, approximately 59 percent of Porterville households earned extremely low-income to low incomes, and 41 percent earned moderate or above moderate incomes. Roughly 27 percent of households in Porterville earned extremely low incomes. In comparison, approximately 57 percent of Tulare County households earned extremely low-income to low incomes, and 43 percent earned higher incomes.

Housing Problems

This section provides an overview of the housing needs present in the City, including the degree and distribution of housing problems within multiple income brackets. Within the CHAS data, HUD identifies four housing problems:

1. Housing unit lacking complete kitchen facilities,
2. Housing unit lacking complete plumbing facilities,
3. Overcrowded with more than 1 person per room, and
4. Cost burdened, with household paying more than 30 percent of income toward housing costs (including utilities).

In addition, HUD identifies severe housing problems:

1. Severely overcrowded, with more than 1.5 persons per room, and
2. Severely cost burdened families paying more than 50 percent of income toward housing costs (including utilities).

Households Overpaying for Housing

A conventional measure of housing affordability is that housing expenses (including utilities) should not exceed 30 percent of a household's gross (before tax) income. Households who pay more than 30 percent of their income on housing are considered cost burdened.

Figure 2.16 highlights the percentage of households paying more than 30 percent of their incomes on housing based on tenure and HUD defined income levels.

Over half of the renters in the City are paying over 30 percent of their incomes for housing costs compared to 36 percent of homeowners.

Figure 2.16: Households Paying Over 30 Percent for Housing Costs by Tenure and AMI

Renters			
Income Group	Total Renters	Cost Burdened (> 30% of Income)	% Who Overpay
Extremely Low (<30% AMI)	1,445	1,285	89%
Very Low (30-50% AMI)	1,715	1,390	81%
Low (51-80% AMI)	1,305	710	54%
Moderate (up to 100% AMI)	620	75	12%
Moderate and Above Moderate (> 100% AMI)	1,570	55	4%
Total	6,660	3,515	53%

Owners			
Income Group	Total Owners	Cost Burdened (> 30% of Income)	% Who Overpay
Extremely Low (<30% AMI)	645	565	88%
Very Low (30-50% AMI)	1,110	745	67%
Low (51-80% AMI)	1,545	815	53%
Moderate (up to 100% AMI)	705	200	28%
Moderate and Above Moderate (> 100% AMI)	5,405	1,025	19%
Total	9,410	3,350	36%

Source: 2007-2011 CHAS

Note: Percentages may not up to 100% due to rounding

In 2011, 43 percent of City households (6,865 households) are cost burdened and spending more than 30 percent of their income on housing costs and nineteen percent (3,040) are severely cost burdened and paying more than 50 percent of their income on housing costs.

Among severely cost burdened households paying more than 50 percent of their income toward housing costs, Black/African American households experience a disproportionate need, with 35 percent (35 households) experiencing severe cost burden, compared to 18 percent (2,665 households) of the jurisdiction as a whole.

Note: Due to insufficient data, Pacific Islander households paying 30-50 percent of their income toward housing costs are excluded from this analysis. Cost burdened American Indian, Alaska Native and Pacific Islander households paying more than 50 percent of their income on housing costs are also not included in this analysis. Additionally, households with no or negative income are not considered in the analysis, as they cannot by definition have a cost burden, although they still may require housing assistance.

Figure 2.17: Percentage of Disproportionate Cost Burden

Housing Cost Burden	<=30%		30-50%		>50%	
	#	%	#	%	#	%
Jurisdiction as a whole	8,980	59%	3,515	23%	2,665	18%
White	4,455	67%	1,210	18%	1,020	15%
Black / African American	35	35%	30	30%	35	35%
Asian	380	67%	130	23%	55	10%
American Indian, Alaska Native	105	85%	19	15%	0	-
Pacific Islander	0	-	0	-	55	-
Hispanic	3,865	52%	2,070	28%	1,495	20%

Source: 2007-2011 CHAS

Note: Totals may not add to 100% due to rounding

Figure 2.18 demonstrates the degree of housing cost burden for renter and owner households within the City. HUD defines housing cost burden as households paying more than 30 percent of their incomes toward housing cost, including utilities, and severe cost burden as those paying more than 50 percent of their income towards housing costs.

Overall, 43 percent of households in the City experience either cost burden or severe cost burden. Among owners, 19 percent are cost burdened and 16 percent are severely cost burdened. Among renter households, 30 percent are cost burdened and 23 percent are severely cost burdened. This means that over half (53 percent) of the renter household population in Porterville is living in housing considered to be unaffordable, and nearly one in four (23 percent) are paying more than half their income towards housing costs.

Figure 2.18: Housing Cost Burden by Tenure, Porterville, 2011

Housing Cost Burden	Owner	% Owners	Renter	% Renters	Total	% Total
Cost Burden <=30%	6,035	64%	3,075	46%	9,110	57%
Cost Burden >30% to <=50%	1,825	19%	2,005	30%	3,830	24%
Cost Burden >50%	1,525	16%	1,510	23%	3,035	19%
Cost Burden not available	25	0%	65	1%	90	1%
Total	9,410	100%	6,660	100%	16,070	100%

Source: 2007-2011 CHAS

Note: Totals may not add to 100% due to rounding

Figure 2.19 shows the distribution of housing cost burden by race/ethnicity. Per HUD definitions, a disproportionate housing need exists when any racial/ethnic group experiences a housing need that is 10 percent or greater than the total population. As a whole, 43 percent of City households (6,865 households) are cost burdened and spending more than 30 percent of their income on housing costs and nineteen percent (3,040) are severely cost burdened and paying more than 50 percent of their income on housing costs.

Among severely cost burdened households paying more than 50 percent of their income toward housing costs, Black/African American households experience a disproportionate need, with 35 percent (35 households) experiencing severe cost burden, compared to 18 percent (2,665 households) of the jurisdiction as a whole.

Note: Due to insufficient data, Pacific Islander households paying 30-50 percent of their income toward housing costs are excluded from this analysis. Cost burdened American Indian, Alaska Native and Pacific Islander households paying more than 50 percent of their income on housing costs are also not included in this analysis. Additionally, households with no or negative income are not considered in the analysis, as they cannot by definition have a cost burden, although they still may require housing assistance.

Figure 2.19: Housing Cost Burden by Race/Ethnicity, Porterville, 2011

Housing Cost Burden	<=30%	%	30-50%	%	>50%	%	Total	No / negative income (not computed)
Jurisdiction as a Whole	8,980	59%	3,515	23%	2,665	18%	15,160	155
White	4,455	67%	1,210	18%	1,020	15%	6,685	45
Black / African American	35	35%	30	30%	35	35%	100	0
Asian	380	67%	130	23%	55	10%	565	0
American Indian, Alaska Native	105	85%	19	15%	0	0%	124	0
Pacific Islander*	0	0%	0	0%	55	100%	55	0
Hispanic	3,865	52%	2,070	28%	1,495	20%	7,430	85

Source: 2007-2011 CHAS

Note: Totals may not add to 100% due to rounding.

*Pacific Islander and American Indian, Alaska Native household analysis is not included due to insufficient data

Overcrowding

Following cost burden, the second most common housing problem in the City is overcrowding. “The Census defines overcrowding as an average of more than one person per room in a housing unit (excluding kitchens, porches, and hallways). The incidence of overcrowded housing is a general measure of whether there is an available supply of adequately sized housing units.”⁵

Two percent of households (895 households) are overcrowded, with more than one person per room. Eighty-one percent of overcrowded households have incomes at or below 80% Area Median Income (AMI).

⁵ <http://www.hcd.ca.gov/housing-policy-development/housing-element/examples/screen05sample2.pdf>

Figure 2.20: Crowding Information

	Renter Households					Owner Households				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	220	230	150	135	735	45	55	100	70	270
Multiple, unrelated family households	15	15	0	20	50	0	30	50	20	100
Other, non-family households	40	0	0	25	65	0	0	0	0	0
Total need by income	275	245	150	180	850	45	85	150	90	370

Source: 2007-2011 CHAS

Disproportionate Housing Need

As previously mentioned, a disproportionate need exists when any racial or ethnic group within an income level experiences a housing problem (e.g., lacking complete kitchen facilities, more than one person per room) at least 10 percentage points more frequently than the entire population at that income level. This section analyzes the extent of housing problems in the City and identifies populations that have a disproportionately greater need. **Figure 2.21** provides an overview of racial/ethnic groups at different income categories experiencing disproportionate housing need for low to moderate income (LMI) households. For example:

- Eighty-one percent of Hispanic households (1,120 households) in the 50-80% AMI category experience housing problems, compared to 71 percent (1,715 households) of the jurisdiction as a whole.
- Seventy-nine percent of Asian households (15 households) in the 80-100% AMI category experience housing problems, compared to 45 percent of the jurisdiction as a whole.

While not an LMI income category, it is worth noting that 59 percent of Hispanic households (395 households) and 79 percent of Asian households (15 households) in the 80-100% AMI category experience housing problems, compared to 45 percent (585 households) of the jurisdiction as a whole.

Note: Due to insufficient HUD data, this analysis does not include Black/African American, American Indian, Alaska Native, or Pacific Islander households in the 0-30% AMI income bracket. It also does not include Black/African American or American Indian, Alaska Native households in the 30-50% and 50-80% AMI income brackets. Additionally, households with no or negative income are not counted in the analysis as they cannot by definition be cost burdened although they still may require housing assistance.

Figure 2.21: Percentage of Disproportionate Housing Need by Race and income Category, 2011

	0-30% AMI		30-50% AMI		50-80% AMI		80-100% AMI	
	#	%	#	%	#	%	#	%
Jurisdiction as a Whole	1,985	87%	1,715	71%	1,720	54%	585	45%
White	660	85%	555	63%	575	49%	165	30%
Black / African American	35	-	0	-	20	-	0	-
Asian	60	80%	20	21%	30	55%	15	79%
American Indian, Alaska Native	0	-	4	50%	14	48%	0	-
Pacific Islander	0	-	0	-	0	-	0	-
Hispanic	1,235	88%	1,120	81%	1,050	56%	395	59%

Source: 2007-2011 CHAS

Note: Totals may not add to 100% due to rounding

Special Needs Groups

Several subpopulations experience greater difficulty in finding and obtaining decent, affordable housing that meets their needs. This section provides an overview of the following special needs groups in Porterville:

- Seniors and Elderly,
- Persons with disabilities,
- Farmworkers,
- Persons living with HIV/AIDS, and
- Large Households.

Seniors and Elderly

HUD defines elderly as age 62 and older, while the U.S. Census defines elderly as age 65 and older. Seniors and elderly individuals are often reliant on a fixed income, and experience higher health care costs. For the purposes of this analysis, the term elderly will be used and it will refer to those aged 62 and older.

Elderly residents generally face a unique set of housing needs, largely due to physical limitations, lower household incomes, and the rising costs of health care. Unit sizes and access to transit, health care, and other services are important housing concerns for this population. Housing affordability represents a key issue for seniors, many of whom are living on fixed incomes. The demand for senior housing serving various income levels is expected to increase as the baby boom generation ages.⁶

Households comprised of individuals 62 and over represent 29 percent of the total number of households in the City and the population 65 and over represents approximately 9 percent of the City's total population. To address the needs of the senior and elderly subpopulation, the Housing Authority of Tulare County (HATC) subsidizes housing for LMI seniors and owns and manages a total of 105 assisted senior housing units in the City. In the City, there are a total of 2,769 persons listed on

⁶ Joint Center for Housing Studies. "Housing America's Older Adults: Meeting the Needs of an Aging Population." 2014. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/jchs-housing_americas_older_adults_2014.pdf

the public housing and Section 8 waiting lists. Approximately 961 of these persons were elderly or near elderly (55 or over).

Persons with Disabilities

HUD defines disability as a physical or mental impairment that substantially limits one or more of the major life activities for an individual. Persons with disabilities often face unique barriers to securing affordable housing that provides them with the accommodations that they need. Persons with disabilities may require units equipped with wheelchair accessibility or other special features that accommodate physical or sensory limitations. Access to transit, health care, services, and shopping also are important factors for this population.⁷

Disabled persons make up 11 percent of the total population of the City. Currently, there are a total of 23 households containing at least one disabled member living in public housing in the City and 436 households containing at least one disabled member utilizing Section 8 countywide. Additionally, there are a total of 2,939 households with at least one disabled member in the Porterville Area public housing and countywide Section 8 waiting lists. HATC manages a total of four accessible units in its public housing stock in the City of Porterville, with 17 individuals currently on the waiting list.

According to California Department of Developmental Services consumer counts, 369 individuals were under Porterville Developmental Center (PDC) care as of September 2015. PDC is a facility operated by the State of California to serve individuals with developmental disabilities. PDC offers 24-hour services to individuals in need of urgent medical or behavioral care that are not available through other community services. PDC also operates the Secure Treatment Program to serve individuals with the following conditions:⁸

- Mild to moderate range of intellectual disability,
- Have come in contact with the legal system,
- Have been determined to be a danger to themselves or others and/or incompetent to stand trial, and
- Have been determined by the court to meet the criteria requiring treatment in a secure setting.

In order to assist in the housing needs for persons with Developmental Disabilities, the City of Porterville will implement programs to facilitate additional housing opportunities in Porterville for persons with disabilities, especially persons with developmental disabilities. As required by the California Building Standards Code (2013), new housing units must conform to accessibility standards for all occupancy classifications.⁹ The City is currently working with the Tulare County Housing Authority on new projects that will provide special needs housing.

⁷ National Council on Disability. "The State of Housing in America in the 21st Century: A Disability Perspective." January 2010. <http://www.ncd.gov/publications/2010/Jan192010>

⁸ California Department of Developmental Services

⁹ Division of the State Architect. "Accessibility Frequently Asked Questions." <http://www.dgs.ca.gov/dsa/Programs/progAccess/accessfaqs.aspx#faq14>

Persons with Developmental Disabilities

Effective January 2011, Housing Element law requires the analysis of the disabled to include an evaluation of the special housing needs of persons with developmental disabilities.

A “developmental disability” is defined as a disability that originates before an individual becomes 18 years old, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. This includes mental retardation, cerebral palsy, epilepsy, and autism.

The State Department of Developmental Services (DDS) currently provides community-based services to approximately 252,500 children and adults with developmental disabilities. Services are provided through state-operated developmental centers, community facilities, and regional centers. Regional centers are nonprofit agencies that contract with local business to provide services to individuals with developmental disabilities. The Central Valley Regional Center provides these services in the counties of Fresno, Kings, Madera, Mariposa, Merced, and Tulare.

There are a number of different housing types that are appropriate for individuals with developmental disabilities, which reflect the range of housing needs among this group. Many individuals with developmental disabilities are able to live and work independently within a conventional housing environment and do not require housing that differs from the housing available to the population at large. Individuals with more severe developmental disabilities require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided.

Similar to individuals with other types of disabilities, individuals with developmental disabilities often have limited employment options, so special consideration should be given to the affordability of housing for individuals with developmental disabilities. There are 3 agencies in Porterville that provide supportive housing services that provide housing for individuals with developmental disabilities.

Figure 2.21: Agencies and Programs that Serve Persons with Disabilities

Agency	Program(s)	Description
Family Services of Tulare County	Myrtle Court Tracy Court United Way PSH	Permanent supportive housing for homeless individuals and families with a disability.
Community Services & Employment Training	Tulare County PSH	Permanent Supportive Housing for homeless individuals and families with a disability.
Turning Point	Casa de Robles	Transitional and permanent supportive housing (for individuals with disabilities) for single males.

The City has a number of licensed community care facility beds available for persons with health-related conditions. Community care facilities are designed to provide shelter and assistance to individuals and groups who are unable to live on their own but do not require extensive medical services. Services offered at these facilities are catered to meet the needs of the specific groups which they serve and can include assistance with medications and personal hygiene. Community care

facilities ensure that children, disabled adults, and the elderly receive the support that they need with day-to-day living. This may include the following type of licensed care facilities:

- **Small Family Homes:** Small Family Homes provide 24-hour care in the licensee's family residence for six or fewer children who are mentally disabled, developmentally disabled, or physically handicapped, and who require special care and supervision as a result of such disabilities.
- **Group Homes:** Group Homes are facilities of any capacity and provide 24-hour non-medical care and supervision to children in a structured environment. Group Homes provide social, psychological, and behavioral programs for troubled youth.
- **Adult Residential Facility:** Adult Residential Facilities (ARF) are facilities of any capacity that provide 24-hour non-medical care for adults ages 18 through 59, who are unable to provide for their own daily needs. Adults may be physically handicapped, developmentally disabled, and/or mentally disabled.
- **Residential Care Facilities for the Elderly:** Residential Care Facilities for the Elderly (RCFE) provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans.

The facilities provide services to persons 60 years of age and over and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes, and board and care homes. The facilities can range in size from fewer than six beds to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision. Because of the wide range of services offered by RCFEs, consumers should look closely at the programs of each facility to see if the services will meet their needs.

- **Social Rehabilitation Facility:** A Social Rehabilitation Facility is any facility that provides 24-hours-a-day non-medical care and supervision in a group setting to adults recovering from mental illnesses who temporarily need assistance, guidance, or counseling.

The tables below provide a list of assisted licensed senior housing projects and a comprehensive list of licensed community care facilities in the City.

Table 1 - Licensed Assisted Senior Housing Projects

Facility Name	Address	# of units
Atkins Way Home	1551 N. Atkins Way	5
Autumn Oaks	848 N. Jaye Street	44
Bella Home	403 N. Ryan Terrace	6
Benton Manor Elderly	17980 Road 232	6
Cottage LLC, The	19127 Avenue 150	6
Domingo Home, The	2069 Linda Vista	6
Johnson Home 112 Inc.	22419 Ave 112	4
Johnson's Greenwood Homes #4	2482 W. Cricklewood Court	4
Merzoian Ranch LLC	21402 Avenue 112	6
Price Elderly LLC	17754 Road 232	6
Riversedge Eldercare	285 South Westwood	6
Sue's Care Home	1325 N. Lotas Way	6

Facility Name	Address	# of units
Westwood Eldercare	225 "B" S. Westwood St.	6
Total		111

Data Source: California Department of Social Services

Table 2 - Licensed Community Care Facilities

Facility Name	Address	# of units
24-Hour Residential Care For Children		
D & I Morris Children's Home	659 W. Mulberry Ave.	6
Evelyn's Nursery	1403 N. Newcomb	6
Orduno Home #1	11645 S. Orange Belt Drive	6
Robert Morris Small Family Home	1862 W. Santa Maria	4
Orduno Home #2	1187 Howland	6
Turning Point-Porterville Home	1701 West Kanai Street	4
Residential Elder Care Facility		
Atkins Way Home	1551 N. Atkins Way	5
Autumn Oaks	848 N. Jaye Street	44
Bella Home	403 N. Ryan Terrace	6
Benton Manor Elderly	17980 Road 232	6
Cottage LLC, The	19127 Avenue 150	6
Domingo Home, The	2069 Linda Vista	6
Johnson Home 112 Inc.	22419 Ave 112	4
Johnson's Greenwood Homes #4	2482 W. Cricklewood Court	4
Merzoian Ranch LLC.	21402 Avenue 112	6
Price Elderly LLC.	17754 Road 232	6
Riversedge Eldercare	285 South Westwood	6
Sue's Care Home	1325 N. Lotas Way	6
Westwood Eldercare	225 "B" S. Westwood St.	6
Adult Residential Facilities And Day Programs		
Agda Residential Care Home	1846 Pamela Avenue	6
Angie Edwards Residential Services	2442 W. Nancy	4
Baxter Adult Residential	860 Gerry Lane	6
Bledsoe Home-2	68 North Corona Drive	6
Cobbs Family Care	1922 N. Newcomb	6
Curry Family Care	1658 W. North Grand	6
Denton Adult Home	1120 W. San Lucia Ave.	5
Employ America	340 N. Fourth St	90
Farmer Residential Home	2156 W. White Chapel Way	5
Gibson Home #1	1517 E. Springville Drive	6
Gibson Home #3	1731 Success Drive	6
Gurrola Home	1300 State Street	6
Gurrola Home #3	287 B Teapot Dome	6
Gurrola Home #4	8 East Gibson	6

Facility Name	Address	# of units
Harp Home	922 N. Jaye Street	5
Jeffries Home	2545 White Chapel Ave.	6
Jeffries Home 2	1220 Lotas Way	6
Johnson's Greenwood Home #1	361 South Greenwood	6
Jones Home	525 West Morton	6
Kg's Care Home	586 N. Balmoral	6
Lemmeyer Family Care	585 West Kanai	6
Luis-Waddle Residential	237 N. Newcomb	6
Morris Family Care Home, The	1740 Belaire	6
Orduno Country Home	11600 S. Orange Belt Drive	6
Orduno Home #3	515 N. Plano	6
Orduno Home #4	11667 S. Orange Belt Drive	6
Orduno Home #6	375 North Mathew Avenue	6
P. Christine Thomas Home	761 E. Sutter Avenue	6
Porterville Adult Day Services	227 Oak	75
Porterville Sheltered W/S#2 (Behavior Mod).	130 North E Street	49
Porterville Sheltered Workshop	621 South E Street	270
Promise Care #3	1260 West Monache	6
Rico Residential Fac. #2,LLC	32 N. Olive Terrace	6
Rico Residential Facility/LLC	381 N. York St.	6
Rogers Agape Care Home	1206 W. North Grand	6
Ruf Adult Residential	940 North Belmont Street	5
Ruf Rickman Residential	2042 W. Orange Ave.	6
Siegel House	2230 W. Putnam Ct.	6
Siegel House #3	1421 West Union Avenue	6
Smithcare Home #1 Cottage Street	829 S Cottage Street	6
Timmerman D & M Family Care Home	22547 Ave. 178	6
Todd Family Home	22755 Ave. 178	6
Travis Home #2	711 Sandra Lane	6
Travis Home #3	669 W. Kanai	6
Travis Home #4	2423 W. Westfield Avenue	6
Turner Home	12593 Road 252	4
Twin Acres	1811 W. No. Grand Avenue	4
Tynes Residential Facility	300 E. Heatherwood Circle	6
Wiggins Care Home	2266 S. Leggett	6
Total		887

Data Source: California Department of Social Services

Farmworkers

Agricultural workers have unique housing needs, as they may have limited incomes and unstable employment. Often times, their employment is dependent upon seasonal labor and some may be migrant farm workers who travel into the City for a set period of time.

Estimating the population size or characteristics of farmworkers is challenging for various reasons, including “the mobile nature of the population, the seasonal nature of agricultural work, the varying agriculture tasks performed and the fact that there is no local, state or national agency responsible for collecting this information.”¹⁰ According to the 2012 Agricultural Census, a total of 245 farms within Tulare County employed 9,518 migrant farm workers—8,097 of which worked on farms with hired labor and 1,421 of which worked on farms with only contract labor. As of 2013, 2,549 persons in Porterville are employed in the “farming, fisheries, and forestry occupations,” representing 13 percent of all workers.

Porterville is situated in a rural area, but the City itself does not have much land zoned for agricultural purposes. In fact, within the existing city limits, only 17.14 acres are zoned for agriculture. That said, it is obvious that Porterville is home to many local and migrant farmworkers. These families reside in the sub-urban neighborhoods that Porterville provides. Some families prefer to live in areas of town that function as a farm-worker community, where some generations are able to stay home to watch children while parents work changing hours. Other families choose to live in a more broadly populated area, where their neighbors may be young families, retirees, or single professionals.

Persons Living with HIV/AIDS

Stable and affordable housing that is available to persons living with HIV/AIDS and their families helps assure they have consistent access to the level of medical care and supportive services that are essential to their health and welfare. Stable and affordable housing can also result in fewer hospitalizations and decreased emergency room care. In addition, housing assistance, such as short-term help with rent or mortgage payments, may prevent homelessness among persons with HIV/AIDS and their families.¹¹

In the County, from April 2006 through June 2014, a total of 413 cases of AIDS were reported; 187 individuals are still living. During the same period, a total of 129 HIV cases were reported; 121 individuals are still living.¹² According to the 2013 County Health Status Profiles, an average of 11.7 AIDS cases were reported in the County from 2009-2011 among the population 13 years and over.¹³

Homeless

The Kings/Tulare County Continuum of Care (the Alliance) is a consortium of partners working to address the housing and supportive service needs of the homeless population located in the Kings and Tulare County region. Every year, the Alliance conducts the PIT count — a point-in-time (PIT) count of sheltered and unsheltered homeless persons on a single night of the year. Data gathered from the PIT count allows the Alliance and housing and service providers to disseminate this data

¹⁰ National Center for Farmworker Health, Inc. “Enumeration & Population Estimates.” <http://www.ncfh.org/?pid=23>

¹¹ National AIDS Housing Coalition. “HOPWA.” <http://nationalaidshousing.org/legisadvocacy/hopwa/>

¹² California Office of Aids. “HIV/AIDS Surveillance in California.” June 2014.

¹³ California Department of Public Health. “County Health Status Profiles 2013.” <http://www.cdph.ca.gov/pubsforms/Pubs/OHIRProfiles2013.pdf>

and publish an annual report that provides an overview of the extent of homelessness in the region, which helps to inform future initiatives to address the housing and service needs of the homeless.

On January 29, 2014, the night of the Tulare/Kings County PIT count, 763 persons were identified as homeless in the region – 140 (18 percent) of which were located in the City. Ninety-nine (71 percent) of the total homeless persons counted in the City were adults and 41 (29 percent) were children under the age of 18. Twenty-three percent of homeless households were families with children (20), while 77 percent were households with only adults. There were no unaccompanied youth counted on the night of the PIT count.

The PIT count captured in-depth information about subpopulations experiencing homelessness within the community. On the night of January 29, 2014, more than half (54 percent) of the City's homeless population reported having a disabling condition. This includes individuals who reported a physical disability (41 individuals), serious mental illness (30 individuals), substance abuse issues (28 individuals), or HIV/AIDS (1 individual). Additionally, a total of 57 individuals (41 percent) were identified as being chronically homeless. This number included 25 persons in families and 32 individuals.

The number of homeless persons who reported themselves as victims of domestic violence indicates that it continues to be a cause of homelessness in the community. During the PIT count, there were 62 homeless individuals (44 percent) that reported being victims of domestic violence.

Data gathered from the 2014 PIT count indicates that non-Hispanic Whites (17 individuals) make up more than three quarters (68 percent) of the total sheltered homeless population. The Black or African American population represents the next largest sheltered racial group (20 percent).

Non-Hispanic Whites constitute the largest portion of the unsheltered homeless population (86 percent), followed by the American Indian or Alaska Native population at 10 percent and the Native Hawaii or Pacific Islander population at four percent.

Figure 2.22: Race and Ethnicity of Homeless

Race	Sheltered	Unsheltered
White, Non-Hispanic	17	43
Black or African American	5	0
Asian	0	0
American Indian or Alaska Native	0	5
Native Hawaii or Pacific Islander	0	2
Multiple Races	3	0
Ethnicity	Sheltered	Unsheltered
Hispanic	41	24
Non-Hispanic	25	49

Data Source: Data Source: Kings/Tulare Continuum of Care on Homelessness 2014 PIT Report

According to the results gathered from the 2014 PIT count, a total of 20 families experiencing homelessness in the City were identified. These families make up a total of 66 homeless family members. Four homeless veterans were identified during the PIT count.

Approximately 62 percent of the sheltered homeless population is Hispanic, while 38 percent of the sheltered homeless population is non-Hispanic. Thirty-three percent of the unsheltered homeless population is Hispanic and 67 percent is non-Hispanic.

The City of Porterville and the U.S. Department of Housing and Urban Development (HUD) recently approved the 2015-2020 Five Year Consolidated Plan. This plan includes as one of four priority goals to “Support activities to prevent and end homelessness.” The City will review annually allocating funds to homeless solutions.

Large Households

Large households are considered a special needs group because larger dwelling units are generally more expensive and their supply is often limited. **Figures 2.23 and 2.24** demonstrate the percentage of owner and renter occupied large households in Porterville and Tulare County. In Porterville, 25 percent of owner-occupied housing units are large households and 28 percent are renter-occupied. Large household trends in the City are reflective of greater patterns in the number of large households present in Tulare County, which consists of 23 percent of owner-occupied and 29 percent of renter-occupied large households.

Figure 2.23: Owner-Occupied Large Housing Units, Porterville and Tulare County, 2010

Jurisdiction	Persons in Household			Total Households
	5	6	7+	
Porterville	1,034	600	599	8,996
Percent of Total	12%	7%	7%	100%
Tulare County	8,425	4,436	4,478	76,586
Percent of Total	11%	6%	6%	100%

Source: US Census

Figure 2.24: Renter-Occupied Large Housing Units, Porterville and Tulare County, 2010

Jurisdiction	Persons in Household			Total Households
	5	6	7+	
Porterville	897	485	455	6,678
Percent of Total	13%	7%	7%	100%
Tulare County	7,356	4,174	4,052	53,766
Percent of Total	14%	8%	8%	100%

Source: US Census

Housing Stock Characteristics

Housing Growth

Figure 2.25 provides an overview of housing growth trends in Porterville, neighboring jurisdictions, and the County as a whole. From 2000 to 2010, the number of housing units in Porterville increased by 32 percent. Porterville's housing growth trends during this time period was in line with that of the cities of Visalia and Tulare but significantly faster than other jurisdictions in the County. TCAG growth projections indicate that the decade between 2010 and 2020 will represent a 16 percent growth increase in Porterville. This is comparable to the growth projections for other cities within Tulare County.

Figure 2.25: Housing Growth Trends, Porterville and Tulare County, 2000-2020

Jurisdiction	2000	2010	2020*	Percent Change	
				2000-2010	2010-2020
Porterville	11,884	15,644	18,183	32%	16%
Dinuba	4,493	5,593	6,490	24%	16%
Exeter	3,001	3,378	3,907	13%	16%
Farmersville	2,151	2,595	3,002	21%	16%
Lindsay	2,717	3,014	3,486	11%	16%
Tulare	13,543	17,720	20,708	31%	17%
Visalia	30,883	41,349	49,486	34%	20%
Woodlake	1,777	1,966	2,281	11%	16%
Tulare County	110,385	130,352	152,128	18%	17%

Source: U.S. Census Bureau, TCAG

*TCAG Projections

Total Dwelling Units

Figure 2.26 provides an overview of the total number of dwelling units in Porterville. In 2000, two percent of total dwelling units were vacant. This percentage increased to 9 percent in 2013. The total number of occupied dwelling units decreased from 94 percent in 2000 to 91 percent in 2013.

Figure 2.26: Occupied and Vacant Dwelling Units, Porterville, 2000-2013

Jurisdiction	2000		2013		Percent Change
	Number of Units	Percentage	Number of Units	Percentage	
Total Dwelling Units	12,691	100%	17,960	17,960	42%
Total Occupied Dwelling Units	11,884	94%	16,417	91%	38%
Total Vacant Dwelling Units	807	2%	1,543	9%	91%

Source: 2009-2013 American Community Survey 5-Year Estimates; U.S. Census 2000

Housing Type

As demonstrated in **Figure 2.27**, Porterville's housing stock is largely (73 percent) comprised of attached or detached single-family units. From 2000 to 2015, the total number of housing units in Porterville increased by approximately 34 percent. During this 15-year period, there was an increase in housing units of all structure types, with the greatest growth in units in mobile homes (67 percent), followed by attached or detached single-family structures (37 percent). Multi-family structures of two to four units increased by 27 percent and those of five or more units increased by 13 percent.¹⁴

Figure 2.27: Housing Units by Structure Type, Porterville, 2000-2015

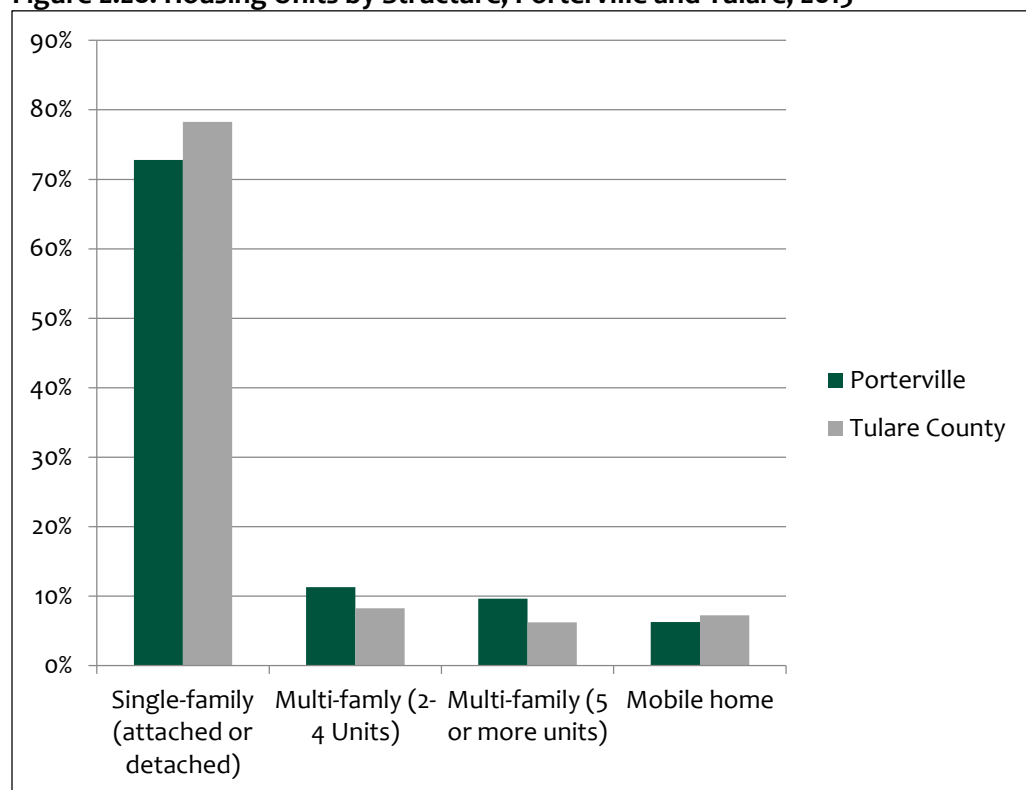
Structure Type	2000		2015		Percent Change
	Number of Units	Percentage	Number of Units	Percentage	
Single-family (Attached or detached)	9,112	72%	12,441	73%	37%
Multi-family (2-4 units)	1526	12%	1931	11%	27%
Multi-family (5 or more units)	1453	11%	1645	10%	13%
Mobile home	640	5%	1071	6%	67%
Total	12,731	100%	17,088	100%	34%

Source: State of California, Department of Finance, *E-5 Population Estimates for Cities, Counties, and the State, 2011-2015*; U.S. Census Bureau

Figure 2.28 compares Porterville's housing units by structure type to those of Tulare County, as of 2015. In both Porterville and Tulare County, attached or detached single-family units make up most of the housing stock. Compared to the County, the City has a smaller percentage of attached or detached single-family structures and a slightly greater percentage of multi-family structures of two to four units and five or more units. The percentage of mobile homes present in both Porterville and Tulare County is nearly identical.

¹⁴ It is important to clarify that manufactured homes built on separate single-family residences count towards mobile home production.

Figure 2.28: Housing Units by Structure, Porterville and Tulare, 2015



Source: State of California, Department of Finance, *E-5 Population Estimates for Cities, Counties, and the State, 2011-2015*

Housing Tenure

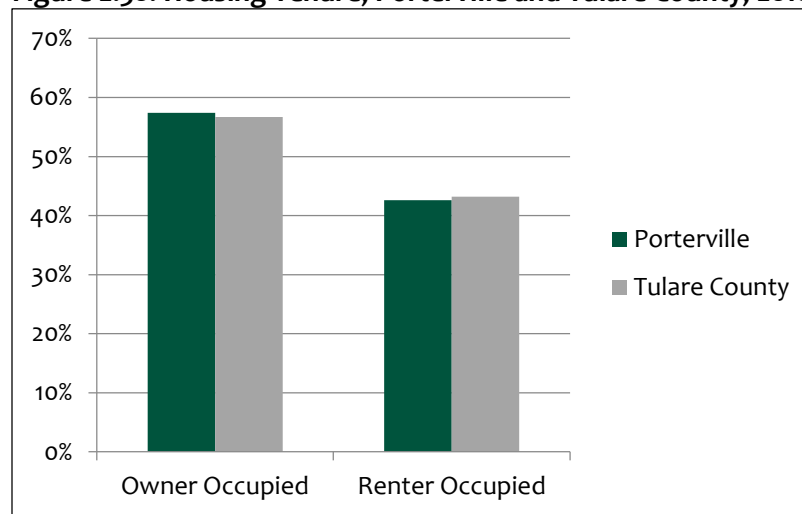
Tenure is an important market characteristic because it is directly related to housing types and turnover rates. As of 2010, 57 percent of the City's occupied housing units were owner occupied and 43 percent were renter occupied. As shown in Figure 2.29, this reflects a one percent increase in owner occupied units from 2000 to 2010. Figure 2.30 shows that Porterville's housing tenure is on par with that of Tulare County, which consists of 57 percent of owner occupied housing units and 43 percent of renter occupied housing units.

Figure 2.29: Housing Tenure, Porterville, 2000-2010

Tenure	2000		2010		Percent Change
	Number	Percent	Number	Percent	
Owner Occupied	6,698	56%	8,996	57%	34%
Renter Occupied	5,186	44%	6,678	43%	29%
Total Occupied Housing Units	11,884	100.0%	15,664	100.0%	31.8%

Source: U.S. Census Bureau

Figure 2.30: Housing Tenure, Porterville and Tulare County, 2010



Source: U.S. Census Bureau

Housing Conditions

Characteristics commonly used to evaluate the housing supply are age of housing stock, the number of vacant/abandoned units, and the risk of lead-based paint (LBP). Building age is used to estimate the number of homes with lead-based paint (LBP), as LBP was prohibited on residential units after 1978. For the purposes of this Housing Element, units built before 1980 are used as a baseline for units that contain LBP. **Figure 2.31** provides an overview of the age of housing stock in the City. Approximately 48 percent of households (7,773 units) are over 35 years old (built before 1980) and are at risk of LBP hazard.

Data on the number of units that lack complete plumbing and kitchen facilities is often used to assess the condition of a jurisdiction's housing stock. According to 2011 estimates, less than one percent of housing units lack these facilities. The Porterville City Council has adopted City Codes specifically designed to address blight and to maintain a clean environment for all citizens in the community. The duties of the Code Enforcement Division includes, but is not limited to, addressing quality of life issues and problems involving property maintenance by abating hazardous conditions which threaten the life, health, safety and welfare of the public. The code enforcement officers do this by working in partnership with the business and property owners in Porterville.

Figure 2.31: Age of Housing Stock, Porterville, 2011

Year Unit Built	Owner-Occupied		Renter-Occupied		Total	
	#	%	#	%	#	%
2000 or later	1,793	19%	803	12%	2,596	16%
1980-1999	3,454	37%	2,245	34%	5,699	35%
1950-1979	3,577	38%	2,774	42%	6,351	40%
Before 1950	586	6%	836	13%	1,422	9%
Total	9,410	100%	6,658	101%	16,068	100%

Source: 2007-2011 CHAS

Note: Totals may not add to 100% due to rounding

The City's Community Development Department conducted a Windshield Survey in 2015 to determine the number of units in need of rehabilitation or replacement. The survey reviewed properties for the following conditions:

- Sound Condition: There are no repairs needed.
- Minor Condition: Light repair needed, paint, missing shingles.
- Moderate Condition: Repairs are needed, re-roofing, painting, patching on siding and stucco.
- Substantial Condition: In addition to all of the above repairs broken window panes, replacement of window panes, visible foundation issues.
- Dilapidated Condition: The property is no longer suitable for repairs, severe fire damage, collapsed roof, missing/broken windows.

A total 628 properties were surveyed with the following results:

Figure 2.32: Windshield Survey 2015

	Single Family	Mobile Home	Duplex	Multi-Family
Sound	361	-	13	33
Minor	141	1	8	9
Moderate	39	-	2	2
Substantial	5	-	-	-
Dilapidated	9	-	3	2
Total Units	555	1	26	46

The survey estimated that 91% of properties are in sound or minor condition and two percent are dilapidated. This remains consistent in the evaluation of housing type to include single family, duplexes, and multifamily properties. The variance was greatest between census tracts. However, any and all moderate, substantial and sound conditions were apparent in duplexes and multifamily properties so percentages skewed due to the small number of such units. The City will continue to monitor the condition of its **housing** stock and will encourage private reinvestment and rehabilitation of housing in older residential neighborhoods.

Code enforcement is pursued as a result of building inspections and resident complaints. Code violators are provided with information on how to remedy code violations and are compelled to comply, if not voluntarily, through an administrative citation process.

At-Risk Housing

The City of Porterville has one affordable housing project with an expiring Section 8 contract in 2024. La Serena is located at 290 N. 4th Street in Porterville and was developed and operates with Project Based Section 8 Federal housing financing. There are 13 one-bedroom, 38 two-bedroom, and 14 three-bedroom apartments. All 65 apartments receive Section 8 Assistance for families with income at and below 50% AMI. The contract for this subsidy expires in October 2024. However, La Serena is a multifamily development owned by the nonprofit, La Serena Development Corporation and managed and maintained by the Housing Authority of Tulare County (HATC). HATC, based on federal funding availability, intends to maintain these units as long-term affordable housing as well as create more opportunities in the future. The City of Porterville will communicate and partner with the Housing Authority of Tulare County and the US Department of Housing and Urban Development to renew its contracts and preserve affordability prior to 2024.

Figure 2.33: Inventory of Affordable Housing

Project	Funding Source	Affordable Units	Market Rate Conversion Status
Alder	LIHTC	244	Not At Risk
Alderwood	Section 515	64	Not At Risk
Alpha	LIHTC	100	Not At Risk
Evergreen	Section 515	40	Not At Risk
Glenwood Hotel	LIHTC/CDBG/HCD	36	Not At Risk
La Serena	Section 8	65	Subsidy contract at risk of expiration – low risk due to nonprofit ownership
Mountain View	LIHTC	59	Not At Risk
Park View Village	LIHTC	80	Not At Risk
Poplar Grove	LIHTC	49	Not At Risk
Porterville Family	LIHTC	77	Not At Risk
Porterville Garden	Section 515	70	Not At Risk
Porterville Hotel	LIHTC	70	Not At Risk
St. James Place	HOME/RDA	14	Not At Risk
Santa Fe Plaza	Section 8/Section 202	105	Not At Risk
Sequoia Village	LIHTC/HOME	63	Not At Risk
Villa Siena	LIHTC	69	Not At Risk
Villa Robles	LIHTC	99	Not At Risk

Preservation of At-Risk Housing

Since La Serena is nonprofit owned and managed by the Housing Authority, contract renewal is expected dependent upon availability of Section 8 funds.

According to the 2014 *California Affordable Housing Cost Study* released by California Department of Housing and Community Development ("HCD"), the California Tax Credit Allocation Committee ("TCAC"), the California Housing Finance Agency ("CalHFA"), and the California Debt Limit Allocation Committee ("CDLAC"), the "Average Cost Per Unit by TCAC Region" in the Central Region is \$232,000 per unit for Affordable Housing New Construction Projects.¹⁵ Based on this study, it would cost approximately \$15M to replace La Serena's 65 units of affordable housing.

¹⁵ <http://www.hcd.ca.gov/housing-policy-development/docs/finalaffordablehousingcoststudyreport-with-coverv2.pdf>

Given the loss of redevelopment since the last cycle, financial resources are limited and the City should seek creative solutions and partnerships to offset costs. Investment vehicles could include below-market debt funds, private equity entities, and real estate investment trusts.



Chapter 3

Housing Constraints

Chapter 3: Housing Constraints

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

Market Constraints

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

Construction Costs

Construction costs are the largest component of total costs for a single-family detached unit, accounting for 30 to 40 percent of the finished sale price. According to RS Means Residential Square Foot Costs (2015)¹⁶, construction costs for an average one-story single-family home (1,600 square feet of living area) built of stucco on wood frame total \$126.99 per square foot in the Porterville area.

Multi-family construction built of stucco on concrete block with wood joists total \$155.46 per square foot in the Porterville area (RS Means Commercial, 2015). Density bonuses for senior and affordable housing can enhance this per-unit cost reduction for multi-family developments.

Construction costs are usually consistent throughout the region and fluctuate in response to costs of construction materials and labor market trends. The City has little ability in influencing such cost factors. Gap financing is available for low-income first time home buyers under the City's First Time Homebuyer Assistance Program, funded with both CDBG and HOME funds when available. Gap financing options are discussed in more detail later in this Chapter.

¹⁶ RSMeans is an online resource for construction books and other related products.

Market Rents in Porterville

A survey of rental housing listings in Porterville was conducted to assess rental market conditions (see **Figure 3.1**). The survey indicated that the majority of apartments available were one- and two-bedroom units. Larger rental housing units with three bedrooms or more were primarily single-family homes available for rent. Because four-bedroom apartments are rare, large families often need to rent a single-family home to avoid overcrowded conditions.

Rental prices in Porterville ranged from \$425 for a studio unit to \$1,350 for a three- to four-bedroom single-family rental home. The overall average rental price for all unit sizes surveyed was \$769. A review of rental housing rates in Porterville shows that rents in the City generally fall within the range of the HUD-determined fair market rents for Tulare County (see **Figure 3.2**). Based on the State Income Limits for 2015 established by HCD, the average rent by unit size is affordable to Low Income Households in the City of Porterville.¹⁷

Figure 3.1 Fair Market Rents in Porterville, July 2015

Unit Size	Rental Range	Average
Studio/Efficiency	\$425 - \$975	\$571
1 bedroom	\$475 - \$975	\$703
2 bedroom	\$550 - \$1,145	\$752
3 bedroom	\$750 - \$1,350	\$1,053
4 bedroom ¹⁸	--	--

Source: Zillow.com, Apartments.com, Trulia.com, accessed July 2015

Figure 3.2: Fair Market Rents in Tulare County, 2015

Unit Size	Fair Market Rent
Studio/Efficiency	\$577
1 bedroom	\$592
2 bedroom	\$771
3 bedroom	\$1,136
4 bedroom	\$1,321

Source: HUD User 2015

Land Costs

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

¹⁷ This analysis assumes that 30 percent of household income can be spent on rent.

¹⁸ No properties available for analysis during research.

The City faces increasing development pressure with a limited supply of vacant, unconstrained land. In June 2015, 97 undeveloped residential land parcels were listed for sale, ranging in price from \$45,000 (for 1 acre) to \$3.5 million (for 93 acres).¹⁹ In recent years, a majority of the growth and development in Porterville has occurred in the Northwest and Southwest portions of the City.²⁰ Porterville's new 2030 General Plan hopes to redirect future growth into the eastern sections of the City thereby promoting redevelopment in the downtown area.

The cost differences among properties with similar zonings are due primarily to two factors: location and availability of infrastructure. Areas toward the edge of the City where infrastructure is not yet available command lower land costs than in the central City areas, but require more infrastructure improvements to make the land "developable", ultimately increasing the cost of development. To the extent feasible, the City assists with infrastructure improvements using local, State and Federal funds and has undergone an extensive rezone program to encourage higher density housing units to meet housing needs.

Availability of Financing

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

The primary concern in a review of lending activity is to determine whether home financing is available to a City's residents. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase and home improvement loans in Porterville.

Figure 3.3 below does not indicate that race or ethnicity were factors in home purchase loan approval rate in Conventional and Government-backed Loans.

Figure 3.3: Approval Rate of Conventional Home Purchase Loan and Government Back Home Purchase Loan by Race/Ethnicity

	Asian	Black Or African American	Hispanic Or Latino	White
Conventional Home Purchase Loan	83%	100%	75%	83%
Government Backed Home Purchase Loan	74%	76%	86%	86%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA, 2013

Figures 3.4 through **3.5** below also do not clearly indicate that race, ethnicity, or income was a factor in the home purchase loan approval rate in Conventional and Government Backed Loans.

¹⁹ www.realtor.com, accessed June, 2015.

²⁰ The dividing boundary between the Northwest and Southwest portion of the City is Jaye Street.

Figure 3.4: Conventional Home Purchase Loan Approval Rate by Race and Income

	Asian	Black Or African American	Hispanic Or Latino	White
Less than 50% Median Income	50%	100%	44%	53%
50-79%	57%	100%	78%	74%
80-99%	100%	100%	74%	83%
100-119%	80%	100%	64%	77%
120%+	87%	100%	82%	87%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2013

Figure 3.5: Government-Backed Home Purchase Loan Approval Rate by Race/Ethnicity and Income

	Asian	Black Or African American	Hispanic Or Latino	White
Less than 50% Median Income	0%	NA	67%	75%
50-79%	86%	100%	85%	87%
80-99%	0%	100%	80%	100%
100-119%	60%	100%	88%	85%
120%+	95%	43%	87%	90%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2013

Governmental Constraints

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

Land Use Controls

Overview of General Plan Land Use Policy

The City's Development Ordinance is the primary tool used to manage the development of residential units in Porterville. The Residential Districts described in the Development Ordinance include the following:

- RR: Rural Residential
- RS-1: Very Low Density Residential

- RS-2: Low Density Residential
- RM-1: Low-Medium Density Residential
- RM-2: Medium Density Residential
- RM-3: High Density Residential
- DRM-2: Downtown Medium Density Residential
- DRM-3: Downtown High Density Residential
- D-MX: Downtown Mixed-Use

Residential Development Standards

Zoning ordinances and other land-use controls have a direct effect on the availability and range of housing choices within a community. The zoning ordinance establishes the densities and intensities for all new development within the City and determines requirements such as lot size, number of dwelling units per acre, setback needs, and building height.

Exclusionary zoning practices, such as those that limit where, how, or if affordable housing can be developed, or that restrict development such as prohibiting small-lot homes, mobile homes, or group homes, can decrease the number of affordable housing opportunities. The City's zoning ordinance includes residential districts, downtown zones, and commercial zones that all allow for a variety of housing types for residential development.

Figure 3.4: Land Use Designations

Zoning District	Code	Allowed Residential Structures	Maximum Density
Rural Residential	RR	Detached single-family dwellings, group residential facilities, limited residential care facilities	0.2 units per acre
Very Low Density Residential	RS-1	Detached single-family dwellings, group residential facilities, limited residential care facilities	3.1 units per acre
Low Density Residential	RS-2	Attached or detached single-family dwellings, group residential facilities, limited residential care facilities	7.5 units per acre
Low-Medium Density Residential	RM-1	Attached or detached single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and mobile home parks*	11.3 units per acre

Zoning District	Code	Allowed Residential Structures	Maximum Density
Medium Density Residential	RM-2	Attached or Detached Single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and mobile home parks*	15.0 units per acre
High Density Residential	RM-3	Attached or detached single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and mobile home parks*	30.0 units per acre
Downtown Medium Density Residential	DRM-2	Attached single- and multi-family dwellings, group residential facilities, and limited residential care facilities	16.5 units per acre
Downtown High Density Residential	DRM-3	Attached single- and multi-family dwellings, group residential facilities, and limited residential care facilities	33.0 units per acre
Downtown Mixed Use	D-MX	Multi-family dwellings, group residential facilities, limited residential care facilities, and single room occupancy hotels*	41.0 units per acre

Source: Porterville Development Ordinance, 2010

*Permitted with a conditional use permit

Figure 3.5 Residential Development Standards

Development Standard	RR	RS-1	RS-2	RM-1	RM-2	RM-3	DRM-2	DRM-3	D-MX
Minimum Lot Area (SF)	2.5 acres	12,500	6,000	6,000	6,000	6,000	6,000	6,000	-
Maximum Density (dwelling units per acre)	0.2	3.1	7.5	11.3	15.0	30.0	16.5	33.0	41.0
Minimum Area per Dwelling Unit (SF)	-	-	-	3,000	1,500	1,000	6,000	6,000	-
Maximum Building Coverage (% of lot)	10	30	45	45	50	60	50	60	-
Maximum Height Limit (feet)	35	35	35	35	50	50	35	40, 50 with CUP	40, 50 with CUP
Minimum Side Yard Setback	30	5	5	5	5	5	5	5	0;10 ²¹
Minimum Rear Yard Setback	30	10	10	10	10	10	10	10	0;10 ²²
Minimum Front Yard Setback	30	15	15	15	15	15	10	10	0; 10 ²³

Source: Porterville Development Ordinance, 2010

Single-Family Residential Land Use Designations and Development Standards

Single-family homes are allowed within the RS-1, RS-2, RM-1, RM-2, and RM-3 zones. Allowing for such flexibility, helps meets the housing needs of the City especially for large families seeking 5 or more bedroom houses. The RR, RS-1, RS-2, RM-1, and RSR districts allow for largely single-family residential zones, but second units and mobile homes are allowed. Transitional housing is allowed in the RM-1 District.

Generally, development standards in the single-family residential zoning districts constrain development, but does not hinder a developer's ability to build at densities encouraged within the given General Plan Land Use Designation. Minimum lot sizes within permitted single-family home zones range from 6,000 to 12,500 square feet. Smaller lot sizes (as small as 3,200 square feet) have been allowed within Planned Development zones and overlay areas. City staff have observed that Porterville's housing market tends to favor the 6,000- to 8,000-square-foot lot sizes.

²¹ The front yard setback is 0, but 10 feet on Main Street and for ground floor residential.

²² Ibid.

²³ Ibid.

Multi-Family Residential Land Use Designations and Development Standards

Multi-family dwellings can be constructed in the RM-1, RM-2, RM-3, DRM-2, DRM-3, and D-MX zones. Social service facilities including homeless shelters and emergency shelters are allowed with a conditional use permit within the RM-3, DRM-2, DRM-3, and D-MX zones.²⁴ Residential care facilities are allowed within RM-3 and DRM-3 zones. The maximum density allowed within the RM-3 and DRM-3 zones is 30.0 and 33.0 units per acre, respectively.

Parking Standards

Porterville's residential parking requirements are relatively simple and similar to parking regulations in other Central Valley jurisdictions. These requirements are summarized in **Figure 3.6**. All single-family dwellings, mobile homes, and condominiums must have two covered parking spaces. Garages are preferred, but open carports are allowed. Porterville's relatively large lot size accommodates such parking requirements without constraining housing development. Multiple-family developments must provide one covered space (garage or carport) and one-half open space per unit, regardless of number of bedrooms. This is a relatively low requirement, as many jurisdictions typically require two or more spaces per unit with three or more bedrooms. This requirement is lower than the parking standards established in the State density bonus law.

Figure 3.6: Parking Requirements, 2010

Residential Use Classification	Required Parking Spaces
Single-family, Detached Single-family, Attached	2 for each dwelling unit. For new construction, all spaces shall be covered. For existing development, at least one space per dwelling shall be covered and all existing covered parking spaces shall be maintained.
Second Unit	In addition to parking required for the existing residence, an additional one (1) covered space for efficiency units and one (1) bedroom units, two (2) covered parking spaces for two (2), three (3), and four (4) bedroom units, and one (1) parking space per bedroom thereafter shall be provided.
Multi-family Residential	1 per studio unit. 1.5 per one-bedroom unit. 2 per 2-bedroom unit. Additional bedrooms above 2: 0.5 space/bedroom. One space for each unit shall be designated for the unit and covered. One additional guest parking space shall be provided for every 3 units.
Small Family Day Care Home	None, beyond what is required for the residential use.
Large Family Day Care Home	1 per non-resident employee. 1 passenger loading space, on or off-site. (Required spaces are in addition to those required for the primary residential use).
Group Residential	1 per bed, bedroom, or dwelling unit, whichever is greatest, plus 1 guest parking space per 3 units.
Manufactured Home Park	2 on-site spaces for each dwelling unit. At least one required space shall be covered.
Residential Care, Limited	None, beyond what is required for the residential use.

²⁴ This classification excludes transitional housing facilities that provide living accommodations for a longer term.

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

Zoning Overlays

In addition to the development standards established for the residential and mixed use zone districts, overlay districts of the Zoning Ordinance provide additional regulations for residential development. The following zoning overlays apply to residential development in portions of the City²⁵:

Hillside Zone - All development within the Hillside Development Zone is subject to hillside development and design standards. Review criteria and limitations on maximum density are based on slope.

Single Story Overlay - The Single Story (S) Overlay District is intended to ensure the scale of new development is compatible with existing development and uses in transitional zones.

Density Bonuses

Local jurisdictions have the authority to implement policies and programs that promote the development and integration of affordable housing units, such as density bonuses. A density bonus is a zoning tool that is designed to encourage and grant developers exceptions to zoning and development standards in exchange for providing a public benefit to the community, such as funding for affordable housing or construction of affordable housing units.²⁶ According to Chapter 302 of the City's Municipal Code, the City shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by the City's Development Ordinance and the General Plan, and one or more additional concessions or incentives, consistent with Government Code Section 65915 and section 302.03 of the Development Ordinance, if the applicant applies for and proposes to construct any one of the following:

1. Lower Income Units. A density bonus of 20 percent if 10 percent of the total units of a housing development are affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.
2. Very Low Income Units. A density bonus of 20 percent if 5 percent of the total units of a housing development are affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.
3. Senior Citizen Housing Development. A density bonus of 20 percent if a housing development qualifies as a Senior Citizen Housing Development, as defined in Section 51.3 of the Civil Code.
4. Moderate Income Units in Condominium and Planned Use Developments. A density bonus of 5 percent if 10 percent of the total dwelling units in a condominium project or in a Planned

²⁵ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

²⁶ Puget Sound Regional Council. "Featured Tool: Density Bonuses*." <http://www.psrc.org/growth/hip/alltools/density-bonus/>

Development are affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.²⁷

Additionally, the number of units to which the applicant is entitled may exceed the percentage specified in the previous subsection under the following provisions:

1. Lower Income Dwellings. For each additional 1 percent increase above 10 percent units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum density bonus of 35 percent of the maximum allowable residential density for the site.
2. Very Low Income Dwellings. For each additional 1 percent increase above 5 percent in the proportion of units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.
3. Condominium and Planned Development Units. For each additional 1 percent increase above 10 percent units affordable to moderate income households, the density bonus shall be increased by 1 percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.

These density bonuses are applicable to residential projects of 5 or more units and senior housing projects of more than 35 units.

Building Codes

Building codes set guidelines that identify minimum standards to ensure that building and non-building structures protect the health and safety of the community. Local building codes, however, often mandate that costly improvements be made to meet regulation requirements.

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 City adopted the 2010 California Building Code, which is grounded on the International Building Code. In addition, the City adopted the 2010 California Green Building Standards Code which encourages sustainable construction practices. The City's building codes prove to be in line with those of other California jurisdictions and do not have negative consequences on the development of affordable housing in the City.²⁸

Porterville has recently adopted a new Receivership Program to supplement and further code enforcement efforts on homes and other structures that create blight in neighborhoods. Further, an ordinance to update and strengthen the existing nuisance abatement codes is underway with adoption anticipated in mid-2016.

²⁷ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

²⁸ City of Porterville. "City Council Approves Adoption of California Building and Fire Codes."

<http://www.ci.porterville.ca.us/mods/BusinessHere/>

Growth Management

The Porterville 2030 General Plan guides sustainable physical and economic growth, while conserving natural and cultural resources. The Plan seeks to establish a well-defined compact urban form, as clearly defined urban edges reflect a commitment to focus future growth within the City in order to prevent urban sprawl and protect environmentally sensitive areas. The main strategy to achieve this is the Urban Development Boundary (UDB). The UDB protects the health, safety, welfare, and quality of life of the residents of Porterville by concentrating future residential, commercial, and industrial growth in areas already served by urban services or areas where such services are to be provided. Tulare County Local Agency Formation Commission (LAFCO) allows the UDB to be reviewed and amended every five years to ensure an adequate land supply is provided to accommodate 10 years of residential land demand and 20 years of non-residential land demand.²⁹

Other elements of the Plan aim to manage growth as well. The Plan's Open Space & Conservation Element reinforces the limits of urban development by designating land around the growth area as Agriculture/Rural/Conservation, Park, and Rural Residential. In addition, the Land Use Element designates a mix of land uses that meet the housing and economic development needs of the community while balancing growth so that Downtown is once again the "heart of the City" and environmental and cultural resources are protected. In recent years, the majority of the growth and development has occurred in other areas of the City. The Plan re-centers the City on Downtown by promoting growth in this portion of the Planning Area.³⁰

Fees and Exactions

As with many other jurisdictions across California, the City collects permit and development impact fees to offset the administrative and service costs generated from these projects, such as processing permits and building inspections. These fees include, but are not limited to, development impact fees, permit issuance fees, engineering and public works fees, and subdivision processing fees. Each of these fees is used to pay for the necessary local infrastructure needed to support the development and to cover the cost of processing the permits. California law requires that City-enforced fees be reasonable and relative to the cost of providing specific services. These fees, however, may limit the supply of affordable housing produced due to the additional costs associated with housing construction.

Development in the City is typically required to pay a range of development fees, including, water service fee, transportation impact, and storm drainage fee. In Porterville, development impact fees average about \$16,500 for a single-family home and \$60,000 per structure for a multiple-family project. The costs of service and infrastructure are nearly three times as much for multiple-family projects because in most cases they require larger/increased capacity that involves higher costs associated with the project. The City does not usually waive fees for the development of affordable housing. However, HOME and other funds may be used to help bridge the financial gap for affordable housing.

²⁹ City of Porterville. "Porterville 2030 General Plan."

http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/Chapter2LandUse_000.pdf

³⁰ Ibid

Figure 3.7 demonstrates the estimated residential development impact fees in the City.

Figure 3.7: Community Development and Public Works Fees

Porterville Fee Schedule ³¹	
<i>Community Development Fees</i>	
Airport Master Plan	\$2
Annexation (Major)	\$3,670
Appeals	\$316
CEQA Compliance	
Notice of Exemption	\$79
Negative Declaration	\$1,105
EIR	Consultant cost + 10% contingency + 10% admin
Certificate of Compliance	\$655
Conditional Use Permit (CUP) - Standard	\$1,164
Minor Use Permit (MUP)	\$614
Hazardous Waste Conditional Use Permit	\$20,000
Development Agreement	\$1,211
Extraterritorial Service Agreements	
Base Fee	\$150
Annexation Deposit per sq. ft.	\$0.0136
Flood Plain Review	\$244
General Plan (Text on CD)	\$5
General Plan Amendment	\$1,599
Home Occupation Permit	\$59
Lot Line Adjustment	\$616
Lot Line Merger and Un-merger	\$616

³¹ City of Porterville. "Public Fee Schedule."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/documents/FeeScheduleEffective20150201.pdf>

Porterville Fee Schedule ³¹	
Modification of Conditional Use Permit, Tentative Map, Variance or Planned Unit Development	\$150
Parking District	\$2,500
Parcel Map Waiver	\$59
Parcel Map (Tentative)	\$1,500
Parcel Map (Final)	\$955
Parcel Map Time Extension	\$237
Preliminary Project Site Review	Small = \$250 Medium = \$500 Large = \$750
Planned Development or Specific Plan	\$1,818
Temporary Cargo Container Placement	
Short Term	\$296
Long Term 3 or fewer	\$217
Long Term 4 or more	\$454 + \$79/6 mth
Temporary Structure Permit	\$454
Temporary Sign Permit	\$19.75
Temporary Use of Right-of-Way Permit	\$145
Subdivision Map (Tentative)	\$3,004
Plus per lot fee of:	\$39
Subdivision Map (Final)	\$1,672
Plus per lot fee of:	\$40
Subdivision Map Extension	\$316
Subdivision/Parcel Map Extension	\$118
Zone Change	\$1,105
Zone Variance	\$1,026
Zoning Administrator Permits	\$138

Porterville Fee Schedule ³¹	
Zoning Compliance Letter	\$79
Zoning Maps	\$6
Development Ordinance Amendment	\$4,213
Development Ordinance (CD)	\$5
General Research in Excess of 30 Minutes	\$79/hr
300-foot Radius Maps and Labels	\$26.50
<i>Public Works Fees</i>	
Aerial Maps	\$159
City Map	\$80
Development and Improvement Modification Request Fees	\$159
Improvement Plan Checking	<\$100k = \$2,390 \$100k-\$200k = \$3,187 >\$200k = \$3,984
Municipal Utility Services Policy	\$797
Standard Plans and Specifications Book	\$319
Property Information Service	\$159
Public Improvement Inspection Fees <i>Based on Estimated Costs of Improvements</i>	<\$100k = \$4,262 \$100k-\$200k = \$6,254 >\$200k = \$8,246
Public Works Utility Permit Inspection	\$319
Miscellaneous Public Works Construction Permit Fees	\$319
Right-of-Way Encroachment	\$1,414
Subdivision Inspection <i>Based on Estimated Costs of Improvements</i>	<\$100k = \$7,170 \$100k-\$200k = \$9,162 >\$200k = \$11,154

Porterville Fee Schedule ³¹	
Documentation for Water Meter Service (Excludes Meter and Materials)	\$20
Documentation for Water Meter Installation (Excludes Meter and Materials)	\$20
Traffic Control Permit	\$199
Oversized Haul Permit	\$16
Street and Alley Abandonment (Plus Title Research)	\$637
General Research in Excess of 30 Minutes	\$817

Figure 3.8: Residential Developer Impact Fees

Impact Fee	Hillside Development	Single Family (R-1)	Duplex (R-2)	Multi-Family (R-3 & R-4)	Mobile Homes
Water Acreage Fee/Acre	\$1,410	\$2,941	\$7,363	\$17,190	\$0
Sewer Acreage Fee/Acre	\$981	\$1,797	\$4,175	\$9,739	\$0
Storm Drain Fee/Acre	\$0	\$4,845	\$6,463	\$9,695	\$0
Transportation Fee/Unit	\$0	\$1,036	\$701	\$701	\$0
Park Impact Fee/Unit	\$0	\$644	\$500	\$500	\$361

Source: City of Porterville Developer Impact Fee Summary, 2013³²

The Porterville Unified School average development impact fee for Single Family Residential is \$5650 for a 1600 sf house. The average school development impact fee for Multi-Family Residential is \$3200 per unit.

In total, fees average 7.5% of the overall cost to develop a new single family residential unit, and 11.8% of the overall cost to develop a new multi-family residential development.

While fees represent a substantial part of residential construction costs, Porterville's fees are in line with those charged in other neighboring communities. The City has one of the lowest planning fees within the County. A brief survey demonstrates the below average cost in planning fees charged by

³² City of Porterville. "Developer Impact Fee Summary."

<http://www.ci.porterville.ca.us/depts/Finance/documents/DeveloperImpactFeeSummaryReport12-13.pdf>

the City. For example, Porterville requires a fee of \$1,105 for a zone change, while all other cities' fees, except the City of Lindsay, are higher. The low fees in the City, do not act as a constraint against building affordable housing and as a result, fees have not affected the City's competitiveness for affordable housing with neighboring communities.

Figure 3.9: Planning Application Fees: Surrounding Jurisdictions

Jurisdiction	General Plan Amendment	Zone Change	Tentative Tract Map	Variance
Porterville	\$1,599	\$1,105	\$1,500	\$1,026
Dinuba	\$2,459	\$1,601	\$2,013	\$665
Lindsay	\$500	\$475	\$950	\$230
Visalia	\$2,173	\$3,532	\$2,786	\$1,318
Tulare County	\$10,321	\$6,451	\$2,007	\$3,490

Source: City and County Planning Departments

Development Review Process

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

When residential projects are initiated in the City, specific approvals are required that involve permits and inspections. The most common housing applications and permit processing times are indicated in **Figure 3.10**. Also, depending on the level of environmental review required, the processing time for a project may be lengthened.

Figure 3.10: Approximate Entitlement Processing Times

Process	Timeframe
Conditional Use Permit	30-45 Days
Variance	30 Days
Planned Unit Development	3-6 Months
Single-Family Subdivision	3-6 Months
General Plan Amendment	30-45 Days
Zone Change	3-6 Months

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

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

On/Off Site Improvements

The City of Porterville General Plan requires that local residential streets—most commonly developed within new SFR subdivisions—maintain a 47 foot Right-of-Way, which includes a 30 foot road (travel lanes and parking), two four-foot sidewalks, and two four and one half-foot planter strips.³³

The implementation of the landscaping, particularly trees, along roadways was identified in the General Plan Environmental Impact Report as a self-mitigating measure to reduce urban heat and improve air quality.

Housing for Persons with Disabilities

Porterville reviewed its zoning ordinance, permitting procedures, development standards, and building codes to identify potential constraints for housing for persons with disabilities. As a result, the City amended its Zoning Ordinance to be in compliance with the Lanterman Act. The Zoning Ordinance was amended to expressly permit residential care facilities serving six or fewer persons in all residential zones.³⁴ The City further updated its Zoning Ordinance to include an unrestrictive definition of family “Family. One (1) or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a “family” need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.”³⁵ Spacing requirements for Residential Care Facilities are identified in §301.15 of the Development Ordinance, where a minimum distance from other Residential Care Facilities shall be three hundred feet.

Both the Federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford

³³ “Porterville 2030 General Plan.” Circulator Element, Page 71

³⁴ City of Porterville. “Porterville Development Ordinance.”

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

³⁵ “Porterville Development Ordinance.” Series 700: General Terms, Page 463.

disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback or lot coverage requirement to allow for accessibility improvements for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

To create a process for making requests for reasonable accommodation, the City adopted a reasonable accommodation process ordinance in August 2012. The ordinance is located within Chapter 610 of the City's Development Ordinance.³⁶ Chapter 610, titled "Adjustments", authorizes staff to work with a developer to accommodate specific concessions to achieve reasonable accommodation adjustments protected by State or federal law. Chapter 610 includes a detailed procedure of review, which includes specific terms of a regulatory agreement be established prior to review by the City Council.

Provisions for a Variety of Housing Types

To maximize the availability of housing opportunities for City residents, the City's public policies and practices must allow for a diverse set of housing options. The City is currently involved in various efforts to provide diverse housing opportunities for all residents, including farmworker housing, zoning that allows for the development of SROs, second dwelling units, manufactured housing, residential care facilities, and emergency shelters, transitional housing, and supportive housing.

Farmworker Housing

Little land within the City limits is designated for agricultural uses, but the areas surrounding Porterville are some of the most productive agricultural land in the country. The City's General Plan includes an Agriculture/Rural/Conservation land use designation that preserves agricultural and resource conservation areas in which incidental residential uses are allowed. Clustered housing, in particular, is strongly encouraged as it makes the provision of infrastructure more cost-effective.

While no zoning district is established to implement large-scale commercial agricultural uses, the RR (Rural Residential) district does allow small scale agricultural uses and farmworker housing for 12 units. In addition, the AC (Agricultural/Conservation) zone also allows for a single-family unit for agricultural employees as an additional use.³⁷

In 2002, California Health and Safety Code sections 17021.5 and 17021.6 established provisions to require that local zoning codes accommodate farmworker housing. Section 17021.5 provides that all employee housing consisting of six or less units must be regulated in the same manner as a single-family residential unit. Section 17021.6 states that for employee housing of 12 units or less (or group quarters with 36 beds or less) that no conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not require of any other agricultural activity in the same zone. The City is compliant with codes 17021.5 and 17021.6 as listed in the City's Development Ordinance Table 200.02.

³⁶ City of Porterville. "Porterville Development Ordinance."

http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/600Series-Effective2014_01_03.pdf

³⁷ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

Single-Room Occupancy (SRO)

State law requires that local jurisdictions provide housing options for extremely low income households. Single-room occupancy is a housing option that is often viable to extremely low income households, such as the homeless, those with mental illnesses, substance abuse issues, and AIDS. SROs ensure that even the most disadvantaged populations have the opportunity to access extremely low-cost affordable housing. SRO housing is permitted via a conditional use permit in the Downtown Mixed-Use (D-MX) zone.³⁸

Second Dwelling Units

Second dwelling units are defined as a second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. Second dwelling units are designed to offer occupants housing at a more affordable cost and give multi-generational households the opportunity to live in close proximity to one another but in more private spaces. The City permits the construction of second dwelling units in any R district where a primary single family dwelling has been previously established or is proposed to be established in conjunction with construction of second unit zones.³⁹

Manufactured Housing

Manufactured housing is a type of low-cost, prefabricated housing that can be an affordable housing option for low and moderate income households. The City's Development Code defines manufactured homes as "a structure constructed on or after June 15, 1976, in compliance with state standards in effect at the time of construction, is transportable in one or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems." Manufactured home includes any structure that meets all the requirements of this definition and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the national manufactured housing construction and safety act of 1974."⁴⁰ A manufactured home may be located in any residential zone where a conventional single-family detached dwelling is permitted subject to the same restrictions on density and to the same property development regulations.

Mobile Homes

The City's Development Code defines mobile homes as "a structure constructed prior to June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one (1) or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems."⁴¹ Further, the City's Development Code defines mobile home parks as mobile housing in a planned development with common area amenities. Spaces for mobile homes may be rented, leased, or owned through a subdivision,

³⁸ Ibid

³⁹ Ibid

⁴⁰ Sterling Codifiers. "City of Porterville Municipal Code." http://www.sterlingcodifiers.com/codebook/index.php?book_id=679

⁴¹ Ibid.

cooperative, condominium or other form of resident ownership. Mobile home parks are permitted in the RM-1, RM-2, and RM-3 Zones, with a conditional use permit, on a minimum gross site area of 10 acres.⁴²

Residential Care Facilities

Residential care facilities licensed or supervised by a Federal, State, or local health/welfare agency provide 24-hour non-medical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Pursuant to State law, licensed residential care facilities serving six or fewer persons are considered a regular residential use. The City's Zoning Ordinance permits residential care facilities serving more than six persons in the RM-1, RM-2, RM-3, DRM-2, and DRM-3 districts with a conditional use permit. Residential care facilities serving six or fewer persons are permitted in all residential zones.⁴³

Emergency Shelters, Transitional Housing, Supportive Housing

Local jurisdictions are expected to identify sites in which emergency and transitional housing shelters can be developed. Emergency shelters are housing options with minimal supportive services for homeless persons that is limited to occupancy of six months or fewer by a homeless person. State law (SB 2) mandates that local jurisdictions permit emergency shelters in at least one zoning district to adequately accommodate for at least one year-long emergency shelter.⁴⁴ The City permits social service facilities, including emergency shelters, in the RM-3, CMX, D-MX, DRM-2, and DRM-3 zoning districts via a conditional use permit.⁴⁵ Further, social service facilities are allowed by right in the CR and CG zone districts.

Additionally, AB 2634 mandates that local jurisdictions address the need for transitional and supportive housing.⁴⁶ Transitional housing refers to temporary rental housing of six months or longer that is re-circulated after the period of stay of each individual or family is up. Supportive housing is a type of permanent housing which combines housing with supportive services, such as health care and case management, to those living in such units as a cost-efficient method of helping individuals to achieve stability. Under supportive housing, tenants must have access to supportive services to help them reach independence and self-sufficiency. The City permits transitional and supportive housing in all zoning districts that allow residential uses, subject only to the restrictions that would apply to a residential use of the same type. Section 301.22 of the City's Development Ordinance clarifies this accommodation.⁴⁷

Figure 3.11 provides a comprehensive list of the transitional and permanent supportive housing opportunities serving individuals in need of this type of housing in the City.

⁴² City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

⁴³ Ibid

⁴⁴ California Department of Housing and Community Development. "Senate Bill No. 2 Chapter 633."

http://www.hcd.ca.gov/hpd/sb_2_bill_20071013_chaptered.pdf

⁴⁵ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

⁴⁶ California Government Legislative Information. "Bill Number: AB2634." http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_2601-2650/ab_2634_bill_20060930_chaptered.html

⁴⁷ City of Porterville. "Housing Element."

http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/FinalDraftConsolidatedPlan2010.March10_II.pdf

Figure 3.11: Homeless Housing Inventory in the City

Type	Agency	Program(s)	Description
Emergency Shelter	Central California Family Crisis Center	Porterville Women's Shelter	Serves single women, women with children, and victims of domestic violence.
Emergency Shelter	Porterville Area Coordinating Council	Utility and Rent Assistance, Emergency Shelter Assistance	Serves single men, single women, and families.
Transitional Housing	Central California Family Crisis Center	Transitional Housing Program	Serves women with children who are victims of domestic violence.
Transitional Housing	Aspiranet	THP Plus Kings Co.	Serves transitioning age youth ages 18-24.
Transitional Housing	EMQ Families First Inc.	Crossroads TAY Housing	Serves transitioning age youth ages 18-24.

Source: Kings/Tulare Continuum of Care on Homelessness Homeless Housing Inventory, 2013

Environmental/Infrastructure Constraints

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

Seismic and Geologic Hazards

The City of Porterville contains a wide variety of soil types which have a significant bearing on land planning and development. Porterville Clay is the most prominent soil type located within the City, comprising approximately 18 percent of the total area. City Building Code Regulations require a preliminary soil report for every new subdivision.

The majority of the City's planning area is at elevations between 400 and 800 feet. However, the eastern portion of Porterville is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level. Slopes can be greater than 30 percent grade. Development which occurs on slopes greater than 25 percent exacerbates soil erosion, increases the risk of landslides and wildland fires, and harms the visual aesthetics of the area.

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

Flooding Hazards

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

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

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

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

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

Wildland/Urban Fire Hazards

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

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

between May and October. Forty-three percent of the City is considered to have a moderate fire hazard.

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

Hazardous Materials Hazards

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

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

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

Infrastructure Constraints

Residential development can also be constrained by a limited availability of infrastructure, including roads, water and sewer lines, and other related facilities. The City has adopted master plans for its water and sewer systems. These plans reflect anticipated population growth within the plan period as well as relevant general plan policies. The plans direct infrastructure expansion towards desired areas. All the sites identified for future residential development in Chapter 4, Housing Resources, are located within the water and sewer master plan areas. The master plans include technical strategies and financial mechanisms to bring infrastructure to the growth areas.

Other types of urban infrastructure, such as highways, rail lines, canals, and airports, however, pose potential constraints upon housing, in that housing near these and other similar facilities is usually undesirable due to ambient noise, pollution, safety/hazards, or related factors. Many noise impacts from such facilities can be mitigated on-site with soundwalls, insulated windows, and other noise-

attenuating features. Requirements for such features pose a minor housing constraint based on costs. However, the proximity to such noise sources is typically reflected in lower land costs.



Chapter 4

Housing Resources

Chapter 4: Housing Resources

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

Regional Housing Needs Allocation

Projected Housing Needs

State Housing Element law requires that a local jurisdiction accommodate a share of the region's projected housing needs for the planning period. This share, called the Regional Housing Needs Allocation (RHNA), is important because State law mandates that jurisdictions provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community. Compliance with this requirement is measured by the jurisdiction's ability in providing adequate land to accommodate the RHNA. The Tulare County Association of Government (TCAG), as the regional planning agency, is responsible for allocating the RHNA to individual jurisdictions within the region. The Final RHNA was adopted by the TCAG Board on June 30, 2014. The Final HCD review and certification of the adopted Housing Element is required 18 months after Board adoption (December 30, 2015).

The RHNA is distributed by income category. For the 2015-2023 Housing Element update, the City of Porterville is allocated a RHNA of 3,196 units (see **Figure 4.1**):

Figure 4.1: RHNA Allocation, Porterville, 2014-2023

Housing Affordability		Allocation	
Household Income Level	Definition of Category	Housing Units	Percentage of Units
Extremely Low Income	Households earning 0-30% of AMI	312	9.8%
Very-Low Income	Households earning 31-50% of AMI	311	9.7%
Low Income	Households earning 51-80% of AMI	576	18.0%
Moderate Income	Households earning 81-120% of AMI	566	17.7%
Above Moderate Income	Households earning more than 120% of AMI	1,431	44.8%
Total		3,196	100.0%

The City's share of the regional housing need will be met through the implementation of a variety of strategies (e.g., available and appropriately zoned land, units built since the beginning of baseline Regional Housing Needs Allocation (RHNA) period, and second units). The primary method for addressing the adequate sites requirement will be addressed through the identification of available vacant and non-vacant sites that are suitable and appropriately zoned.

Progress towards RHNA

Since the RHNA uses January 1, 2014 as the baseline for growth projections for the Housing Element planning period of 2015-2023, jurisdictions may count toward the RHNA any new units built or issued certificates of occupancy since January 1, 2014. From January 1, 2014 to August 19, 2015, 181 housing units have been built (building permits finalized) in Porterville, all of which are moderate income based on an analysis of market-rate affordability measures. With these credits, the City has a remaining RHNA of 3,079 housing units, including 623 very low income units, 576 low income units, 449 moderate income units, and 1,431 above moderate income units. **Figure 4.2** summarizes the units that can be credited towards the City's RHNA. A detailed listing of units built can be found in Appendix D. It should be noted that an additional 80 units of affordable housing (Very Low Income, Low Income) are expected to be finalized before the end of the calendar year.⁴⁸

Figure 4.2: Credits towards RHNA

	Affordability Level					
	Total # of Units	Extremely Low Income 0-30% AMI	Very Low Income 31-50% AMI	Low Income 51-80% AMI	Moderate Income 81-120% AMI	Above Moderate Income >120% AMI
Units Constructed (building permits finalized) between January 1, 2014 and June 30, 2015						
Single-Family	13		--	--	13	--
Multifamily	168		--	--	168	--
Total	181		--	--	181	--
2014-2023 RHNA	3,196	312	311	576	566	1,431
Remaining RHNA after Credits	3,015	312	311	576	385	1,431

Availability of Sites for Housing

An important component of the Housing Element is the identification of land resources and an assessment of these sites' ability to meet the city's projected housing need. This section discusses

⁴⁸ Figure 4.2 – Credits Toward RHNA does not account for the additional 80 units of affordable housing expected to be finalized before the end of the calendar year.

how Porterville will achieve its remaining regional share of housing in a manner that achieves the City's goals and objectives.

Housing element law requires that jurisdictions demonstrate that there is adequate land available to accommodate the jurisdiction's share of the region's projected growth. This is accomplished through an evaluation of the city's vacant and underutilized land that allows residential development.

The City's land inventory was developed with the use of a combination of resources including the City's GIS database, updated Assessor's data, field surveys, and review of the City's Development Ordinance. The compilation resulted in not only an identification of sites, but also an estimate of potential development capacity for these sites. The majority of the land available for residential development is located in the Medium Density Residential and High Density Residential zones. The inventory includes both small and large residentially and non-residentially zoned parcels and parcels which are substantially vacant or underutilized which could be developed for more intense residential uses. A detailed listing of vacant and underutilized inventory parcels can be found in Appendix E.

In August 2012, the City Council approved Ordinance 1790, which rezoned numerous properties throughout Porterville to RM-3 (High Density Residential) in order to increase the availability of land for the purposes of providing affordable housing as part of the Regional Housing Needs Allocation. Further, on September 1, 2015, the City Council approved Ordinance 1826, which established a minimum density of 20.0 units per net acre within the RM-3 (High Density Residential) zone district. These actions taken by the City implemented the requirements of the 4th Cycle Housing Element.

Vacant Land

Consistent with HCD Guidelines, the methodology for determining realistic capacity on each identified site must account for land use controls and site improvements. In estimating realistic capacity, a density factor at 80 percent of the maximum permitted densities was used. The realistic capacity or expected density approach for the housing sites takes into account development trends, site constraints, and the potential for some non-residential uses (as a part of a mixed-use development).

There is approximately 353 acres of vacant residential land in Porterville. Of the 353 vacant acres, approximately 187 acres has the realistic capacity to accommodate 4,481 higher density (30 units/acre or more maximum) units for lower income housing (RM-3, DRM-3). An additional 166 acres of Low and Medium Density Residential can facilitate moderate and above-moderate income housing, with a realistic capacity of 887 units (RR, RM-1, RM-2, and DRM-2). **Figure 4.4** summarizes Porterville's residential development potential on vacant land by land use designation and zoning.

Figure 4.4: Residential Development Potential on Vacant Sites by Land Use Designation

Land Use Designation (Zoning)	Maximum Density (Units/Acre)	# of Parcels	Acreage	Maximum Unit Capacity	Realistic Unit Capacity
Rural Residential (RR)	0.2	9	89.12	18	14
Very Low Density Residential (RS-1)	3.1	--	--	--	--
Low Density Residential (RS-2)	7.5	--	--	--	--
Low-Medium Density Residential (RM-1)	11.3	14	17.93	203	162
Medium Density Residential (RM-2)	15.0	56	58.08	871	697
High Density Residential (RM-3)	30.0	68	186.56	5,597	4,477
Downtown Medium Density Residential (DRM-2)	16.5	8	1.03	17	14
Downtown High Density Residential (DRM-3)	33.0	1	0.17	6	4
Total	--	156	352.88	6,712	5,368

Underutilized Land

In addition to vacant sites, future housing units can also be accommodated on underutilized lots where developments are not built out to the maximum density permitted. Specifically, underutilized sites meet less than half of the maximum density allowable for the zoning district.

The City's underutilized sites inventory encompasses approximately 1,052 acres of land with residential development potential. The higher density underutilized parcels (30 units/acre or more) have the capacity to reasonably accommodate 55 additional housing units affordable to low income families (RM-3, DRM-3). An additional 110 moderate income units can be reasonably accommodated on the 9 acres of Medium Density Residential land in the underutilized sites inventory (RM-2, DRM-2). Further, lower density parcels in the RS-1 and RS-2 zones have the capacity to reasonably accommodate an additional 5,140 units. **Figure 4.5** presents a summary of the development capacity on Porterville's underutilized land.

Figure 4.5: Residential Development Potential on Underutilized Sites by Land Use Designation

Land Use Designation (Zoning)	Maximum Density (Units/Acre)	# of Parcels	Acreage	Maximum Unit Capacity	Realistic Unit Capacity
Rural Residential (RR)	0.2	--	--	--	--
Very Low Density Residential (RS-1)	3.1	52	315.27	977	782
Low Density Residential (RS-2)	7.5	354	726.39	5,448	4,358
Low-Medium Density Residential (RM-1)	11.3	--	--	--	--
Medium Density Residential (RM-2)	15.0	35	8.06	121	97
High Density Residential (RM-3)	30.0	8	1.61	48	39
Downtown Medium Density Residential (DRM-2)	16.5	2	0.94	16	13
Downtown High Density Residential (DRM-3)	33.0	5	0.59	20	16
Downtown Mixed-Use (D-MX)	41.0	--	--	--	--
Total	--	456	1,053	6,630	5,305

Adequacy of Housing Sites for RHNA

Porterville's vacant and underutilized sites include capacity for 5,553 residential units.⁴⁹ **Figure 4-5** compares Porterville's 2014-2023 RHNA allocations with the Housing Inventory Sites and indicates that the City can adequately accommodate the RHNA. A complete listing of sites is contained in Appendix E. In estimating potential units by income range for the 5,533 total estimated units, it is assumed that:

- All of the units in the 0.2 – 7.5 units/acre range are assumed to produce units in the Above Moderate Income category (RR, RS-1, RS-2).
- All of the units in the 11.3 – 16.5 units/acre range are assumed to produce units in the Moderate Income category (RM-1, RM-2, DRM-2).
- All of the units in the 30.0 – 33.0 units/acre range are assumed to produce units in the Very Low and Low Income categories (RM-3, DRM-3).⁵⁰

	Affordability Level					
	Total # of Units	Extremely Low Income 0-30% AMI	Very Low Income 31-50% AMI	Low Income 51-80% AMI	Moderate Income 81-120% AMI	Above Moderate Income >120% AMI
2014-2023 RHNA	3,196	312	311	576	566	1,431
Units Constructed	181	--	--	--	117	0
Potential Housing on Vacant Land ⁵¹	5,368	1,120	1,120	2,241	873	14
Potential Housing on Underutilized Land ⁵²	5,305	14	13	28	110	5,140
Total	10,854	1,134	1,133	2,269	1,100	5,154
RHNA Surplus/Deficit	7,658	822	822	1,693	534	3,723

Porterville's adopted densities accommodate the need for lower income housing however, the City also provides direct assistance to developers that construct low to moderate income housing within the

⁴⁹ Based on sum of realistic unit capacity.

⁵⁰ Potential units within this density threshold are split evenly between very low and low income categories.

⁵¹ Based on sum of realistic unit capacity.

⁵² Ibid.

City and can grant density bonuses to developers who agree to construct a minimum number of units restricted for low income households.

Financial Resources

The availability of Federal, State, and local financing resources are essential to the construction and rehabilitation of housing. While the level of Federal and State funding for affordable housing has decreased from previous years, there are a variety of financial resources that the City and affordable housing developers can utilize to increase and/or maintain the housing stock for its low and very-low income residents. The following table presents funding available in the City.

Federal Funds
Community Development Block Grant (CDBG) CDBG is the largest federal housing-related program for affordable housing. It is a "pass-through" program that allows local governments to use federal funds to alleviate poverty and blight. Cities with populations of over 50,000 receive CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD), while smaller cities usually use county-administered CDBG funds. HUD makes allocations based on a formula that takes population, poverty, and housing distress into account. CDBG funds are used for a variety of housing efforts including activities aimed at reducing costs for private development (helping fund site acquisition, improvement, and other soft costs); housing acquisition and rehabilitation through short and long-term loans, grants or loan guarantees; direct payment of rent or mortgage and housing counseling services; and fair housing activities. CDBG funds are best used in combination with other subsidy sources or to provide pre-development funding to initiate housing development. The City anticipates approximately \$3,300,000 in CDBG funding from 2015-2020.
HOME Investment Partnership Program (HOME) The City of Porterville does not qualify to receive HOME funds directly from HUD. Instead, the City applies to HCD directly for HOME grants on a competitive basis. In addition to its annual CDBG entitlement, the City anticipates annual HOME Investment Partnerships Program (HOME) funds will be available to meet the goals of the Consolidated Plan. The City's HOME dollars come from program income, and will be used to meet affordable housing needs. As previously discussed, in addition to its annual CDBG entitlement, the City anticipates annual HOME Investment Partnerships Program (HOME) funds will be available to meet the goals of the Consolidated Plan. HOME funding is intended to be used for various housing-related programs and activities. HOME funds are generally used to address the housing needs of jurisdictions through the preservation or creation of affordable housing. New construction, housing rehabilitation, assistance to homebuyers, and tenant-based rental assistance are all eligible uses of HOME funds. The City's HOME dollars come from program income, and will be used to meet affordable housing needs.

Housing Choice Voucher Program (Section 8 Rental Assistance)

Formerly known as the Section 8 program, the Housing Choice Voucher Program is administered by the Tulare County Housing Authority. This rental voucher program subsidizes the gap between the fair market rent of the unit and what a low-income household can afford for rent. Although this long-standing federal assistance program is not expected to increase in size or scope, it remains an important program for affordable housing by helping to balance household income and housing costs. As of May 2015, 483 Porterville households were receiving Section 8 Housing Choice Vouchers, which accounted for nearly two and a half million dollars.

Low Income Housing Tax Credits (LIHTC)

LIHTC represents a significant resource for affordable housing development in Porterville. The City has five (5) large multi-family complexes that have received LIHTC and provided 383 units. The last one constructed was Villa Siena, a 70 unit family complex which opened in 2011. While the City cannot apply directly for LIHTC, the City works diligently with developers proposing affordable housing projects using LIHTC to package a strong application. The City made a recommendation to assist in the approval of an LIHTC application for the Newcomb Court Apartments, an 80 affordable unit project that is currently under construction. This project will be monitored by Tulare County Housing Authority.

The LIHTC program provides federal and state tax credits for private developers and investors who agree to set aside all or an established percentage of their rental units for low-income households for no less than 30 years. Tax credits may also be utilized on rehabilitation projects, contributing to the preservation program. The program begins when developers and investors apply for an allocation of tax credits from the California Tax Credit Allocation Committee (CTCAC). Tax credits are awarded on a competitive basis at varying times. Compliance is monitored according to Internal Revenue Service (IRS) rules and regulations.

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

Section 202 Supportive Housing for the Elderly Program

The Section 202 program offers interest-free capital advances to private and nonprofit sponsors to finance the construction, rehabilitation, or acquisition of housing structures serving as supportive housing for very low-income elderly persons, including the frail elderly. This program also offers rent subsidies to make these projects affordable. The City can work with private nonprofit organizations and nonprofit consumer cooperatives to leverage these funds.⁵³

Section 811 Supportive Housing for Persons with Disabilities

The Section 811 program offers funding to develop and subsidize affordable rental housing that provides supportive services to very low- and extremely low-income adults with disabilities. The program works in two different ways. It provides interest-free capital advance and operating subsidies to nonprofit developers to create affordable housing for individuals with disabilities. It can also provide project rental assistance state agencies, which can be applied to various sources, including Federal Low-Income Housing Tax Credits, Federal HOME Funds.⁵⁴

Affordable Housing Program (AHP)

AHP awards grants to private sector developers and local organizations to develop affordable rental and homeownership opportunities for low-income households. The City can partner with developers or local organizations to apply for AHP grants.

State Funds

Multi-Family Housing Program

If California's Housing and Community Development Department awards Multi-Family Housing Program loans to assist rental housing developments affordable to low-income households in the City, the City will help developers identify local funding.

National Housing Trust Fund (HTF)

States and state-designated entities are eligible grantees for the HTF. HUD will allocate HTF funds by formula annually. A State must use at least 80 percent of each annual grant for rental housing; up to 10 percent for homeownership; and up to 10 percent for the grantee's reasonable administrative and planning costs. During 2015, States will begin developing their HTF Allocation Plans and solicit input from their constituents and submit these plans to HUD along with their 2016 Annual Action Plans. HUD anticipates that grantees will receive their HTF allocations by summer 2016.

Veterans Housing and Homeless Prevention Program via Proposition 41, the Veterans Housing and Homeless Prevention Bond Act of 2014

On June 3, 2014 voters passed the Veterans Housing & Homeless Prevention Act (Proposition 41), which re-appropriates \$600 million from the \$1 billion underutilized California Veterans Farm and Home Loan program. Prop. 41 realigns these existing monies for the development, rehabilitation,

⁵³ http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/progdesc/eld202

⁵⁴ http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/progdesc/disab811

or preservation of multifamily affordable housing units and permits the funds to be used for wraparound services for veterans once they are placed in affordable housing units. Other programs shall be established to leverage existing resources, prioritize projects that combine housing with supportive services, promote public-private partnerships, and create other financing opportunities. Minimum levels of funding for four regions across the state are based on the count of homeless individuals and extremely low-income individuals.

Affordable Housing Innovation Fund (AHIF)

The AHIF provides funding for pilot programs to work toward an innovative, cost-saving method to create or preserve affordable housing. The fund administers the following five programs:

1. Affordable Housing Innovation Program – Loan Fund
2. Affordable Housing Innovation Program – Practitioner Fund
3. Local Housing Trust Fund
4. Innovative Homeownership Program
5. Construction Liability Insurance Reform Pilot Program

Building Equity and Growth in Neighborhoods Program (BEGIN)

BEGIN provides grants to cities and counties to help reduce local regulatory barriers to create affordable homeownership opportunities for qualifying first-time low- and moderate-income homebuyers through down-payment assistance loans.

CalHome

CalHome funding is intended to provide grants to local public agencies and nonprofits to help low and very-low income households become or remain homeowners through deferred-payment loans.⁵⁵

Department of Housing and Community Development (HCD) Bond Issuances

Many HCD programs have historically been funded by one-time State bond issuances and, as such, are subject to limited availability of funding.

California Housing Finance Agency (CalHFA)

CalHFA is a State agency that provides financing and programs to support affordable housing opportunities in California. CalHFA offers multiple mortgage loan programs, down payment assistance programs, and funding for the construction, acquisition, and rehabilitation of affordable ownership units. In addition to their first-time homebuyer program, the CalHFA has a Multifamily lending program for predevelopment, financing, and preservation of affordable and senior housing projects. CalHFA is also responsible for administering Mental Health Services Act funding. MSHA Housing Program funds are allocated for the development, acquisition, construction, and/or rehabilitation of permanent supportive housing. Though not a widely used funding source, as funding sources become scarcer, MSHA funds may become more popular in the future.

⁵⁵ <http://www.hcd.ca.gov/financial-assistance/calhome/>

Administrative Resources

City of Porterville Community Development Department

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

Housing Authority of Tulare County

The Housing Authority of the County of Tulare provides rental assistance to very low income families, seniors, and the handicapped throughout the County. The Housing Authority offer many different programs, including the conventional public housing program, the housing choice voucher program, the farm labor program for families with farm labor income, and senior housing programs. The Housing Authority also owns or manages several individual subsidized rental complexes.

Non-profit Housing Developers

Due to the high cost of housing development, many communities have found that partnerships with nonprofit housing developers are an effective tool for creating affordable housing units. In recent years, the City has worked with the following nonprofit housing developers to create affordable housing in the development of the low-income tax credit projects and are in discussion with both Habitat for Humanity and Self-Help Enterprises for both new construction affordable projects, rehabilitation projects, and preservation of housing at risk of converting to current market rates.

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

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

Opportunities for Energy Conservation

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

The following are among the alternative ways to meet these energy standards.

- Alternative 1: The passive solar approach which requires proper solar orientation, appropriate levels of thermal mass, south-facing windows, and moderate insulation levels.
- Alternative 2: Generally requires higher levels of insulation than Alternative 1, but has no thermal mass or window-orientation requirements.
- Alternative 3: Also is without passive solar design but requires active solar water heating in exchange for less stringent insulation and/or glazing requirements.

Additional energy conservation measures include: (1) locating the home on the northern portion of the sunniest location of the site; (2) designing the structure to admit the maximum amount of sunlight into the building and to reduce exposure to extreme weather conditions; (3) locating indoor areas of maximum usage along the south face of the building and placing corridors, closets, laundry rooms, power core, and garages along the north face; and (4) making the main entrance a small enclosed space that creates an air lock between the building and its exterior; orienting the entrance away from winds; or using a windbreak to reduce the wind velocity against the entrance.

The City assists lower income households with energy conservation improvements. The City's Housing Rehabilitation Loan Program (HRLP) covers weatherization improvements as eligible activities to be funded with CDBG, HOME Program Income and HOME grant funds when available. The guidelines have been revised to encourage homeowners to incorporate the list of green improvements into these projects.

Additionally, the City promotes and provides through its Energy Conservation Program, referrals to local programs including CSET, Proteus, Edison and other agencies for energy conservation and residential weatherization opportunities. The program extends into the City's Housing Rehabilitation Loan program to require the use of recycled materials whenever possible and energy efficient appliances and equipment. Contractors that bid on housing rehabilitation projects must complete a City provided "Green Improvements" checklist with their bids for a project.

Water and Sewer Priority

SB 1087, Chapter 727 (2005) requires local governments to consider water and sewer services for lower income households when conducting their Housing Element analysis. The statute requires local governments to provide a copy of the adopted Housing Element to water and sewer providers. Furthermore, it requires water and sewer service providers must grant priority for service allocations to proposed development projects that include affordable housing units to lower-income households.

In compliance with SB 1087, the City of Porterville's projected water uses were reviewed in early 2015. Due to the historic drought, water availability is less than it would be in wet years, and

additional infrastructure is needed. Wells and additional water and sewer infrastructure are planned in the City's General Plan, and the City is currently initiating updates to the infrastructure master plans. Implementation of those master plans will assure adequate infrastructure capacity to serve build-out of the 2030 General Plan, which includes, among other things, housing needed for lower income households. In the interim, as affordable housing projects are proposed, the City will work with the developer to find affordable solutions to develop capacity if it is not available.

The City will provide the Public Works department with the 2015-2013 Housing Element within a month of its adoption.

Coastal Zone

In accordance with GC Section 65588 and PUBLIC RESOURCES CODE SECTION 30103(a) the City of Porterville is not located in a coastal zone.



Chapter 5

Evaluation of 2009 Housing Element Accomplishments

Chapter 5: Evaluation of 2009 Housing Element Accomplishments

In order to develop an effective housing plan for the 2015-2023 period, the City must evaluate the achievements of the existing housing programs. This assessment allows the City to revise the programs as necessary to ensure that City resources are being used in the most effective manner to meet the housing needs of residents.

Accomplishments since 2009

The 2009 Housing Element had a production goal of 5,473 units in the City. Among these units, 1,224 were designated for very low income households, 862 for low income households, 979 for moderate-income households, and 2,409 for above moderate-income households. Between 2009 and 2014, the total housing production in the City was 247 units, with a majority of units consisting of single-family homes. Based on listed prices/rents and deed restrictions, the income distribution of these units was:

- 49 units affordable to very low-income households (4 percent of allocation)
- 24 units affordable to low-income households (3 percent of allocation)
- 97 units affordable to moderate-income households (10 percent of allocation)
- 77 units affordable to above-moderate-income households (3 percent of allocation)

To supplement the City's limited CDBG and redevelopment housing set-aside funds, the City continued to apply for funding available under various funding programs. As needed, the City applied for HOME funds administered by the State HCD. Specifically, to promote affordable home ownership opportunities in the City, the City continues its First-Time Home Buyer (FTHB) program, and pursued and received funding from various local, State, and Federal programs. Funding for the FTHB program include:

- \$800,000 HOME Funds in 2010
- \$600,000 CalHOME funds in 2011
- Program income from HOME and CDBG funds

The City recognized affordable homeownership opportunities are aspirations of many in the community. Since 2009, approximately 200 units were assisted with these funding sources. The City has also offered homebuyer education classes monthly to help many understand the process and financial responsibility of home ownership.

In addition, the City continued to operate its Housing Rehabilitation Loan Program (HRLP) using primarily CDBG and State HOME funds. Since 2009, 49 units have been assisted. Funding for the HRLP includes:

- Annual allocations from the CDBG program
- Program income from HOME and CDBG funds
- CalHome 2011 Grant

Preserving the existing affordable housing stock is an important goal in the City. During the last ten years, two rental projects at risk of conversion to market-rate uses, Evergreen and Alderwood Apartments, extended their commitment to providing affordable housing opportunities in the City.

Affordable multi-family and single-family affordable housing projects constructed over the last five (5) years include the 14 unit St. James Place mixed use project (\$1 million in HOME Funds), Sequoia Village at Rivers Edge (\$1 million in HOME Funds), the Date Avenue Family Apartments (\$115, 000 in RDA Funds and LIHTC), and the single-family housing project Casas Buena Vista, receiving FTHB assistance from all of the City's FTHB funding sources.

Figure 5.1 provides a detailed assessment of the accomplishments of each program contained in the 2009 Housing Element. In addition, the continued appropriateness of the programs for the 2015-2023 period is also discussed.

Figure 5.1: Program Evaluation, 2009-2014 Housing Element

Program Name	Implementation Actions and Progress		
	2009 Objective	Progress and Evaluation	Action
Program A.1 Housing Rehabilitation Program	Assist low income single-family homeowners with needed repairs by providing direct, 30-year, deferred loans of up to \$40,000.	Evaluation: The city continues to perform outreach activities to promote participation in this program and continues to work with families on waiting list to increase participation, by education on program requirements to increase the number of qualified applicants. Status: Same	Retain
Program A.2 Preservation of Affordable Rental Housing	Monitor the at-risk status of projects annually and contact project owners to discuss preservation options and incentives.	Evaluation: In the 4 th Cycle, no units became at-risk. The City continues to monitor the at-risk status of projects annually and contact project owners to discuss preservation options and incentives. Status: Same	Retain
Program B.1 Vacant and Underutilized Sites Inventory	Annually, or upon major General Plan amendments or annexation, update the sites inventory and provide information on available sites to interested developers.	Evaluation: In the 4 th Cycle, the 'up-zone' effort was completed, significantly increasing the acreage of RM-3 zoned land available for development. The City's Planning Division works with the Housing Division to review and monitor the sites inventory, making this information available to developers. Status: With the conclusion of this Housing Element Cycle, the information will be made available for review through the City's website, and then updated accordingly as appropriate. September 1, 2015, the Porterville City Council approved Ordinance 1826, which established a minimum density of 20.0 units per net acre within the RM-3 (High Density Residential) zone district. These actions taken by the City implemented the requirements of the 4 th Cycle	Retain

Program Name	Implementation Actions and Progress		
	2009 Objective	Progress and Evaluation	Action
		Housing Element. The minimum densities within Ordinance 1826 are pursuant to GC Section 65583 2(h) and (i).	
Program B.2 Mixed-Use Development	Identify potential sites for redevelopment into mixed-use projects and offer incentives to promote mixed-use projects.	Evaluation: In the 4th Cycle, properties were rezoned to the new C-MX and D-MX zone districts. Mixed use development is a land use option that can result in more walkable communities. Buildings more than one story are strongly encouraged. Status: To date, there have been no true mixed use developments resulting from this zoning designation, however, the City remains optimistic that this use will gain momentum.	Retain
Program B.3 Infill Development	Encourage and develop infill incentives.	Evaluation: In the 4th Cycle, as the economy improved, infill developers—though mostly commercial—did develop. As the City continues to attract new businesses and residences, previously unattractive or awkwardly located properties gain new appreciation. The City intends to encourage the higher densities that infill allows. Status: Staff is currently developing an infill development policy that will allow developers a clearer understanding of the opportunities and incentives associated with infill development.	Retain
Program C.1 Home Buyer Assistance	Assist income-qualified homebuyers in Porterville through the First-Time Home Buyer and other programs.	Evaluation: In the 4th Cycle, the City assisted 21 Homebuyers through the FTHB Program. The city continues to assist FTHB through the FTHB program and continue to apply for funding under the HOME and CalHome when funds are available. Status: Same	Retain
Program C.2 Home Buyer Education Classes	Provide home buyer education classes in English and Spanish to low income persons and families once a month during the evenings.	Evaluation: In the 4th Cycle, 12 English speaking and 6 Spanish speaking classes were held with a total of 234 and 64 attendees respectively. The city continues to hold FTHB workshops on a monthly basis alternating between English and Spanish. The city continues to market FTHB Education program via, city webpage, social media, partner outreach, community housing fairs, and information at public counters. Status: Same	Retain

Program Name	Implementation Actions and Progress		
	2009 Objective	Progress and Evaluation	Action
Program C.3 Mortgage Credit Certificate Program	The City participates in the County Mortgage Credit Certificates (MCC) program. The MCC program is administered by the Housing Authority of Tulare County (HATC) and allows low and moderate income first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax.	Evaluation: Porterville maintains a willingness to participate in such a program, but has not had any interest in recent years. Status: Staff will look for ways to further promote this program, and consider in future cycles whether or not it is beneficial to Porterville homeowners.	Retain
Program C.4 Section 8 Rental Assistance	Promote the use of Section 8 with property owners and developers	Evaluation: In the 4th Cycle, and into the future, The City promotes the use of Section 8 Via City Webpage, newsletter, and brochures at public counters. Encourages property owners to rent units through this program by providing information at public counters and referring property owners to the HATC. Work with affordable housing developers to obtain Section 8 assistance for new construction projects by providing letter of support for funding application. Status: Same	Retain
Program C.5 Local, State, and Federal Funding	Pursue available local, state, and federal funding sources in cooperation with private developers, non-profit housing corporations, the HATC, and other interested entities to provide affordable housing and to preserve housing that is at-risk of converting to market rate	Evaluation: In the 4th Cycle, the City continued to pursue a variety of funding sources, including HOME, and CalHome, and CDBG funds when available for the production and rehabilitation of affordable housing. Millions of dollars were received from these sources since 2003. The City supports the Tulare/Kings Continuum of Care Strategy, applications for McKinney funds, and efforts by the Housing Authority of Tulare County. This program is continued in the 5th Cycle. Status: Same	Retain
Program D.1 Local, State, and Federal Funding	Amend Zoning Ordinance to incorporate provisions for emergency shelters,	Evaluation: This effort was completed with the new General Plan and comprehensive Development Ordinance revision in 2010. Status: Complete.	Omit

Program Name	Implementation Actions and Progress		
	2009 Objective	Progress and Evaluation	Action
	transitional housing, supportive housing, and residential care facilities for six or fewer persons by the end of 2009		
Program D.2 Single Room Occupancy (SRO) Units	Establish objective and appropriate development standards in the Zoning Ordinance for SRO Units.	Evaluation: This effort is underway, with anticipation to take to Council a SRO Ordinance in spring 2016 for adoption. Status: Underway	Retain
Program D.3 Housing for Persons with Disabilities	Explore techniques and incentives to encourage the development of housing for persons with disabilities.	Evaluation: The City implements State standards for accessibility in housing. City staff works with applicants to ensure accessibility improvements, and allows encroachments into setbacks for ramps or other accessibility improvements. In the 4 th Cycle, the Development Ordinance was amended to establish a reasonable accommodation requirement and a new Ramp program was established. Status: Same	Omit
Program D.4 Farmworker Housing	Amend Zoning Ordinance to incorporate provisions for farmworker housing by end of 2009	Evaluation: This objective was completed as planned in the 4 th Cycle, and farmworker housing is accommodated in the AC zone- where rural, large scale agricultural uses are allowed. Status: Complete	Omit
Program E.1 Fair Housing	Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity.	Evaluation: In the 4 th Cycle, the City continued to promote equal opportunity for all persons. The City updated the Analysis of Impediments to Fair Housing Choice (AI) in 2014. This program will be included in the 2015 Housing Element and will be reviewed and updated for the 2015 Consolidated Plan. Status: Same	Retain
Program F.1 Zoning Ordinance Revisions	To facilitate and encourage the development, rehabilitation, and preservation of housing in Porterville, the City will address several zoning revisions.	Evaluation: In the 4 th Cycle, multiple zoning revisions were adopted to further eliminate obstacles to the development of affordable housing in Porterville. The City continues to review the Development Ordinance as needed to encourage sustainable and responsible development. At this time, no additional housing related modifications are planned, but	Retain

Program Name	Implementation Actions and Progress		
	2009 Objective	Progress and Evaluation	Action
		in the event they arise, an ordinance amendment would be considered. Status: Same	
Program F.2 Fee Deferral	Adopt a permanent ordinance by the end of 2009 to defer the payment of certain impact fees until occupancy.	Evaluation: On April 17, 2012, City Council approved Resolution 37-2012, allowing multi-unit housing developments for low- and moderate-income families to be eligible for the Development Fee Payment Plan program. Status: Complete	Omit
Program G.1 Infrastructure Improvements	Leverage redevelopment funds, CDBG, and other funding sources for necessary infrastructure improvements to encourage the production of affordable housing units.	Evaluation: CDBG funds will continue to be available for these projects. Status: 4 parking lots have been improved in the 4th Cycle using such funds.	Retain
Program G.2 Energy Conservation	Provide referrals to energy conservation programs offered by both public and quasi-public agencies. Require the use of energy-efficient materials, appliances, equipment, and processes for the HRLP.	Evaluation: Weatherization and energy conservation programs were allowed and encouraged under the City's housing rehabilitation program. Self-Help Housing and CSET provide assistance and referrals to the City program and conversely the City has been referring eligible clients to Self-Help and CSET for assistance. No separate program on weatherization is included in the Housing Element, but such conservation efforts are noted through the Building Division. In the 4th Cycle, 250 Households were advised of energy conservation programs. Status: Same	Retain



Chapter 6

Housing Plan

Chapter 6: Housing Plan

This section of the Housing Element establishes the housing goals, objectives, and policies for the City's 2015-2023 planning period. It includes programs from the previous Housing Element period that have been revised to improve the success of the program during this planning period.

Goals and Policies

Goal 1: Preserve the existing housing stock and conserve existing affordable housing opportunities in Porterville.	
Policy 1.1	The City will encourage private reinvestment and rehabilitation of housing in older residential neighborhoods.
Policy 1.2	The City will pursue local, state, and federal funding assistance that is appropriate to the City's rehabilitation needs.
Policy 1.3	The City will assist interested individuals and non-profit housing corporations to acquire and/or rehabilitate housing in need of rehabilitation with the objective of preserving such units as affordable housing.
Policy 1.4	The City will work with the Tulare County Housing Authority and other non-profit housing corporations to preserve Section 8 and other rent-subsidized units in the City including La Serena Apartments
Goal 2: Expand the City's low- and moderate-income housing opportunities.	
Policy 2.1	While promoting the provision of housing for all economic segments of the community, the City will seek to ensure design quality in all new residential development.
Policy 2.2	The City will pursue local, state, and federal funding assistance that is appropriate to Porterville's needs to expand affordable housing opportunities for low- and moderate-income households.
Policy 2.3	The City will encourage government-assisted, below-market-rate housing units to be interspersed within the development and be outwardly indistinguishable from market-rate units.
Policy 2.4	The City will provide for the development of secondary residential units, as required by State law, while protecting the single-family character of neighborhoods.
Policy 2.5	The City will continue to provide assistance in the form of classes and financial assistance that enables low-and moderate income households to become first-time homebuyers.
Goal 3: Address the housing needs of special populations, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, and homeless individuals and families.	
Policy 3.1	The City will maintain an adequate supply of appropriately designated land for special needs housing, including seniors, disabled persons including those with developmental disabilities, large households, farmworkers, the homeless, and transitional persons.
Policy 3.2	The City will encourage the development and rehabilitation of housing that is accessible to persons with disabilities.

Policy 3.3	The City will pursue land use policies that allow small residential developments and individual housing units meeting special needs to be integrated into existing neighborhoods and new residential developments.
Policy 3.4	The City will work with surrounding jurisdictions to address the needs of transient homeless persons on a regional basis.
Policy 3.5	Continue to participate in the Kings/Tulare County Continuum of Care (“the Alliance”) and work with adjacent jurisdictions to develop additional shelter opportunities for homeless individuals and families.
Goal 4: Assure that all present and future residents have equal access to housing, commensurate with the financial capacity, without discrimination.	
Policy 4.1	The City will provide public information on the state and federal fair housing laws.
Policy 4.2	The City will refer discrimination complaints and requests for services to appropriate fair housing agencies.
Policy 4.3	The City will cooperate with community-based organizations that provide services or information to victims of housing discrimination.
Goal 5: Address and Reduce Governmental Constraints.	
Policy 5.1	The City will establish and maintain development standards that support housing production while protecting quality of life goals.
Policy 5.2	The City will continue to provide for timely and coordinated processing of residential development projects to encourage housing production within Porterville.
Policy 5.3	The City will review its fee structure, including development fees, impact fees, and other municipal costs, periodically to ensure that they do not unduly constrain the production of housing, especially affordable housing.
Goal 6: Ensure Adequate Services to Infrastructure and Housing.	
Policy 6.1	New residential projects shall be designed to facilitate alternative modes of travel.
Policy 6.2	The City will promote infill residential development within other older parts of the City where adequate public facilities and services are already in place.
Policy 6.3	The City will support policies and programs that will help achieve compliance with Federal and State regulations relating to storm water pollution prevention.
Policy 6.4	When water and sewer capacities are limited, the City will work with water and sewer service providers to ensure new affordable housing projects receive priority for allocation, pursuant to State law.

Programs and Actions

The goals and policies contained in the Housing Element address Porterville’s identified housing needs and are implemented through a series of housing programs. These programs define the specific actions the City will undertake to achieve the stated goals and policies. Funding sources for implementing the eight-year objectives are also listed. These housing programs include programs currently in operation in the City and new programs that have been added to address the City’s unmet housing needs. A housing program often implements more than one policy and sometimes, more than one goal. The programs are categorized by the primary goal for which the programs are intended.

Goal 1: Preserve the existing housing stock and conserve existing affordable housing opportunities in Porterville.	
Policy 1.1: Housing Rehabilitation Program	
Program Description	This program assists low income single-family homeowners with needed repairs by providing direct, 30-year, deferred loans of up to \$40,000. The funds may be used to correct code violations, safety repairs, accessibility improvements, lead-based paint, and energy conservation measures. Currently, there is a long waiting list of applicants for home rehabilitation assistance. The City is processing loans for applicants on the waiting list and once the list is exhausted the City will reopen the program for new applications.
Program Activities	• Continue to offer rehabilitation assistance to income-qualified households • Continue to market this program at public counters and through other media (e.g. newspaper)
Quantified Objective	Assist approximately 5 households with current funding through 2020, with an objective of assisting 1-2 households annually if additional funding becomes available
Responsible Agency	Community Development Department
Funding Sources	CDBG entitlement funds and program income; HOME funds and program income
Policy 1.2: Preservation of Affordable Rental Housing	
Program Description	To the extent feasible, the City will work to preserve the affordability of these units in partnership with the property owners, public agencies, and other interested parties.
Program Activities	• Monitor the at-risk status of projects annually and contact project owners to discuss preservation options and incentives. • Work with the HATC to provide technical assistance to tenants regarding the availability of Section 8 vouchers in case units are converted to market-rate housing. Work with property owners and nonprofit housing providers to pursue the preservation of at-risk units. Pursue State and Federal funding programs to preserve the at-risk units either through acquisition and/or rehabilitation, affordability covenants, or other means.

Quantified Objectives	Work to preserve the affordability of 5 units
Responsible Agency	Community Development Department
Funding Sources	• Rural Development subsidy renewals • HUD Section 8 vouchers • State Farmworker Housing funds • HOME funds

Goal 2: To expand the City's low- and moderate-income housing opportunities.	
Policy 2.1: Home Buyer Assistance	
Program Description	The City recognizes homeownership is a desire of many Porterville residents. Through the First-Time Home Buyer (FTHB) program and development of affordable ownership housing, the City extends affordable homeownership opportunities for many lower income households. First-Time Low Income Home Buyer Program: Under this program, the applicant must be a first-time home buyer that earns 80 percent or less of the area median income. The applicant must also be able to qualify with a participating lender for a first mortgage and provide a percentage of the down payment from their own personal assets. The City provides a secured second trust deed loan to fill the gap, providing down payment and closing cost assistance up to \$40,000. Existing homes to be financed under this program include homes constructed before 1978, as long as the dwelling unit passes a visual assessment that reveals no sign of deteriorated paint surfaces that could contain lead paint.
Program Activities	Continue to assist income-qualified homebuyers in Porterville through the First-Time Home Buyer and other programs.
Quantified Objective	Assist 5 households to purchase first home, with an objective of assisting 1 households annually if additional funding becomes available.
Responsible Agency	Community Development Department
Funding Sources	• CalHOME funds (when available) • CDBG program income • HOME funds
Policy 2.2: Home Buyer Education Classes	
Program Description	The City currently provides home buyer education classes in English and Spanish to low income persons and families once a month during the evenings. The class provides information on the advantages and disadvantages of home ownership, how to work with a realtor, what to look for in selecting a home, understanding the loan and escrow process, and learning how to maintain a home. Upon completion of the class, the participant receives a Certificate of Completion making them eligible to participate in the City's First Time Home Buyer Program.
Program Activities	Continue to offer Home Buyer Education Class once a month.
Quantified Objective	4 classes held per year.
Responsible Agency	Community Development Department
Funding Sources	CDBG entitlement funds
Policy 2.3: Mortgage Credit Certificate Program	
Program Description	The City participates in the County Mortgage Credit Certificates (MCC) program. The MCC program is administered by the Housing Authority of Tulare County (HATC) and allows lower and moderate income first-time homebuyers

	to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax.
Program Activities	Continue to adopt resolution of approval to participate in this program.
Quantified Objective	1 family from Porterville guided to HATC's program per year.
Responsible Agency	City Council
Funding Source	MCC federal income tax credits to provide assistance via the County program; no funding required from the City
Policy 2.4: Section 8 Rental Assistance	
Program Description	The HATC administers the Section 8 Rental Assistance program for Porterville. The Section 8 program extends rental subsidies to very low income households who cannot afford the cost of rental housing. The Section 8 program offers a voucher that pays the difference between the current fair market rent established by HUD and what a tenant can afford to pay (typically at 30 percent of household income).
Program Activities	- Promote the use of Section 8 via City website, newsletter, and brochures at public counters. - Encourage property owners to rent units through this program by providing information at public counters and referring property owners to the HATC. - Work with affordable housing developers to obtain Section 8 assistance for new construction projects by providing letter of support for funding application.
Quantified Objective	4 outreach efforts/promotions of HATC program per year.
Responsible Agency	HATC; Community Development Department
Funding Source	HUD Section 8 allocation
Policy 2.5: Local, State, and Federal Funding	
Program Description	Development of affordable housing in Porterville, particularly for extremely low and very low income housing, typically requires substantial leveraging with public funds. Often, multiple layers of funding are required to address the deep subsidies required. The City will continue to pursue available local, state, and federal funding sources in cooperation with private developers, non-profit housing corporations, the HATC, and other interested entities to provide affordable housing and to preserve housing that is at-risk of converting to market rate. Funding will be targeted to facilitate the development of housing for families (including large families and farmworker families), seniors, and persons with disabilities.
Program Activities	- Continue to work closely with developers to pursue Low Income Housing Tax Credits by expediting project review. - Annually identify programs to pursue based on the likelihood of funding, including HOME, and Cal-Home funds and other State and Federal funds.

	• Pursue funding for extremely low, very low, and low income housing, including housing for persons with disabilities. • Collaborate with agricultural employers in identifying sites and pursuing funding sources available through HCD and the USDA's Rural Development programs. • Identify and review surplus lands for affordable housing as applicable.
Quantified Objective	3 programs developed in 5 th Cycle.
Responsible Agency	Community Development Department
Funding Source	General fund

Goal 3: Address the housing needs of special populations, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, and homeless individuals and families.	
Policy 3.1: Expedited Entitlement Process for Special Populations Housing	
Program Description	Actively seek and encourage the development of affordable housing for special populations including persons with Developmental Disabilities.
Program Activities	Continue to provide financial assistance, regulatory incentives (e.g., density bonuses), and priority permit processing for special populations housing development that provide 25 percent or more units at rents affordable to extremely-low, very low, low, and moderate incomes.
Quantified Objective	3 projects developed during 5 th Cycle.
Responsible Agency	Community Development Department, City Council
Funding Source	• CDBG Fund • HOME Fund • General Fund
Policy 3.2: Remove Constraints and Provide Reasonable Accommodations for Housing Designed for Persons with Disabilities	
Program Description	Enforce State handicapped, accessibility, and adaptability standards for persons with Disabilities, pursuant to SB 520.
Program Activities	• Continue to enforce reasonable accommodation standards. • Provide information and related resources to the public regarding accessibility issues. • Encourage accessibility in all new and rehabilitated developments.
Quantified Objective	1 outreach effort to disabled community per year to encourage renovations. Establish new comment period for development projects to educate and encourage developers regarding adapted housing.
Responsible Agency	Community Development Department
Funding Source	General fund
Policy 3.5 Continue to participate in the Kings/Tulare County Continuum of Care (“the Alliance”) and work with adjacent jurisdictions to develop additional shelter opportunities.	
Program Description	Collaborate with the City of Tulare and Family Services of Tulare County to increase permeant supportive housing opportunities for unsheltered homeless in Porterville.
Program Activities	• Fund a social worker for direct service provision. • Expand the Shelter+Care Program. • Increase housing vouchers for homeless within Porterville. • Partner with the Alliance for review and analysis of Porterville shelter need (Point-In-Time Count) to inform a strategy that is in-line with Opening Doors: Federal Strategic Plan to Prevent and End Homelessness.
Quantified Objective	Pledge \$15, 000 annually for case management services. Rapidly rehouse 80 homeless households. Secure 5 additional housing vouchers for homeless households.

Responsible Agency	Community Development Department
Funding Source	Community Development Block Grant

Goal 4: To assure that all present and future residents have equal access to housing, commensurate with the financial capacity, without discrimination.	
Policy 4.1 – 4.3: Fair Housing	
Program Description	Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, Porterville currently refers complaints regarding housing discrimination to the Legal Aid of Central California, California Rural Legal Aid, and Self Help Enterprises, Tulare County Housing Authority (Fair Housing Unit), and State Department of Fair Employment and Housing.
Program Activities	• Continue to provide fair housing referrals. • Continue to post fair housing posters and referral information at City Hall, public counters, and community facilities. • In conjunction with the Five-year Consolidated Plan process, review and update, if necessary the Analysis of Impediments to Fair Housing Choice. • Continue to update housing resources on City website, including fair housing and legal assistance agencies, the State Department of Fair Employment and Housing, California Association of Realtors, and U.S. Department of Housing and Urban Development (local office of Civil Rights Monitoring)
Quantified Objective	Every year, review referral information and available resources, and update as appropriate.
Responsible Agency	Community Development Department
Funding Source	General fund; CDBG entitlement funds, and HOME funds

Goal 5: Address and Reduce Governmental Constraints, and Advocate for the Production of Affordable Housing	
Policy 5.2 – 5.3: Expedited Entitlement Process	
Program Description	When appropriate and feasible, require all City departments to expedite processes and allow waivers of development fees as a means of promoting the development of affordable housing.
Program Activities	Continue to reduce processing time and costs for affordable housing projects.
Quantified Objective	Ensure all affordable housing projects have a building permit review period of not more than ten business days.
Responsible Agency	All City Departments
Funding Source	General Fund

Goal 6: Ensure Adequate Services to Infrastructure and Housing.	
Policy 6.1: Infrastructure Improvements	
Program Description	Infrastructure improvements represent a significant cost factor for housing development in Porterville. The City will continue to evaluate appropriate projects for receiving financial assistance.
Program Activities	- Continue to leverage CDBG and other funding sources for necessary infrastructure improvements to encourage the production of affordable housing units. - Continue to pursue additional funding sources to expand affordable housing opportunities.
Quantified Objective	Pursue 4 grants in the 5 th cycle.
Responsible Agency	Community Development Department, Public Works Department
Funding Source	CDBG Funds
Policy 6.2 Energy Conservation	
Program Description	The City provides referrals to local programs including CSET, Proteus, Edison and other agencies for energy conservation and residential weatherization opportunities. The effort extends into the City's Housing Rehabilitation Loan Program (HRLP) to require the use of recycled materials whenever possible and energy efficient appliances and equipment. Contractors that bid on HRLP projects must complete a City provided "Green Improvements" checklist with their bids for a project.
Program Activities	- Continue to provide referrals to energy conservation programs offered by both public and quasi-public agencies. - Continue to require the use of energy-efficient materials, appliances, equipment, and processes for the HRLP
Quantified Objective	Provide 2 referrals per year.
Responsible Agency	Community Development Department
Funding Source	CDBG and HOME funds

Below see the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame.

Figure 6: Estimate Number of Units by Income 2014-2018

Income Group	New Construction	Rehabilitation	Conservation/Preservation
Extremely Low	32	2	2
Very Low	77	2	2
Low	43	1	1
Moderate	297	-	-
Above Moderate	83	-	-
Total	532	5	5

Appendix A: Community Engagement Materials



COMMUNITY WORKSHOPS 2015-2023 Housing Element

Help Shape the Future of Housing in Porterville!

Come express your views on the update to the Housing Element, a key chapter of the City's General Plan. Please assist us in identifying the housing issues and opportunities that are important to you by attending one of our workshops.

We Value Your Feedback!



Short on time?
Take a quick survey at: https://www.surveymonkey.com/r/Porterville_HE
Survey closes Tuesday, August 5th

Workshop #1	Workshop #2
Heritage Center 256 E. Orange Avenue Porterville, CA 93257 Thursday, July 30th 5:30 – 6:30 pm	Fire Station No. 2 500 N. Newcomb Street Porterville, CA 93257 Thursday, September 3rd 10:00 – 11:00 am

More Information
For more information, call Julie Phillips at 559-782-7460 or visit: www.ci.porterville.ca.us

In compliance with the Americans with Disabilities Act, if you need special assistance to attend these forums, please contact Patrice Hildreth, Administrative Services Director, (559) 782-7441. Individuals requiring special assistance using TTY, VCO, HCO, or ASCII devices may call 1-866-660-4288.



TALLERES COMUNITARIOS 2015-2023 Elemento de Vivienda

¡Ayude a Moldear el Futuro de Vivienda en Porterville!

Venga a expresar sus opiniones sobre la actualización del Elemento de Vivienda, un capítulo importante del Plan General de la ciudad. Por favor venga a uno de nuestros talleres para ayudar a identificar los problemas de vivienda y oportunidades importantes para usted.

¡Valoramos sus comentarios!



¿No tiene mucho tiempo?

Tome una encuesta breve: https://www.surveymonkey.com/r/PortervilleSpanish_HE

¡La fecha límite para completar la encuesta es el 5 agosto!

Taller #1

Taller #2

Heritage Center
256 E. Orange Avenue
Porterville, CA 93257
jueves, 30 de julio
5:30 – 6:30 pm

Fire Station No. 2
500 N. Newcomb Street
Porterville, CA 93257
jueves, 3 de septiembre
10:00 – 11:00 am

Mas Informacion

Para mas informacion, llame a Lupe Diaz al 559-782-7460 o visite: www.ci.porterville.ca.us

En cumplimiento con el Acto de Americanos con Disabilidades, si usted necesita asistencia especial para asistir a estas reuniones, por favor llame a Patrice Hildreth, Directora de Servicios Administrativos (559) 782-7441. Individuos que requieren asistencia especial usando aparatos TTY, VOC, HCO, o ASCII pueden llamar al 1-866-288-1311.



City of Porterville | HOUSING ELEMENT UPDATE

HOUSING NEEDS SURVEY

1. Do you live in Porterville?

a. Yes b. No

If yes, please answer the following questions:

How long have you lived in Porterville?

a. 1-5 years b. 6-10 years
c. 11-20 years d. 21+ years

What quadrant do you live in?

☐ 1) Northwest ☐ 2) Northeast
☐ 3) Southwest ☐ 4) Southeast

Do you currently rent or own your home in Porterville?

a. Rent b. Own

2. Do you work in Porterville?

a. Yes b. No

3. What kind of housing unit do you currently live in?

a. Single-family home b. Apartment c. Duplex
d. Condominium e. Other (specify): _____

4. Do you think the housing options available in the City meet your needs?

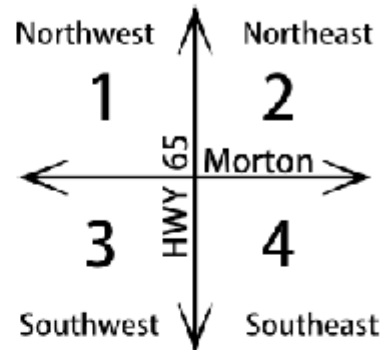
a. Yes b. No c. Not sure (specify) _____

5. What types of affordable housing are most needed in Porterville? (Circle all that apply)

a. Condominiums b. Town Homes
c. Large Family Units d. Low-rent Apartments
e. Senior Housing f. Secondary Dwelling Units
g. Housing for Persons with Disabilities h. Farmworker Housing
i. Mobile Homes j. Emergency Shelters, Transitional Housing,
Supportive Housing
k. Other (specify) _____

6. What do you think the City can do to help make housing more affordable? (Circle all that apply)

a. Provide financial assistance to low-income households
b. Provide technical assistance to private loan applications
c. Promote development of affordable housing
d. Other (specify): _____





Ciudad de Porterville | ELEMENTO DE VIVIENDA

Encuesta de necesidades de vivienda

1. ¿Vive en la Ciudad de Porterville?

- a. Sí b. No

Si marco sí, por favor responda a las siguientes preguntas:

¿Cuánto tiempo ha vivido en Porterville?

- a. 1-5 años b. 6-10 años
c. 11-20 años d. 21+ años

¿En cual vecindario vive?

- ☐ 1) Noroeste ☐ 2) Noreste
☐ 3) Suroeste ☐ 4) Sureste

¿Es propietario o alquila su casa?

- a. Alquilo b. Soy dueño

2. ¿Trabaja usted en Porterville?

- a. Sí b. No

3. ¿En qué tipo de vivienda vive?

- a. Casa b. Apartamento c. Dúplex
d. Condominio e. Otro (especifique): _____

4. ¿Cree que las opciones de vivienda disponibles satisfacen sus necesidades?

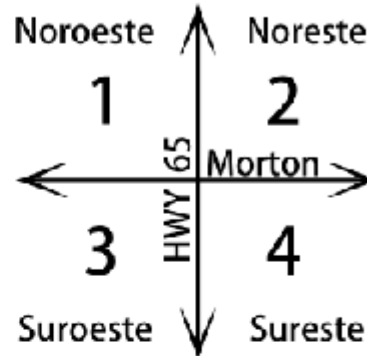
- a. Sí b. No c. No estoy seguro(a) (especifique) _____

5. ¿Qué tipos de viviendas accesibles son más necesarias en Porterville? (Elija todas las respuestas que aplican)

- | | |
|--|--|
| a. Condominios | b. Conjunto urbano de viviendas |
| c. Casas grandes | d. Apartamentos de bajos ingresos |
| e. Viviendas para personas mayores | f. Vivienda secundaria |
| g. Vivienda para personas discapacitadas | h. Vivienda para trabajadores agrícolas |
| i. Casas móviles | j. Refugio de emergencia, Vivienda de transición, vivienda con apoyo |
| k. Otro (especifique) _____ | |

6. ¿Que puede hacer la ciudad para hacer viviendas en Porterville mas accesibles? (Elija todas las respuestas que apliquen)

- a. Proporcionar asistencia financiera a los hogares de bajos ingresos
b. Proveer asistencia técnica para solicitudes de préstamos privados
c. Promover el desarrollo de viviendas accesibles
d. Otro (especifique): _____





City of Porterville | HOUSING ELEMENT UPDATE

HOUSING NEEDS SURVEY

1. Do you think it is hard to find affordable housing in Porterville?
 - a. Yes
 - b. No
2. Do you think there is an unmet need for housing in Porterville for the following special needs groups? (Choose all that apply)
 - a. Homeless
 - b. Seniors
 - c. Farm workers
 - d. Persons with disabilities
 - e. Large households (5+ people)
 - f. Female headed households
 - g. Other _____
3. What do you feel is the greatest constraint to providing housing in Porterville?
 - a. City regulations (setbacks, height restrictions, housing type restrictions, etc.)
 - b. Building and fire codes
 - c. Permit fees
 - d. Processing time
 - e. Other (specify) _____
4. Do you have any other comments, questions, or concerns?

6. If you would like to receive updates on this planning process, please provide your email address:

THANK YOU for completing this survey. Please return this form by Tuesday, August 5th to Julie Phillips at City of Porterville, 291 N. Main Street, Porterville, CA, or fax to (559) 781-6437 or you can e-mail to jphillips@ci.porterville.ca.us. Spanish versions of the survey are also available online or by contacting Julie Phillips by phone at 559-782-7460 or email at jphillips@ci.porterville.ca.us.



Ciudad de Porterville | ELEMENTO DE VIVIENDA

Encuesta de necesidades de vivienda

1. ¿Cree que es difícil encontrar una vivienda accesible en Porterville?
 - a. Sí
 - b. No
2. ¿Cree que hay una necesidad de viviendas accesibles para los siguientes grupos con necesidades especiales (Elija todos los que aplican)
 - a. Personas sin hogar
 - b. Personas mayores
 - c. Trabajadores agrícolas
 - d. Personas discapacitadas
 - e. Familias numerosas (Familias de cinco o mas personas)
 - f. Hogares con cabeza de familia femenina
 - g. Otro _____
3. ¿Cuál es la mayor limitación en proveer viviendas en Porterville?
 - a. Regulaciones de la ciudad (restricciones de edificios, restricciones de tipo de vivienda, etc.)
 - b. Codigos de construccion y de seguridad contra incendios
 - c. Cuotas de permisos
 - d. Tiempo de procesamiento
 - e. Otro (especifique) _____
4. ¿Tiene otras preguntas o comentarios?

5. Si desea recibir información sobre el elemento de vivienda, por favor proporcione su dirección de correo electrónico: _____

GRACIAS por completar la encuesta. Por favor devuelva esta encuesta antes del 5 de agosto a Julie Phillips a: City of Porterville, 291 N. Main Street, Porterville, CA, o por fax al (559) 781-6437 o via correo electronico a jphillips@ci.porterville.ca.us.

Appendix B: Fee Schedule



City of Porterville

FEE SCHEDULE Effective February 1, 2015

Note: Prices do not include sales tax, where applicable

Community Development Fees

Airport Master Plan Hard Copy	\$2
<u>Annexation</u> (See also LAFCO fees below)	
Major Annexation	\$3,670
Minor Annexation	\$1,835
Appeals	\$316
<u>CEQA/NEPA Compliance</u>	
<i>(Does not include County or State fees)</i>	
Notice of Exemption	\$79
Negative Declaration, Finding of No Significant Impact, EIR or EIS:	
Actual consultant cost, plus 10% contingency, plus 10% administrative cost	
Certificate of Compliance	\$655
<u>Conditional Use Permits</u>	
Standard	\$1,164
Minor	\$614
Hazardous Waste	\$20,000
Development Agreement	\$1,211
<u>Extraterritorial Service Agreements</u>	
Base Fee	\$150
Annexation Deposit per sq ft	\$0.0136
Flood Plain Review	\$244
General Plan (Document on CD)	\$5
General Plan Amendment	\$1,599
Home Occupation Permit	\$59
Lot Line Adjustment	\$616
Lot Line Merger or Reversion	\$616

Modification of Conditional Use Permit, Tentative Map, Variance, or Planned Unit Development	\$150
Parking District In-Lieu	\$2,500
<u>Parcel Maps</u>	
Waiver	\$59
Tentative Map	\$1,500
Final Map	\$955
Time Extension	\$237
Map Exception	\$118

Project Review Committee (PRC)

(See Table on Reverse for Project Description)

Small	\$250
Medium	\$500
Large	\$750
Planned Dev. or Specific Plan	\$1,818
<u>Temporary Cargo Container Placement</u>	
Short Term	\$296
Long Term 3 or fewer	\$217
Long Term 4 or more	\$454 + \$79/6 mth

Temporary Structure Permit	\$454
Temporary Sign Permit	\$19.75
Temporary Use of Right-of-Way	\$145

Subdivision Maps

Tentative	\$3,004
Plus Tentative per lot fee	\$39
Final	\$1,672
Plus Final per lot fee	\$40
Time Extension	\$316
Map Exception	\$118

Zone Change	\$1,105
Zone Variance	\$1,026
Zoning Administrator Permits	\$138
Zoning Compliance Letter	\$79
Zoning Map (Color, 24x36)	\$6
Development Ordinance Amendment	\$4,213
Development Ordinance (On CD)	\$5
General Research exceeding 30 min	\$79/hr
300-foot radius maps and labels	\$26.50

LAFCo Processing Fees

(Note these fees are subject to change without notice. For most recent and complete fee information, visit LAFCo website at

<http://lafco.co.tulare.ca.us/documents/FeeSchedule.pdf>)

Annexation	\$3,476
Island Annexation	\$1,791
Extraterritorial Service Requests:	
By Executive Officer	\$121 plus actual
By LAFCo	\$334 plus actual
An additional acreage fee from the State Board of Equalization is charged to process annexations.	

Public Works Fees

Aerial Maps	\$159
City Map	\$80
Development and Improvement Modification Request	\$159

Improvement Plan Checking

Based on Estimated Cost of Improvements

≤ \$100,000	\$2,390
> \$100,000 AND ≤ \$200,000	\$3,187
> \$200,000	\$3,984

Municipal Utility Services Policy	\$797
Standard Plans & Specifications Book	\$319
Property Information Service	\$159

Public Improvement Inspection

Based on Estimated Cost of Improvements

≤ \$100,000	\$4,262
> \$100,000 AND < \$200,000	\$6,254
≥ \$200,000	\$8,246

Public Works Utility Permit Inspection	\$319
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Miscellaneous Public Works Construction Permit	\$319
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Right-of-Way Encroachment	\$1,414
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Subdivision Inspection

Based on Estimated Cost of Improvements

≤ \$100,000	\$7,170
> \$100,000 AND < \$200,000	\$9,162
≥ \$200,000	\$11,154

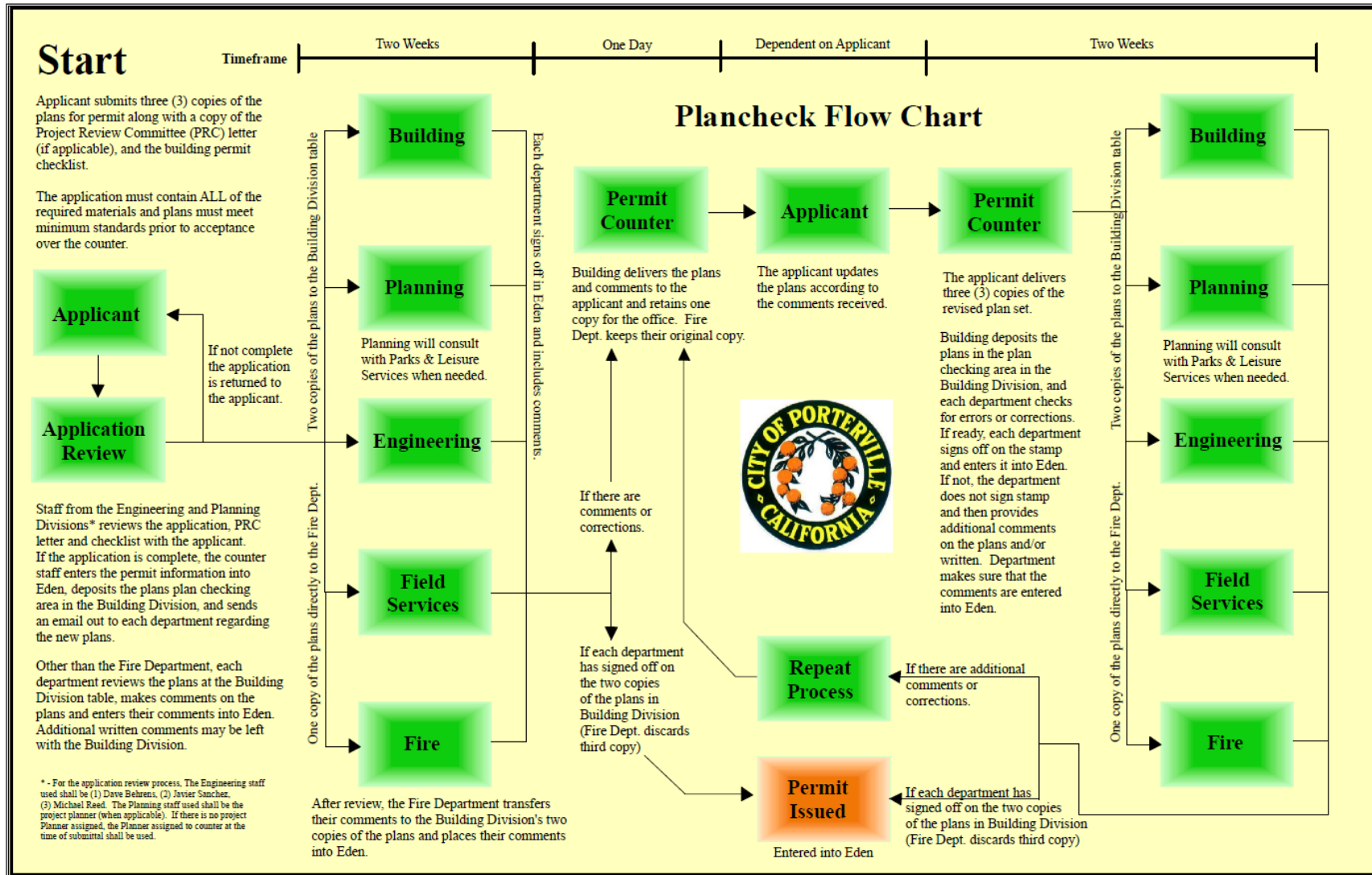
Documentation for Water

Excludes meter and materials

Water Meter Service	\$20
Water Meter Installation	\$20
Traffic Control Permit	\$199
Oversized Haul Permit	\$16
Street and alley abandonment	\$637
General Research in excess of 30 minutes	\$817

Project Size (Exhibit A)	Small	Medium	Large
New commercial or industrial structures and additions from 500 SF to less than 1,000 SF.	X		
New commercial or industrial structures and additions from 1,000 SF to less than 10,000 SF		X	
New commercial or industrial structures and additions 10,000 SF or larger in size			X
Multiple-family developments with four (4) to six (6) units or consisting of two (2) to three (3) structures	X		
Multiple-family developments with seven (7) to eleven (11) units or consisting of four (4) to six (6) structures		X	
Multiple-family developments with more than twelve (12) units or consisting of more than six (6) structures			X
Change in occupancy	X		
Any project that requires a discretionary approval, except *residential parcel maps.			X
*Residential parcel maps		X	

Appendix C: Plan Check Flow Chart



Appendix D: Credits towards RHNA

	Affordability Level					
	Total # of Units	Very Low Income 0-50% AMI	Low Income 51-80% AMI	Moderate Income 81-120% AMI	Above Moderate Income >120% AMI	Methodology of Affordability Determination
Approved/Permitted/Entitled Units						
512 S MILO ST	1			1		Sales Price
2129 W CLARE AVE	1			1		Sales Price
1873 W MONTE LN	1			1		Sales Price
2163 W CLARE AVE	1			1		Sales Price
2149 W CLARE AVE	1			1		Sales Price
2143 W CLARE AVE	1			1		Sales Price
2169 W CLARE AVE	1			1		Sales Price
502 S MILO ST	1			1		Sales Price
496 S BAY OAK ST	1			1		Sales Price
516 S BAY OAK ST	1			1		Sales Price
493 S MILO ST	1			1		Sales Price
532 S MILO ST	1			1		Sales Price
522 S MILO ST	1			1		Sales Price
1711 W Henderson Ave	168			168		Rent Price
Total	181	--	--	181	--	
2014-2023 RHNA		623	576	566	1,431	
Remaining RHNA after Credits		623	576	385	1,431	

Appendix E: Available Land Inventory Summary

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
1	261094007	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.17	2.0	Vacant	Yes	None
2	261115006	DRM-3 (High Density Residential)	High Density Residential	33	0.10	3.3	SFR	Yes	None
3	261115011	DRM-3 (High Density Residential)	High Density Residential	33	0.10	3.3	SFR	Yes	None
4	248080046	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.32	3.6	Vacant	Yes	None
5	248080050	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	1.10	12.4	Vacant	Yes	None
6	253070030	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.92	10.4	Vacant	Yes	Adjacent to estate homes
7	245040038	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.88	13.1	Agriculture (berry vines)	Yes	None
8	246290037	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.26	3.9	Vacant	Yes	None
9	251221011	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.20	3.0	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
10	251222021	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.16	2.4	SFR	Yes	None
11	251292010	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.58	8.7	Vacant	Yes	None
12	251301003	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.92	13.9	Vacant	Yes	None
13	251301005	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.22	3.3	Vacant	Yes	None
14	251301037	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.34	5.2	Vacant	Yes	None
15	253050094	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.26	4.0	Vacant	Yes	None
16	253050102	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.33	4.9	Vacant	Yes	None
17	253132002	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.15	2.2	Vacant	Yes	None
18	260090059	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.56	8.4	Floodway	Yes	None
19	260174002	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.26	3.9	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
20	260207006	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.13	2.0	Vacant	Yes	None
21	260320003	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.00	15.0	Vacant	Yes	None
22	260320032	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.48	7.2	Vacant	Yes	None
23	251180010	RM-3 (High Density Residential)	High Density Residential	30	0.95	28.4	Vacant	Yes	None
24	251180012	RM-3 (High Density Residential)	High Density Residential	30	0.47	14.1	Vacant	Yes	None
25	251191003	RM-3 (High Density Residential)	High Density Residential	30	0.86	25.9	Vacant	Yes	None
26	251193017	RM-3 (High Density Residential)	High Density Residential	30	0.25	7.5	Vacant	Yes	None
27	251202006	RM-3 (High Density Residential)	High Density Residential	30	0.39	11.8	Vacant	Yes	None
28	251202020	RM-3 (High Density Residential)	High Density Residential	30	0.21	6.2	SFR	Yes	None
29	252160032	RM-3 (High Density Residential)	High Density Residential	30	0.09	2.6	SFR	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
30	252240005	RM-3 (High Density Residential)	High Density Residential	30	0.44	13.2	Vacant	Yes	None
31	252313010	RM-3 (High Density Residential)	High Density Residential	30	0.39	11.7	Vacant	Yes	None
32	260204009	RM-3 (High Density Residential)	General and Service Commercial	30	0.17	5.1	Vacant	Yes	None
33	260221008	RM-3 (High Density Residential)	High Density Residential	30	0.17	5.1	Vacant	Yes	None
34	261125011	DRM-3 (High Density Residential)	High Density Residential	33	0.05	1.7	SFR	Yes	None
35	260241017	RM-3 (High Density Residential)	High Density Residential	30	0.14	4.1	Vacant	Yes	None
36	260241021	RM-3 (High Density Residential)	High Density Residential	30	0.91	27.3	Vacant	Yes	None
37	245150054	RM-3 (High Density Residential)	High Density Residential	30	12.62	378.6	Blighted abandoned building	Yes	None
38	261030082	RM-2 (Medium Density Residential)	High Density Residential	15	1.34	20.1	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
39	261161001	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.77	12.7	SFR	Yes	None
40	261161002	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.07	1.2	Vacant	Yes	None
41	261161006	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.10	1.6	Vacant	Yes	None
42	260250002	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.20	2.9	Vacant	Yes	None
43	260310008	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.29	4.4	Vacant	Yes	None
44	261168013	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.09	1.4	Vacant	Yes	None
45	261168014	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.09	1.4	Vacant	Yes	None
46	260310049	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.16	2.4	Vacant	Yes	None
47	260310050	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.14	2.1	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
48	260250026	RM-3 (High Density Residential)	High Density Residential	30	3.91	117.4	Vacant	Yes	None
49	260250031	RM-3 (High Density Residential)	Parks and Recreation	30	1.14	34.3	Vacant	Yes	None
50	260260002	RM-3 (High Density Residential)	High Density Residential	30	4.85	145.5	Vacant	Yes	None
51	260260006	RM-3 (High Density Residential)	Parks and Recreation	30	2.11	63.3	Vacant	Yes	None
52	260310016	RM-3 (High Density Residential)	High Density Residential	30	4.72	141.6	Vacant	Yes	None
53	260310042	RM-3 (High Density Residential)	High Density Residential	30	1.05	31.4	Vacant	Yes	None
54	260310043	RM-3 (High Density Residential)	High Density Residential	30	1.39	41.6	Vacant	Yes	None
55	260320010	RM-3 (High Density Residential)	High Density Residential	30	3.35	100.6	Vacant	Yes	None
56	260320035	RM-3 (High Density Residential)	High Density Residential	30	2.99	89.8	Vacant	Yes	None
57	251291022	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.19	2.9	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
58	245150055	RM-3 (High Density Residential)	High Density Residential	30	4.83	144.9	Vacant	Yes	None
59	251272001	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.67	10.1	Vacant	Yes	None
60	261180008	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.09	1.4	Vacant	Yes	None
61	261180009	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.09	1.4	Vacant	Yes	None
62	261180010	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.20	18.0	Vacant	Yes	None
63	261180019	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.72	10.8	Vacant	Yes	None
64	261180025	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.54	23.1	Storage	Yes	None
65	261180026	RM-2 (Medium Density Residential)	Medium Density Residential	15	2.44	36.6	Vacant	Yes	A portion of it is within the floodway
66	261060029	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.97	14.5	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
67	261060030	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.97	14.5	Vacant	Yes	None
68	252080058	RM-3 (High Density Residential)	High Density Residential	30	0.42	12.7	MFR	Yes	None
69	261180017	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.91	13.6	Vacant	Yes	Slope would make development unlikely or expensive
70	261180018	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.32	4.8	Vacant	Yes	Slope would make development unlikely or expensive
71	252231001	RM-3 (High Density Residential)	High Density Residential	30	0.87	26.1	Vacant	Yes	None
72	252240001	RM-3 (High Density Residential)	High Density Residential	30	0.10	3.1	Vacant	Yes	None
73	255170021	RR (Rural Residential)	Agriculture Rural Conservation	0.25	23.36	5.8	Vacant	None in place, steep terrain	None
74	261294006	RM-2 (Medium Density Residential)	Medium Density residential	15	0.46	6.9	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
75	261294007	RM-2 (Medium Density Residential)	Medium Density residential	15	0.54	8.1	Vacant	Yes	None
76	252214004	RM-3 (High Density Residential)	High Density Residential	30	0.22	6.5	Vacant	Yes	None
77	251222025	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.13	1.9	Vacant	Yes	None
78	251222026	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.19	2.8	Vacant	Yes	None
79	240050032	RM-3 (High Density Residential)	High Density Residential	30	4.62	138.7	Vacant	Yes	None
80	240050033	RM-3 (High Density Residential)	High Density Residential	30	2.84	85.2	Vacant	Yes	None
81	240050034	RM-3 (High Density Residential)	High Density Residential	30	14.60	438.0	Vacant	Yes	None
82	246070095	RM-2 (Medium Density Residential)	Medium Density Residential	15	2.86	42.8	Vacant	Yes	None
83	254040032	RM-3 (High Density Residential)	High Density Residential	30	4.30	129.0	Vacant	Yes	None
84	254040033	RM-3 (High Density Residential)	High Density Residential	30	4.74	142.2	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
85	254040034	RM-3 (High Density Residential)	High Density Residential	30	4.75	142.4	Vacant	Yes	None
86	254040035	RM-3 (High Density Residential)	High Density Residential	30	4.75	142.5	Vacant	Yes	None
87	254050048	RM-3 (High Density Residential)	High Density Residential	30	4.76	142.7	Vacant	Yes	None
88	254050049	RM-3 (High Density Residential)	High Density Residential	30	4.80	143.9	Vacant	Yes	None
89	254050050	RM-3 (High Density Residential)	Medium Density Residential	30	4.85	145.4	Vacant	Yes	None
90	261167008	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.17	2.8	Vacant	Yes	None
91	261167009	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.17	2.8	SFR	Yes	None
92	261168023	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.17	2.8	Vacant	Yes	None
99	261168024	DRM-2 (Medium Density Residential)	Medium Density Residential	16.5	0.17	2.8	Vacant	Yes	None
100	261180024	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.45	6.8	Storage	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
101	261093018	DRM-3 (High Density Residential)	High Density Residential	33	0.17	5.6	SFR	Yes	None
102	261093019	DRM-3 (High Density Residential)	High Density Residential	33	0.17	5.6	SFR	Yes	None
103	261093020	DRM-3 (High Density Residential)	High Density Residential	33	0.17	5.6	Vacant	Yes	None
104	245520042	RM-3 (High Density Residential)	Medium Density residential	30	3.11	93.4	Vacant	Yes	None
105	261127016	DRM-3 (High Density Residential)	High Density Residential	33	0.22	7.4	Commercial	Yes	None
106	261127017	DRM-3 (High Density Residential)	High Density Residential	33	0.46	15.3	Office	Yes	None
107	248080001	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	4.80	54.2	Vacant	Yes	None
108	248080062	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.42	4.7	Vacant	Yes	None
109	248031024	RM-2 (Medium Density Residential)	Low Density Residential	15	0.44	6.6	Vacant	Yes	None
110	248080007	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.21	2.4	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
111	248080057	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	2.82	31.8	Vacant	Yes	None
112	248080067	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.35	3.9	Vacant	Yes	None
113	248080068	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.32	3.6	Vacant	Yes	None
114	260160041	RM-2 (Medium Density Residential)	Medium Density residential	15	1.01	15.1	Vacant	Yes	Landlocked by owner's other parcel 260-160-042
115	252260055	RM-3 (High Density Residential)	Professional Office	30	1.28	38.5	Vacant	Yes	None
116	252080037	RM-3 (High Density Residential)	High Density Residential	30	0.73	21.9	Vacant	Yes	None
117	253050007	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	3.35	37.9	Vacant	Yes	None
118	253050047	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.44	4.9	Vacant	Yes	None
119	253050048	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.87	9.8	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
136	253050049	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	0.87	9.8	Vacant	Yes	None
137	253050075	RM-1 (Low Medium Density Residential)	Low Medium Density Residential	11.3	1.15	13.0	Vacant	Yes	None
138	247210044	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.45	21.7	Vacant	Yes	None
140	255170001	RM-3 (High Density Residential)	High Density Residential	30	12.87	386.2	Vacant	Yes	None
141	255170024	RM-3 (High Density Residential)	High Density Residential	30	1.25	37.6	Vacant	Yes	None
142	255170029	RM-3 (High Density Residential)	High Density Residential	30	8.90	266.9	Vacant	Yes	None
143	255170035	RR (Rural Residential)	Low Density Residential	0.25	7.29	1.8	Vacant	Yes	None
144	255170036	RR (Rural Residential)	Low Density Residential	0.25	4.93	1.2	Vacant	Yes	None
146	255170037	RR (Rural Residential)	Low Density Residential	0.25	15.08	3.8	Vacant	Yes	None
147	255010010	RR (Rural Residential)	Rural Residential	0.25	7.52	1.9	Vacant	None in place	None
148	252225009	RM-3 (High Density Residential)	High Density Residential	30	0.17	5.2	Floodway	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
149	246070037	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.50	22.6	Vacant	Yes	None
150	246070038	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.48	7.2	Vacant	Yes	None
152	251090006	RM-2 (Medium Density Residential)	Medium Density residential	15	0.94	14.1	Vacant	Yes	None
153	252191006	RM-3 (High Density Residential)	High Density Residential	30	0.21	6.3	Vacant	Yes	None
155	251272021	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.58	8.7	Vacant	Yes	None
156	251210075	RM-2 (Medium Density Residential)	Medium Density Residential	15	2.82	42.2	Vacant	Yes	None
157	252293008	RM-3 (High Density Residential)	High Density Residential	30	0.55	16.5	Vacant	Yes	None
158	255250015	RM-3 (High Density Residential)	High Density Residential	30	14.25	427.4	Vacant	Yes	None
159	246290029	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.76	11.3	Vacant	Yes	None
160	246290031	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.43	21.5	SFR	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
161	246290033	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.88	13.3	Vacant	Yes	None
162	246080032	RM-3 (High Density Residential)	High Density Residential	30	8.52	255.6	Vacant	Yes	None
163	261280010	RR (Rural Residential)	Parks and Recreation	0.25	12.53	3.1	Vacant	Yes	None
164	262240076	RR (Rural Residential)	Parks and Recreation	0.25	3.98	1.0	Vacant	Yes	None
165	262250005	RR (Rural Residential)	Parks and Recreation	0.25	9.90	2.5	Vacant	Yes	None
166	261280010	RR (Rural Residential)	Parks and Recreation	0.25	4.54	1.1	Vacant	Yes	None
167	259340011	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.11	16.6	Vacant	Yes	None
168	247030042	RM-2 (Medium Density Residential)	Medium Density Residential	15	4.47	67.0	Vacant	Yes	None
169	255250006	RM-2 (Medium Density Residential)	Medium Density Residential	15	5.99	89.9	Vacant	Yes	None
170	247030044	RM-2 (Medium Density Residential)	Medium Density Residential	15	4.82	72.2	Vacant	Yes	None
171	247250073	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.92	13.7	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
172	252120003	RM-2 (Medium Density Residential)	Parks and Recreation	15	2.93	43.9	Vacant	Yes	None
173	251110020	RM-3 (High Density Residential)	High Density Residential	30	1.77	53.0	Vacant	Yes	None
174	251110025	RM-3 (High Density Residential)	High Density Residential	30	3.36	100.8	Vacant	Yes	None
175	255210007	RM-3 (High Density Residential)	High Density Residential	30	19.83	594.9	Vacant	Yes	None
176	251170014	RM-3 (High Density Residential)	Retail Centers	30	2.50	75.0	Vacant	Yes	None
177	251180004	RM-3 (High Density Residential)	Retail Centers	30	2.14	64.1	Vacant	Yes	None
178	251180007	RM-3 (High Density Residential)	High Density Residential	30	0.95	28.4	Vacant	Yes	None
179	251180025	RM-3 (High Density Residential)	High Density Residential	30	0.50	14.9	Vacant	Yes	None
180	252080046	RM-3 (High Density Residential)	High Density Residential	30	0.54	16.1	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
181	252080047	RM-3 (High Density Residential)	High Density Residential	30	0.16	4.8	Vacant	Yes	None
182	260184013	RM-3 (High Density Residential)	High Density Residential	30	0.10	3.0	Vacant	Yes	None
183	261311007	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.14	2.1	Vacant	Yes	None
184	261311008	RM-2 (Medium Density Residential)	Parks and Recreation	15	0.14	2.1	Vacant	Yes	None
185	252251006	RM-3 (High Density Residential)	High Density Residential	30	0.70	20.9	Vacant	Yes	None
186	252251010	RM-3 (High Density Residential)	High Density Residential	30	0.18	5.3	Vacant	Yes	None
188	252251020	RM-3 (High Density Residential)	High Density Residential	30	1.04	31.3	Vacant	Yes	None
189	252251025	RM-3 (High Density Residential)	High Density Residential	30	1.69	50.6	Vacant	Yes	None
190	245030009	RM-2 (Medium Density Residential)	Medium Density Residential	15	4.45	66.8	Vacant	Yes	None
191	252301027	RM-3 (High Density Residential)	High Density Residential	30	0.92	27.7	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
192	252301030	RM-3 (High Density Residential)	High Density Residential	30	1.60	48.0	Vacant	Yes	None
193	252301031	RM-3 (High Density Residential)	High Density Residential	30	1.60	47.9	Vacant	Yes	None
194	253050103	RM-3 (High Density Residential)	High Density Residential	30	0.27	8.0	Vacant	Yes	None
195	253050104	RM-3 (High Density Residential)	High Density Residential	30	0.23	6.8	Vacant	Yes	None
196	253050105	RM-3 (High Density Residential)	High Density Residential	30	0.23	6.8	Vacant	Yes	None
197	253050106	RM-3 (High Density Residential)	High Density Residential	30	0.23	6.8	Vacant	Yes	None
198	253050107	RM-3 (High Density Residential)	High Density Residential	30	0.91	27.3	Vacant	Yes	None
199	253050108	RM-3 (High Density Residential)	High Density Residential	30	0.88	26.5	Vacant	Yes	None
200	253050109	RM-3 (High Density Residential)	High Density Residential	30	0.91	27.3	Vacant	Yes	None
201	259132010	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.48	7.1	Vacant	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
202	259140002	RM-2 (Medium Density Residential)	Medium Density Residential	15	1.01	15.1	Vacant	Yes	None
203	260160011	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.77	11.5	Vacant	Yes	Landlocked by owner's other parcel 260-160-043
204	261040036	RM-2 (Medium Density Residential)	Industrial	15	0.21	3.2	MFR	Yes	None
205	261040041	RM-2 (Medium Density Residential)	Industrial	15	0.16	2.4	MFR	Yes	None
206	261233011	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.15	2.3	MFR	Yes	None
207	261233014	RM-2 (Medium Density Residential)	Medium Density Residential	15	0.16	2.4	MFR	Yes	None
208	261030016	RM-3 (High Density Residential)	High Density Residential	30	0.14	4.3	SFR	Yes	None
210	261030017	RM-3 (High Density Residential)	High Density Residential	30	0.19	5.6	SFR	Yes	None
211	261040021	RM-3 (High Density Residential)	High Density Residential	30	0.27	8.2	SFR	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
212	243170007	RS-1 (Very Low Density Residential)	Education	3.1	11.98	29.7	Education	Yes	None
213	243170009	RS-1 (Very Low Density Residential)	Education	3.1	2.18	5.4	Education	Yes	None
214	243170014	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	7.09	17.6	Low Density Residential	Yes	None
215	243170015	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	28.17	69.9	Low Density Residential	Yes	None
216	243170018	RS-1 (Very Low Density Residential)	Education	3.1	3.37	8.4	Education	Yes	None
217	243180003	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	1.88	4.7	Low Density Residential	Yes	None
218	243180015	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	1.39	3.5	Low Density Residential	Yes	None
219	243180033	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	5.85	14.5	Low Density Residential	Yes	None
220	243180034	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	5.42	13.4	Low Density Residential	Yes	None
221	243180035	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	5.12	12.7	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
222	243180036	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	5.99	14.9	Low Density Residential	Yes	None
223	243190008	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	3.63	9.0	Low Density Residential	Yes	None
224	243190019	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	1.93	4.8	Low Density Residential	Yes	None
225	243440001	RS-1 (Very Low Density Residential)	Commercial Mixed Use	3.1	9.62	23.9	Commercial Mixed Use	Yes	None
226	243440003	RS-1 (Very Low Density Residential)	Commercial Mixed Use	3.1	9.20	22.8	Commercial Mixed Use	Yes	None
227	243440004	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	7.01	17.4	Low Density Residential	Yes	None
228	243440005	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	20.15	50.0	Low Density Residential	Yes	None
229	243440006	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	20.19	50.1	Low Density Residential	Yes	None
230	243440008	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	3.18	7.9	Low Density Residential	Yes	None
231	245010044	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	4.79	11.9	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
232	245010049	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	4.71	11.7	Low Density Residential	Yes	None
233	245010050	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	9.86	24.4	Low Density Residential	Yes	None
234	245010088	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	0.48	1.2	Low Density Residential	Yes	None
235	245010089	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	0.48	1.2	Low Density Residential	Yes	None
236	245010090	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	0.48	1.2	Low Density Residential	Yes	None
237	245010091	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	16.53	41.0	Low Density Residential	Yes	None
238	247100004	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	10.08	25.0	Low Density Residential	Yes	None
239	247110006	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	3.21	8.0	Low Density Residential	Yes	None
240	248060031	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	72.94	180.9	Low Density Residential	Yes	None
241	254160004	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	5.61	13.9	Very Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
242	255010001	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	8.45	21.0	Low Density Residential	Yes	None
243	255170039	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	4.69	11.6	Low Density Residential	Yes	None
244	255240011	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	8.97	22.2	Low Density Residential	Yes	None
245	255250017	RS-1 (Very Low Density Residential)	Low Density Residential	3.1	1.38	3.4	Low Density Residential	Yes	None
246	269150021	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.51	1.3	Very Low Density Residential	Yes	None
247	269160001	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.46	1.2	Very Low Density Residential	Yes	None
248	269160002	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.47	1.2	Very Low Density Residential	Yes	None
249	269160004	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.47	1.2	Very Low Density Residential	Yes	None
250	269160005	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.47	1.2	Very Low Density Residential	Yes	None
251	269160011	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.93	2.3	Very Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
252	269160012	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.53	1.3	Very Low Density Residential	Yes	None
253	269160014	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.53	1.3	Very Low Density Residential	Yes	None
254	269160015	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.52	1.3	Very Low Density Residential	Yes	None
255	269160016	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.52	1.3	Very Low Density Residential	Yes	None
256	269160021	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.48	1.2	Very Low Density Residential	Yes	None
257	269160023	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.48	1.2	Very Low Density Residential	Yes	None
258	269170002	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.47	1.2	Very Low Density Residential	Yes	None
259	269170004	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.47	1.2	Very Low Density Residential	Yes	None
260	269170013	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.48	1.2	Very Low Density Residential	Yes	None
261	269170014	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.48	1.2	Very Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
262	269170027	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.48	1.2	Very Low Density Residential	Yes	None
263	269170029	RS-1 (Very Low Density Residential)	Very Low Density Residential	3.1	0.48	1.2	Very Low Density Residential	Yes	None
264	240250039	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.26	1.5	Low Density Residential	Yes	None
265	240250040	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.30	1.8	Low Density Residential	Yes	None
266	240270001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.37	2.2	Low Density Residential	Yes	None
267	240270030	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.42	2.5	Low Density Residential	Yes	None
268	240300028	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.37	2.2	Low Density Residential	Yes	None
269	240300029	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.27	1.6	Low Density Residential	Yes	None
270	240300030	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.20	1.2	Low Density Residential	Yes	None
271	240300031	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.2	Low Density Residential	Yes	None
272	240300032	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.2	Low Density Residential	Yes	None
273	240300033	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.2	Low Density Residential	Yes	None
274	240300034	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.20	1.2	Low Density Residential	Yes	None
275	240300035	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.21	1.3	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
276	240300036	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
277	240300037	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
278	240300038	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.21	1.3	Low Density Residential	Yes	None
279	240300039	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.31	1.9	Low Density Residential	Yes	None
280	240300040	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
281	240300041	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.24	1.5	Low Density Residential	Yes	None
282	240300042	RS-2 (Low Density Residential)	Low Density Residential	7.5	8.43	50.6	Low Density Residential	Yes	None
283	240320016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.23	1.4	Low Density Residential	Yes	None
284	240320017	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.21	1.2	Low Density Residential	Yes	None
285	240320018	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.21	1.2	Low Density Residential	Yes	None
286	243180030	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.47	8.8	Low Density Residential	Yes	None
287	243180041	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.14	6.8	Low Density Residential	Yes	None
288	243220011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.52	3.1	Low Density Residential	Yes	None
289	243230025	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None
290	243230040	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.24	1.4	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
291	243290006	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.31	1.8	Low Density Residential	Yes	None
292	243290014	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.43	2.6	Low Density Residential	Yes	None
293	245030019	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
294	245030021	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
295	245030022	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
296	245030023	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
297	245030025	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
298	245030028	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
299	245030035	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.28	1.7	Low Density Residential	Yes	None
300	245030037	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.37	2.2	Low Density Residential	Yes	None
301	245030038	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.30	1.8	Low Density Residential	Yes	None
302	245030039	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
303	245030040	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
304	245030041	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
305	245030042	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
306	245030044	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
307	245040017	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.23	1.4	Low Density Residential	Yes	None
308	245040027	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.35	2.1	Low Density Residential	Yes	None
309	245040037	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.71	4.3	Low Density Residential	Yes	None
310	245040044	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
311	245040045	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.30	1.8	Low Density Residential	Yes	None
312	245040046	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.24	1.5	Low Density Residential	Yes	None
313	245040047	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
314	245040048	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
315	245040049	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
316	245040050	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
317	245040051	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.32	1.9	Low Density Residential	Yes	None
318	245040052	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.32	1.9	Low Density Residential	Yes	None
319	245040053	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.31	1.8	Low Density Residential	Yes	None
320	245040054	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
321	245040055	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
322	245040056	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
323	245040057	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
324	245040059	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
325	245040060	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
326	245040061	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
327	245040062	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
328	245050007	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.23	1.4	Low Density Residential	Yes	None
329	245050029	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.03	6.2	Low Density Residential	Yes	None
330	245060023	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.69	28.2	Low Density Residential	Yes	None
331	245101008	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.07	0.4	Low Density Residential	Yes	None
332	245111004	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
333	245132001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
334	245132020	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
335	245132021	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
336	245133025	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.20	1.2	Low Density Residential	Yes	None
337	245133026	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None
338	245134014	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
339	245134015	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
340	245134016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
341	245134018	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
342	245134019	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
343	245134020	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
344	245142021	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.24	1.4	Low Density Residential	Yes	None
345	245143037	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
346	245143040	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
347	245143045	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
348	245143046	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
349	245202001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None
350	245207002	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
351	245233001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
352	245233002	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
353	245233003	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
354	245233004	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
355	245233005	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
356	245304004	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
357	245304005	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
358	245304006	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
359	245304013	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
360	245304014	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
361	245304015	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
362	245350028	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
363	245350029	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
364	245540013	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.52	15.1	Low Density Residential	Yes	None
365	245540053	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.78	10.7	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
366	246162016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
367	246180052	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
368	247021016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.8	Low Density Residential	Yes	None
369	247021018	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.59	3.5	Low Density Residential	Yes	None
370	247021041	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.27	1.6	Low Density Residential	Yes	None
371	247021054	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.28	1.7	Low Density Residential	Yes	None
372	247022011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
373	247030053	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.21	7.3	Low Density Residential	Yes	None
374	247030054	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.20	7.2	Low Density Residential	Yes	None
375	247030055	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.26	7.6	Low Density Residential	Yes	None
376	247030056	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.03	18.2	Low Density Residential	Yes	None
377	247030059	RS-2 (Low Density Residential)	Low Density Residential	7.5	5.96	35.8	Low Density Residential	Yes	None
378	247030060	RS-2 (Low Density Residential)	Low Density Residential	7.5	13.31	79.8	Low Density Residential	Yes	None
379	247030067	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.62	27.7	Low Density Residential	Yes	None
380	247030068	RS-2 (Low Density Residential)	Low Density Residential	7.5	5.06	30.4	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
381	247030069	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.25	25.5	Low Density Residential	Yes	None
382	247040017	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.40	2.4	Low Density Residential	Yes	None
383	247070006	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.65	3.9	Low Density Residential	Yes	None
384	247070007	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.56	3.3	Low Density Residential	Yes	None
385	247080001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
386	247080002	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.71	28.3	Low Density Residential	Yes	None
387	247080010	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.27	1.6	Low Density Residential	Yes	None
388	247090020	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.57	3.4	Low Density Residential	Yes	None
389	247090026	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.65	3.9	Low Density Residential	Yes	None
390	247090027	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.20	7.2	Low Density Residential	Yes	None
391	247100020	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.10	0.6	Low Density Residential	Yes	None
392	247100029	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.28	1.7	Low Density Residential	Yes	None
393	247100031	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.39	8.3	Low Density Residential	Yes	None
394	247120007	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.64	3.9	Low Density Residential	Yes	None
395	247120011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.34	2.0	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
396	247120021	RS-2 (Low Density Residential)	Low Density Residential	7.5	9.52	57.1	Low Density Residential	Yes	None
397	247130003	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
398	247130023	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.34	2.0	Low Density Residential	Yes	None
399	247130045	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
400	247130052	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.27	19.6	Low Density Residential	Yes	None
401	247130057	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.36	2.2	Low Density Residential	Yes	None
402	247140001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.68	4.1	Low Density Residential	Yes	None
403	247140008	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.35	2.1	Low Density Residential	Yes	None
404	247140011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
405	247140012	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.25	1.5	Low Density Residential	Yes	None
406	247140061	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.23	1.4	Low Density Residential	Yes	None
407	247140062	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.48	2.9	Low Density Residential	Yes	None
408	247180005	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.92	23.5	Low Density Residential	Yes	None
409	247180027	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.27	1.6	Low Density Residential	Yes	None
410	247180032	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.32	1.9	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
411	247180034	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
412	247190002	RS-2 (Low Density Residential)	Low Density Residential	7.5	8.89	53.3	Low Density Residential	Yes	None
413	247190023	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.39	2.4	Low Density Residential	Yes	None
414	247190026	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.7	Low Density Residential	Yes	None
415	248043013	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.86	5.2	Low Density Residential	Yes	None
416	248044003	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.38	20.3	Low Density Residential	Yes	None
417	248050016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.55	3.3	Low Density Residential	Yes	None
418	248050017	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.55	3.3	Low Density Residential	Yes	None
419	248050018	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.55	3.3	Low Density Residential	Yes	None
420	248050021	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.53	3.2	Low Density Residential	Yes	None
421	248050027	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.23	7.4	Low Density Residential	Yes	None
422	248060017	RS-2 (Low Density Residential)	Low Density Residential	7.5	31.24	187.4	Low Density Residential	Yes	None
423	248080019	RS-2 (Low Density Residential)	Low Density Residential	7.5	16.08	96.5	Low Density Residential	Yes	None
424	248080020	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.51	3.0	Low Density Residential	Yes	None
425	248080066	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.31	1.9	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
426	248090048	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.41	14.5	Low Density Residential	Yes	None
427	251103014	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
428	251232009	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.28	1.7	Low Density Residential	Yes	None
429	251240051	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.45	2.7	Low Density Residential	Yes	None
430	252073046	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.21	1.2	Low Density Residential	Yes	None
431	252073047	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.21	1.3	Low Density Residential	Yes	None
432	253015014	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.06	0.4	Low Density Residential	Yes	None
433	253045014	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.10	0.6	Low Density Residential	Yes	None
434	253060018	RS-2 (Low Density Residential)	Public Institutional	7.5	0.69	4.2	Public Institutional	Yes	None
435	253090022	RS-2 (Low Density Residential)	Low Medium Density Residential	7.5	0.19	1.2	Low Medium Density Residential	Yes	None
436	253121026	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
437	253124015	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.25	1.5	Low Density Residential	Yes	None
438	253220057	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.14	6.8	Low Density Residential	Yes	None
439	254010002	RS-2 (Low Density Residential)	Low Density Residential	7.5	16.25	97.5	Low Density Residential	Yes	None
440	254010003	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.33	2.0	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
441	254010006	RS-2 (Low Density Residential)	Low Density Residential	7.5	31.48	188.9	Low Density Residential	Yes	None
442	254010009	RS-2 (Low Density Residential)	Low Density Residential	7.5	9.53	57.2	Low Density Residential	Yes	None
443	254010011	RS-2 (Low Density Residential)	Low Density Residential	7.5	8.81	52.9	Low Density Residential	Yes	None
444	254010032	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.93	17.6	Low Density Residential	Yes	None
445	254010045	RS-2 (Low Density Residential)	Low Density Residential	7.5	7.61	45.7	Low Density Residential	Yes	None
446	254010046	RS-2 (Low Density Residential)	Low Density Residential	7.5	8.72	52.3	Low Density Residential	Yes	None
447	254010059	RS-2 (Low Density Residential)	Low Density Residential	7.5	14.04	84.3	Low Density Residential	Yes	None
448	254030017	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.29	13.8	Low Density Residential	Yes	None
449	254030018	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.34	20.0	Low Density Residential	Yes	None
450	254030019	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.56	27.4	Low Density Residential	Yes	None
451	254030020	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.69	28.2	Low Density Residential	Yes	None
452	254030022	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.37	2.2	Low Density Residential	Yes	None
453	254030023	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.23	7.4	Low Density Residential	Yes	None
454	254030024	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.61	27.7	Low Density Residential	Yes	None
455	254040008	RS-2 (Low Density Residential)	Low Density Residential	7.5	10.48	62.9	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
456	254040017	RS-2 (Low Density Residential)	Low Density Residential	7.5	9.22	55.3	Low Density Residential	Yes	None
457	254040031	RS-2 (Low Density Residential)	Low Density Residential	7.5	19.40	116.4	Low Density Residential	Yes	None
458	254060032	RS-2 (Low Density Residential)	Low Density Residential	7.5	9.72	58.3	Low Density Residential	Yes	None
459	254072017	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
460	254073014	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
461	254073025	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
462	254084003	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
463	254090001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.58	3.5	Low Density Residential	Yes	None
464	254090011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.42	2.5	Low Density Residential	Yes	None
465	254110003	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.38	2.3	Low Density Residential	Yes	None
466	254110011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.40	2.4	Low Density Residential	Yes	None
467	254110016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.7	Low Density Residential	Yes	None
468	254110018	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.38	2.3	Low Density Residential	Yes	None
469	254120088	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.71	4.2	Low Density Residential	Yes	None
470	254130053	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.55	15.3	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
471	254130056	RS-2 (Low Density Residential)	Very Low Density Residential	7.5	0.49	2.9	Very Low Density Residential	Yes	None
472	254140002	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.50	3.0	Low Density Residential	Yes	None
473	254140003	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.66	3.9	Low Density Residential	Yes	None
474	254140010	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.45	2.7	Low Density Residential	Yes	None
475	254140011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.40	2.4	Low Density Residential	Yes	None
476	254140012	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.46	2.7	Low Density Residential	Yes	None
477	254140014	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.25	19.5	Low Density Residential	Yes	None
478	254150005	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
479	254150006	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.7	Low Density Residential	Yes	None
480	254150007	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
481	254150008	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
482	254150009	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
483	254160001	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.02	12.1	Low Density Residential	Yes	None
484	254160002	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.65	15.9	Low Density Residential	Yes	None
485	254160003	RS-2 (Low Density Residential)	Low Density Residential	7.5	2.91	17.4	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
486	254160006	RS-2 (Low Density Residential)	Very Low Density Residential	7.5	0.49	2.9	Very Low Density Residential	Yes	None
487	255170020	RS-2 (Low Density Residential)	Low Density Residential	7.5	38.32	229.9	Low Density Residential	Yes	None
488	255170041	RS-2 (Low Density Residential)	Low Density Residential	7.5	52.07	312.4	Low Density Residential	Yes	None
489	255190008	RS-2 (Low Density Residential)	Low Density Residential	7.5	31.76	190.6	Low Density Residential	Yes	None
490	255190022	RS-2 (Low Density Residential)	Low Density Residential	7.5	32.92	197.5	Low Density Residential	Yes	None
491	255250016	RS-2 (Low Density Residential)	Low Density Residential	7.5	5.56	33.3	Low Density Residential	Yes	None
492	259040037	RS-2 (Low Density Residential)	Low Density Residential	7.5	44.86	269.2	Low Density Residential	Yes	None
493	259160010	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
494	259160025	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
495	259160032	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
496	259160033	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
497	259160035	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
498	259160039	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
499	259160040	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
500	259160041	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
501	259160042	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
502	259160043	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
503	259160044	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
504	259160045	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
505	259160046	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
506	259160047	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
507	259160048	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
508	259160049	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
509	259160050	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
510	259160051	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
511	259160052	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
512	259160053	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
513	259160054	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
514	259160055	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
515	259160056	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
516	259160057	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
517	259160058	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
518	259160059	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
519	259160060	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
520	259160061	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
521	259160062	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
522	259160063	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
523	259160064	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
524	259160065	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
525	259160066	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
526	259160067	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
527	259160068	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
528	259160069	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
529	259160070	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
530	259160071	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
531	259160072	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
532	259160073	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
533	259160074	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
534	259160075	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
535	259160076	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
536	259160077	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
537	259160078	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
538	259160079	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
539	259160080	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.22	1.3	Low Density Residential	Yes	None
540	259160081	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.25	1.5	Low Density Residential	Yes	None
541	259330029	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
542	259330030	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
543	259330031	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
544	259330032	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
545	259330033	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
546	259330034	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.28	1.7	Low Density Residential	Yes	None
547	259330035	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.7	Low Density Residential	Yes	None
548	259330036	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
549	259330037	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
550	259330038	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
551	259330039	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	0.9	Low Density Residential	Yes	None
552	259330040	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.18	1.1	Low Density Residential	Yes	None
553	259330041	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
554	259330042	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
555	259330043	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None
556	259330044	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
557	259330045	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None
558	259330046	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.7	Low Density Residential	Yes	None
559	259330047	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.8	Low Density Residential	Yes	None
560	259330048	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.2	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
561	259330049	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
562	259330050	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.19	1.1	Low Density Residential	Yes	None
563	259330051	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
564	259330052	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.17	1.0	Low Density Residential	Yes	None
565	259330053	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.9	Low Density Residential	Yes	None
566	259330054	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
567	259330055	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
568	259330056	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
569	259330057	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
570	259330058	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
571	259330059	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
572	259330060	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
573	259330061	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.14	0.8	Low Density Residential	Yes	None
574	259360050	RS-2 (Low Density Residential)	Low Density Residential	7.5	4.44	26.6	Low Density Residential	Yes	None
575	259370003	RS-2 (Low Density Residential)	Low Density Residential	7.5	18.02	108.1	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
576	260102020	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.29	1.7	Low Density Residential	Yes	None
577	260104006	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.15	0.9	Low Density Residential	Yes	None
578	260111011	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
579	260112026	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.24	1.4	Low Density Residential	Yes	None
580	261165001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.21	1.3	Low Density Residential	Yes	None
581	261165002	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.09	0.5	Low Density Residential	Yes	None
582	261190005	RS-2 (Low Density Residential)	Parks and Recreation	7.5	0.53	3.2	Low Density Residential	Yes	None
583	261190007	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.45	8.7	Low Density Residential	Yes	None
584	261190008	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.96	5.8	Low Density Residential	Yes	None
585	261190009	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.98	5.9	Low Density Residential	Yes	None
586	261190011	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.02	6.1	Low Density Residential	Yes	None
587	261200004	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.86	5.1	Low Density Residential	Yes	None
588	261200005	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.08	6.5	Low Density Residential	Yes	None
589	261200030	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.55	3.3	Low Density Residential	Yes	None
590	261200031	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.43	2.6	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
591	261200033	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.55	3.3	Low Density Residential	Yes	None
592	261200034	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.48	2.9	Low Density Residential	Yes	None
593	261210005	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.82	4.9	Low Density Residential	Yes	None
594	261210019	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.87	5.2	Low Density Residential	Yes	None
595	261210020	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.92	5.5	Low Density Residential	Yes	None
596	261210025	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.33	2.0	Low Density Residential	Yes	None
597	262034008	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.13	6.8	Low Density Residential	Yes	None
598	262042024	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.07	0.4	Low Density Residential	Yes	None
599	262250016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.66	4.0	Low Density Residential	Yes	None
600	268070006	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.96	11.7	Low Density Residential	Yes	None
601	268070008	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.85	5.1	Low Density Residential	Yes	None
602	268080029	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.96	5.7	Low Density Residential	Yes	None
603	268090001	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.43	2.6	Low Density Residential	Yes	None
604	268090007	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.97	5.8	Low Density Residential	Yes	None
605	268100001	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.72	22.3	Low Density Residential	Yes	None

Site	APN	Zone	GP Designation	Allowable Density (Units/acre)	Acres	Realistic Unit Capacity	Existing Use	Infrastructure Capacity	On-site Constraints
606	268100005	RS-2 (Low Density Residential)	Low Density Residential	7.5	9.54	57.2	Low Density Residential	Yes	None
607	268110025	RS-2 (Low Density Residential)	Low Density Residential	7.5	25.93	155.6	Low Density Residential	Yes	None
608	269010028	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.97	5.8	Low Density Residential	Yes	None
609	269021002	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.80	4.8	Low Density Residential	Yes	None
610	269021004	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.46	8.7	Low Density Residential	Yes	None
611	269021009	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.47	2.8	Low Density Residential	Yes	None
612	269021016	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.16	1.0	Low Density Residential	Yes	None
613	269040034	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.11	6.7	Low Density Residential	Yes	None
614	269040035	RS-2 (Low Density Residential)	Low Density Residential	7.5	1.65	9.9	Low Density Residential	Yes	None
615	269120001	RS-2 (Low Density Residential)	Low Density Residential	7.5	3.67	22.0	Low Density Residential	Yes	None
616	269120002	RS-2 (Low Density Residential)	Low Density Residential	7.5	35.92	215.5	Low Density Residential	Yes	None
617	269120009	RS-2 (Low Density Residential)	Low Density Residential	7.5	0.90	5.4	Low Density Residential	Yes	None

Appendix F: Available Land Inventory Summary Map





Legend

- UDB
- City Limits
- Un & Under-Developed Properties
- Parcels

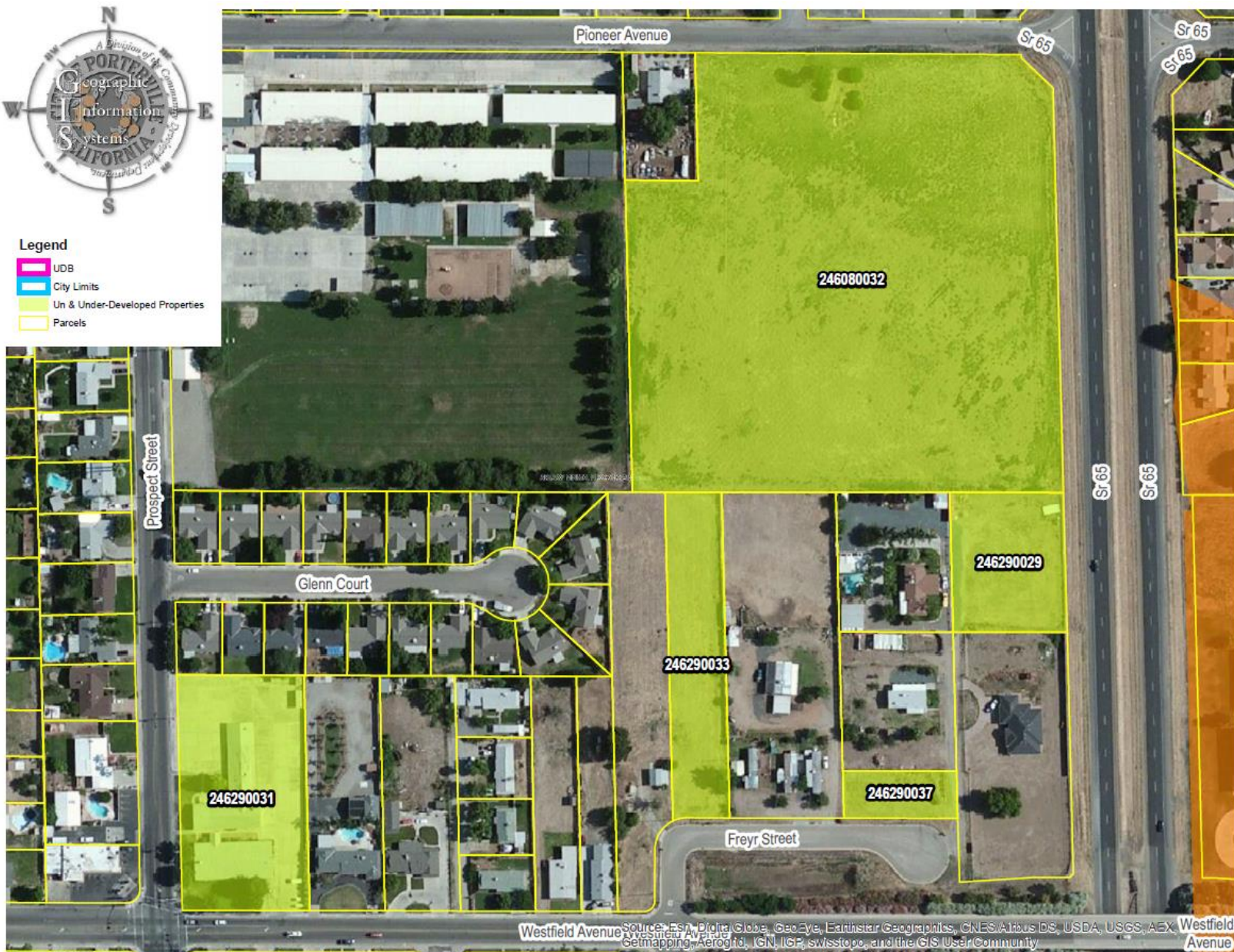




Legend

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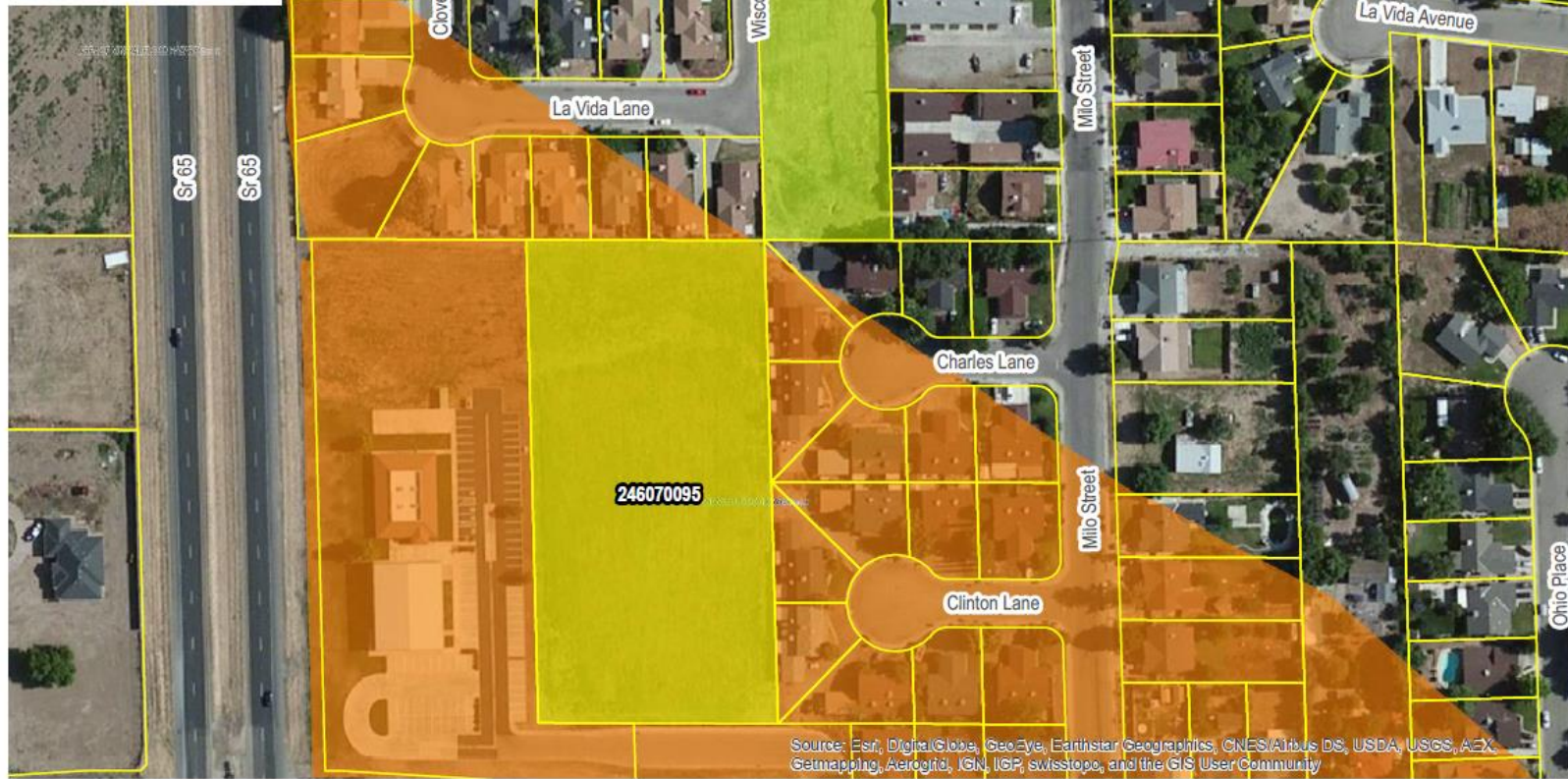






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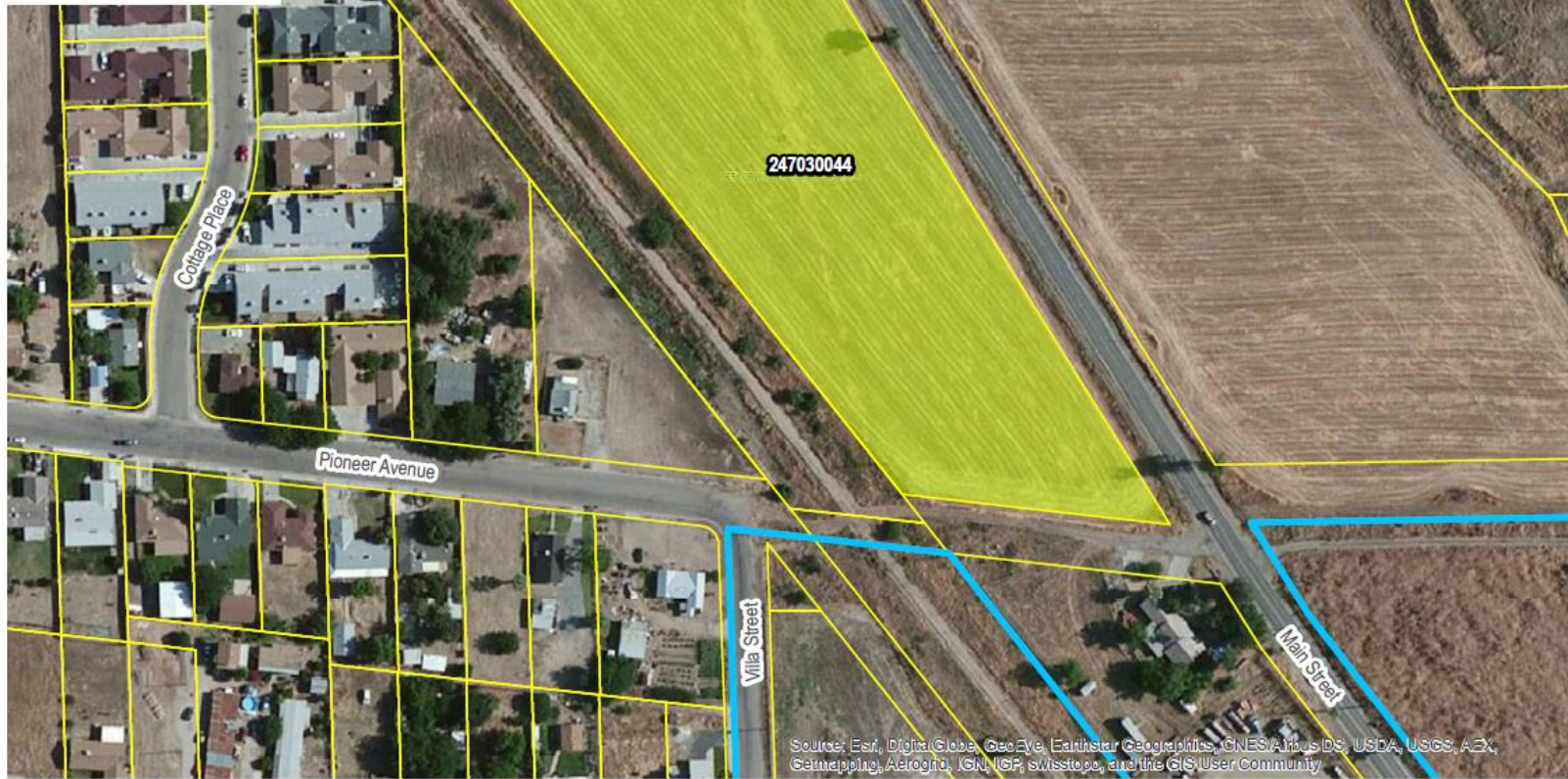
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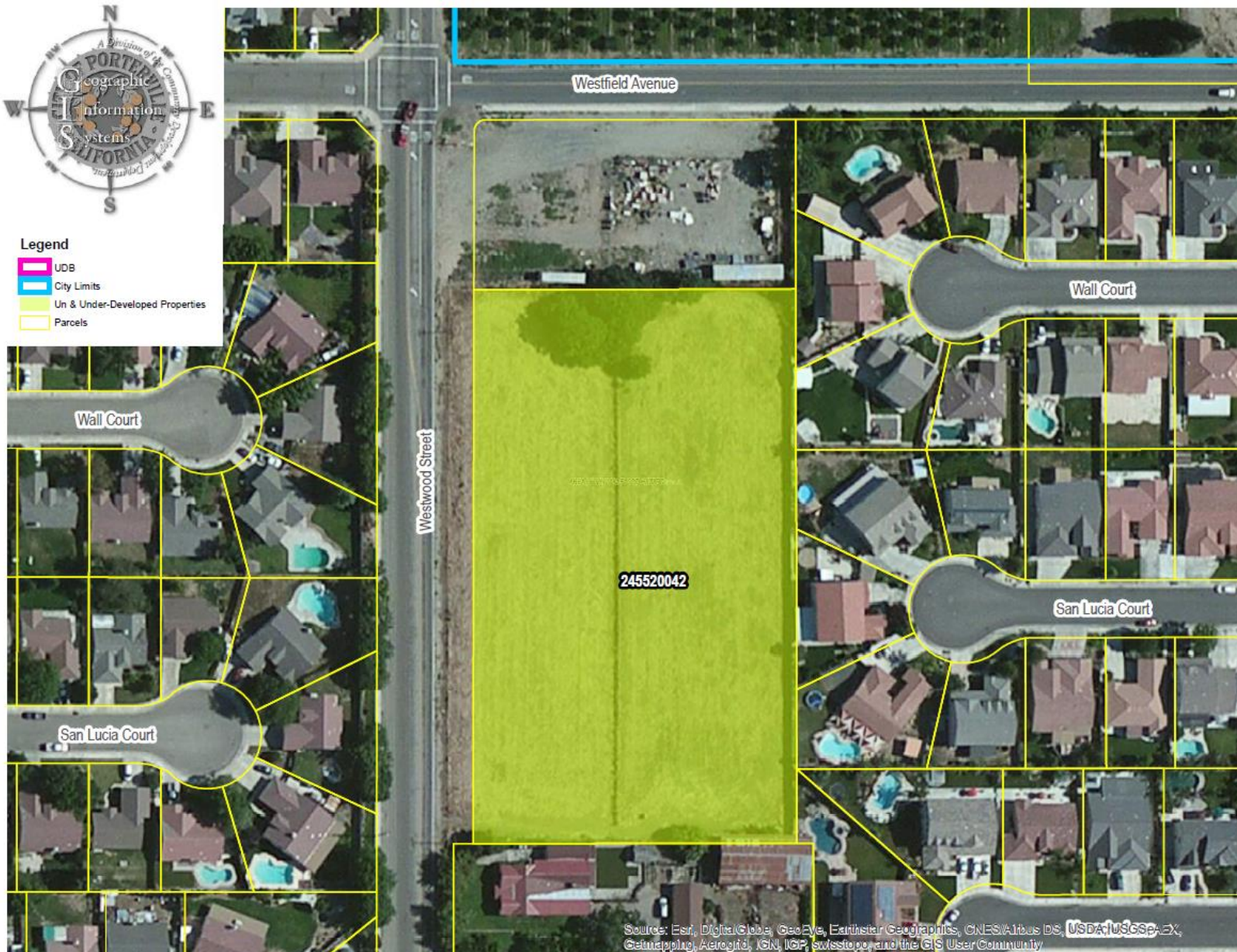
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Legend

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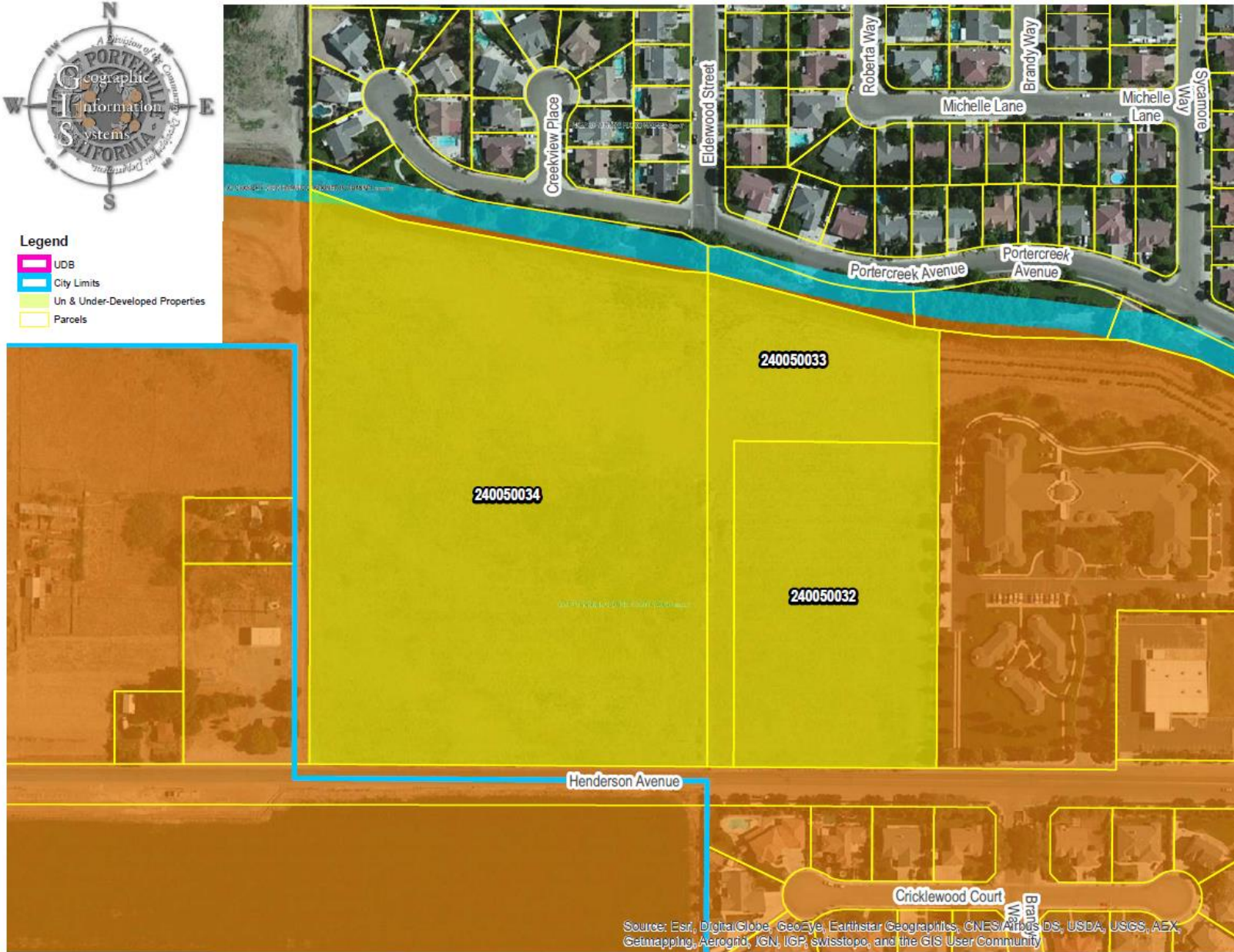


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA/USGS/EEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



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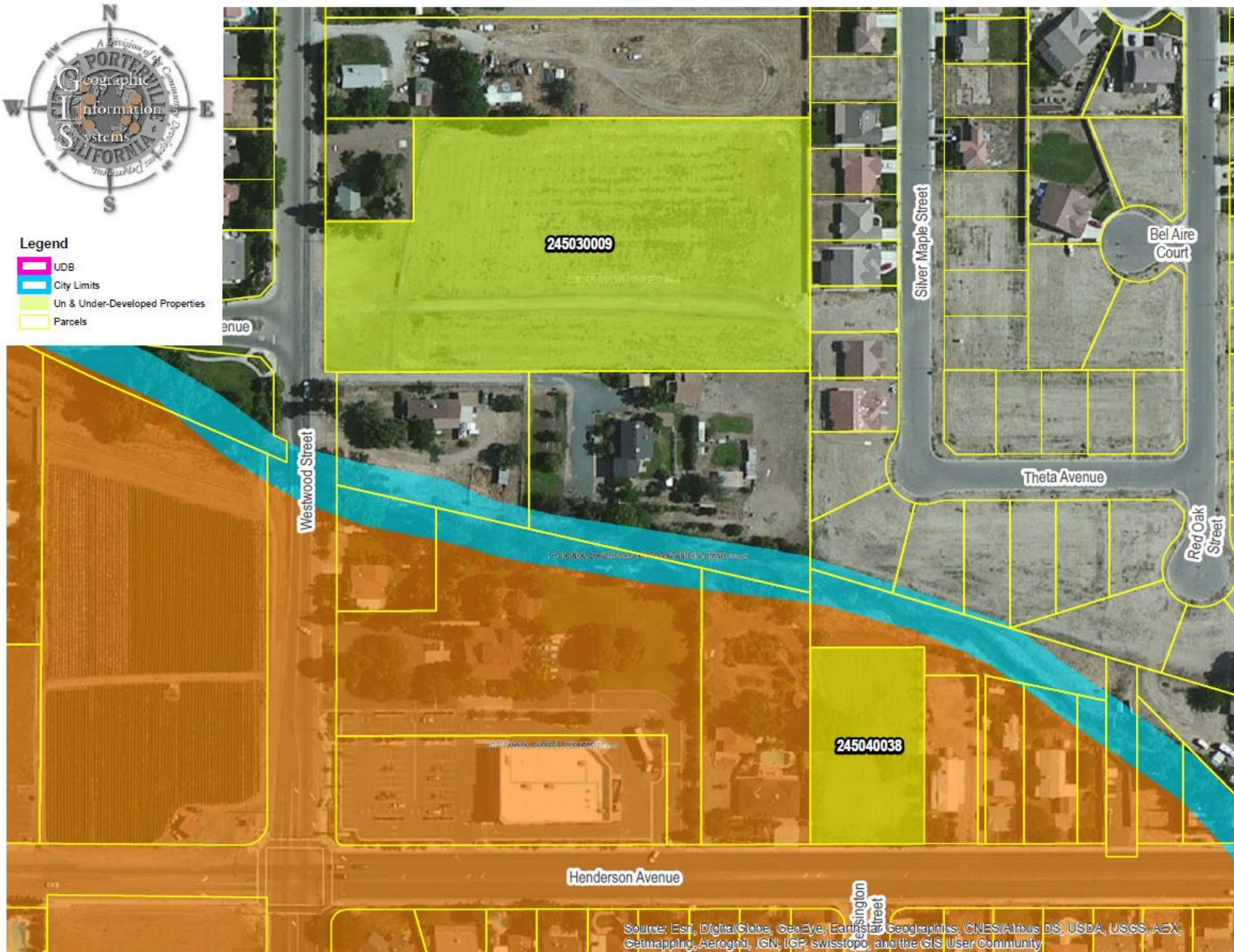
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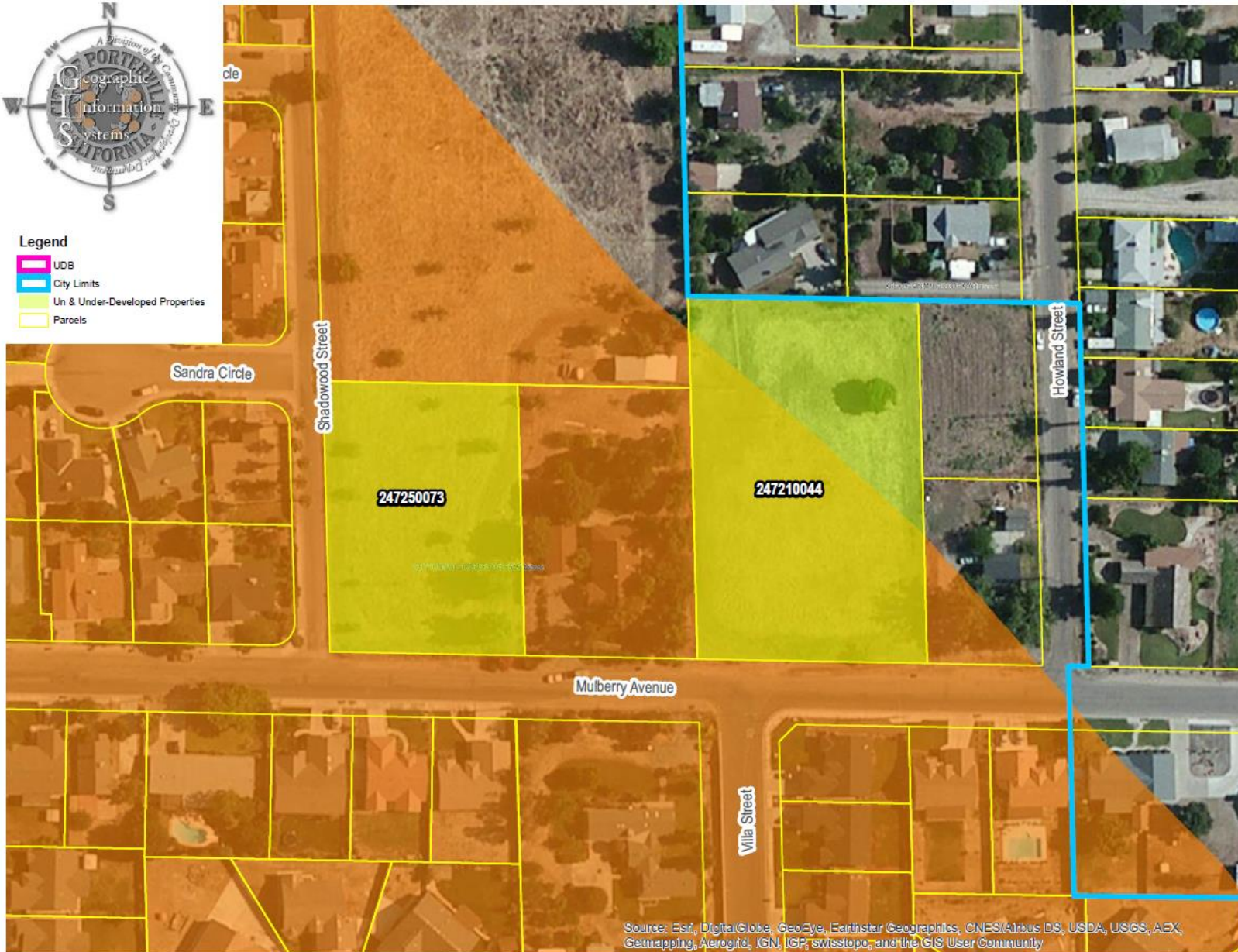


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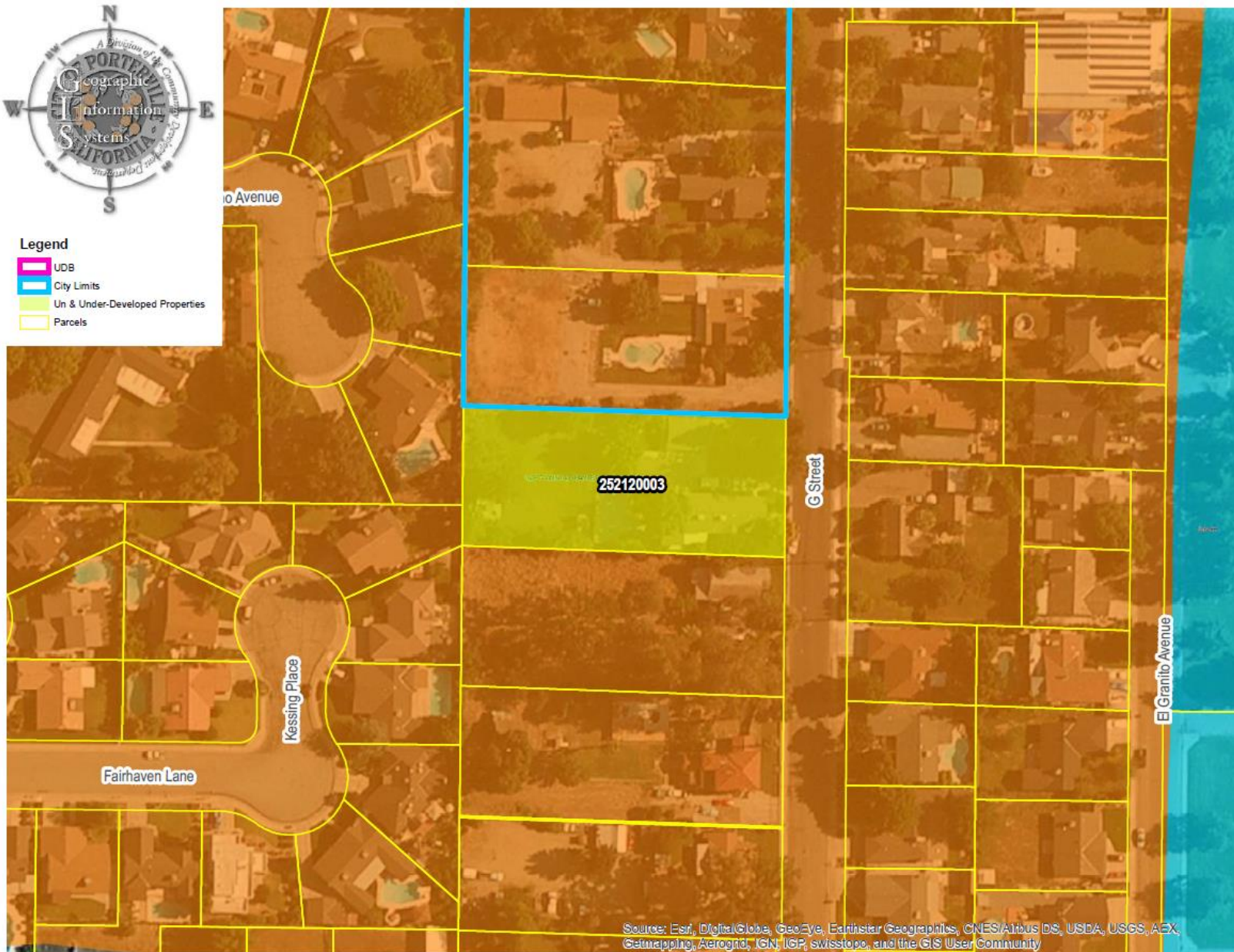
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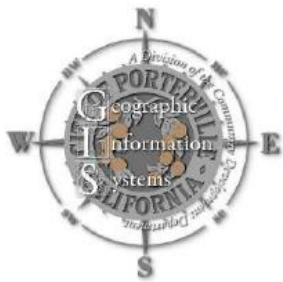


Legend

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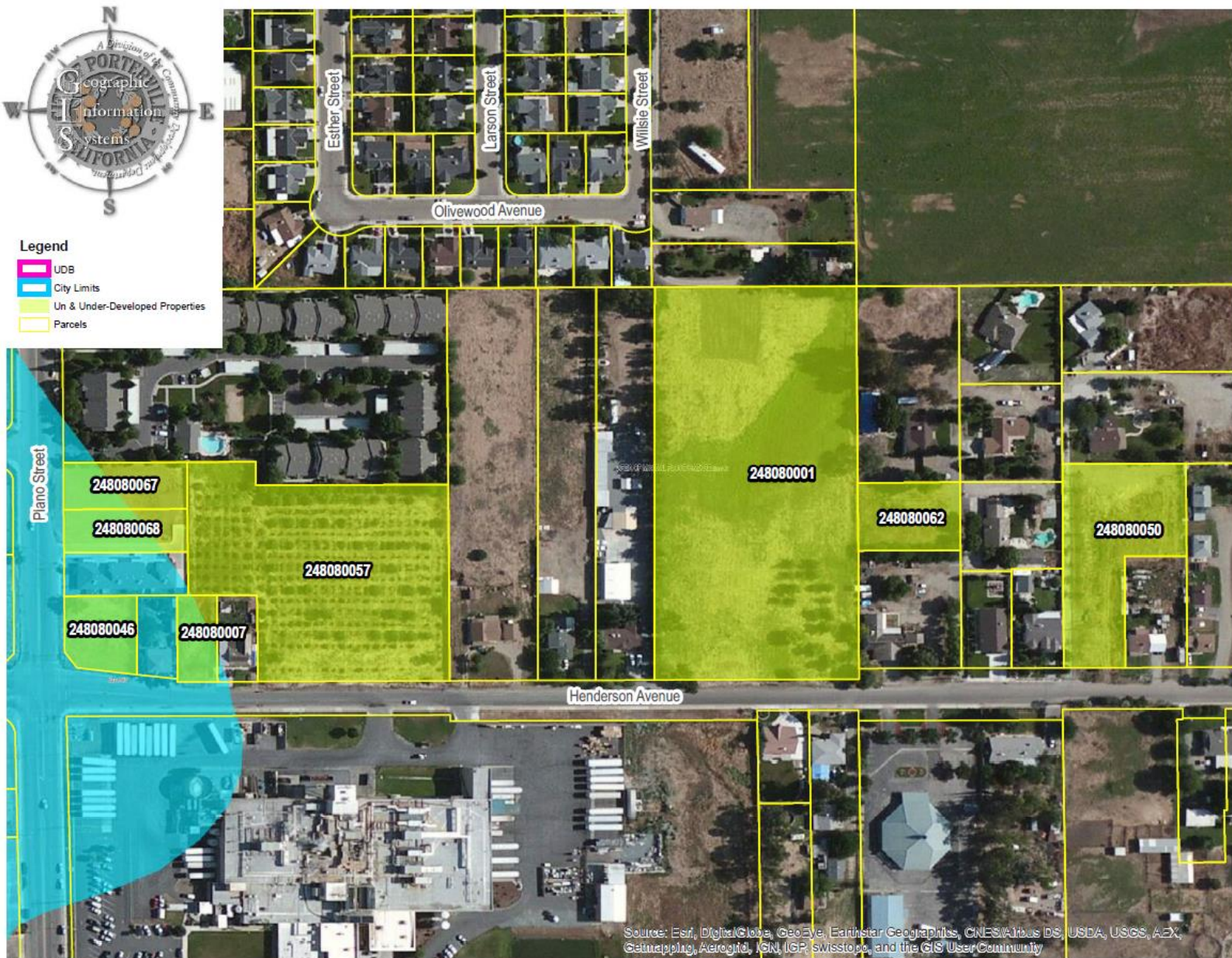
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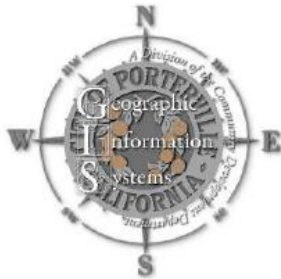
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- City Limits
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- Parcels

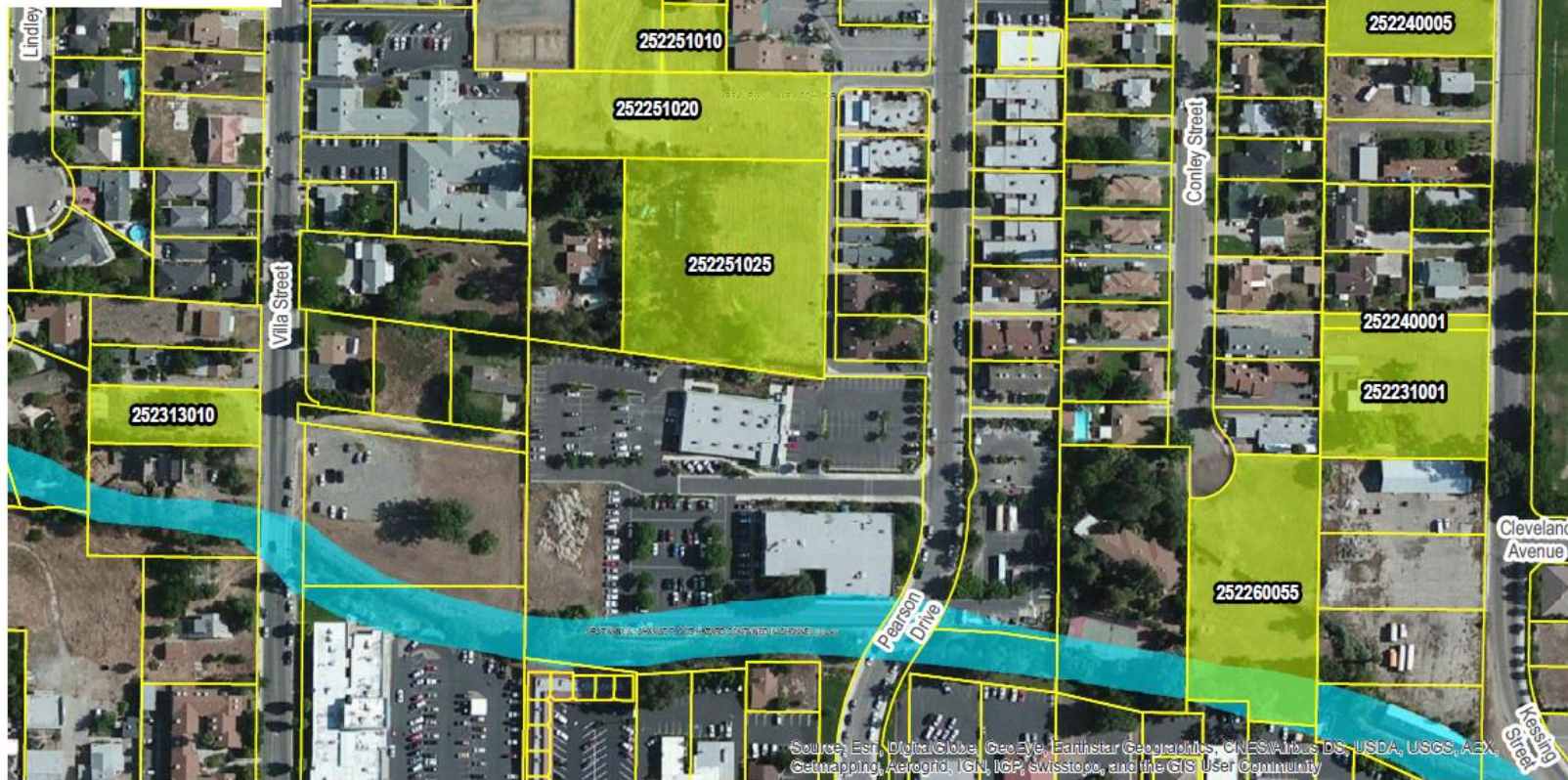


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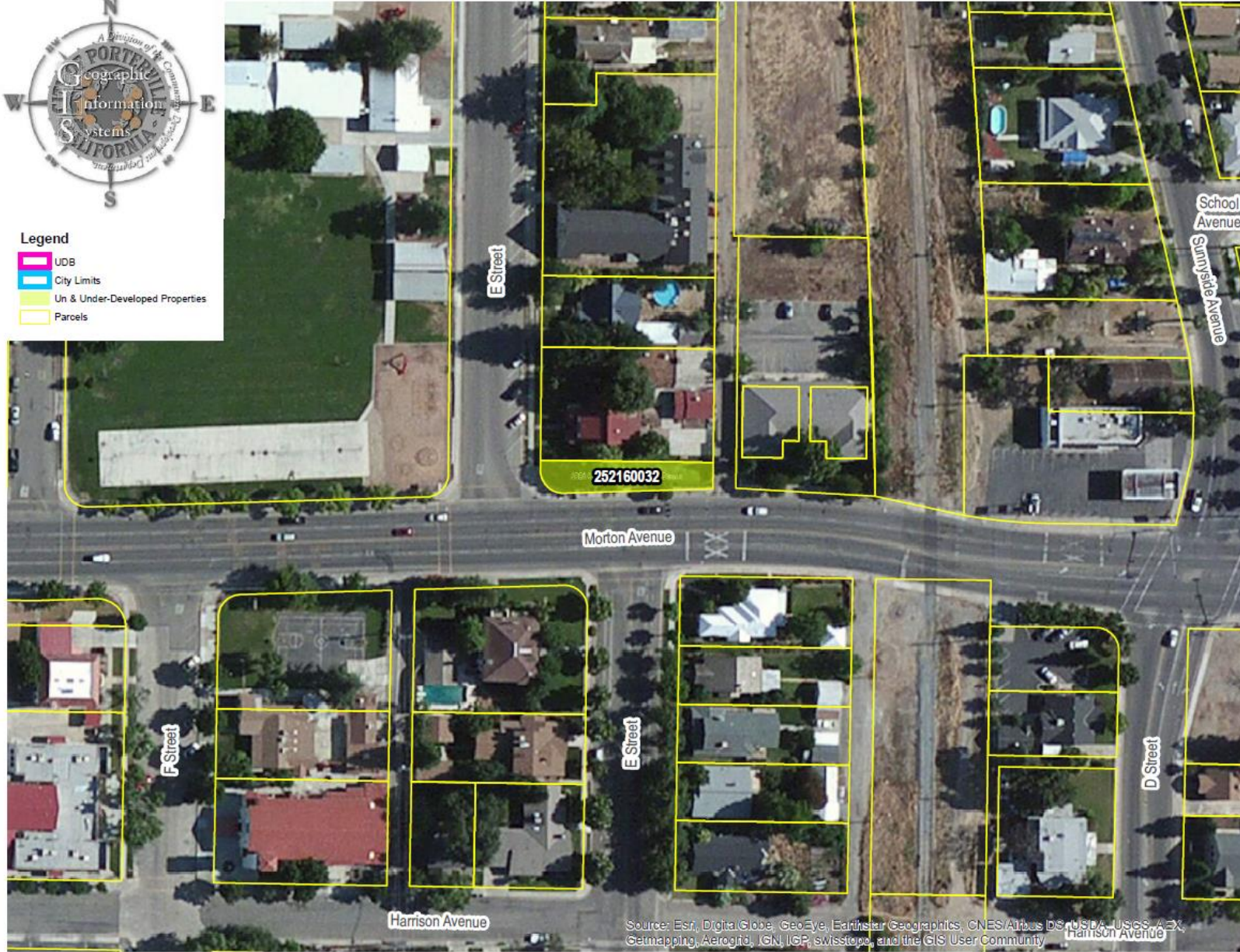
- Legend**
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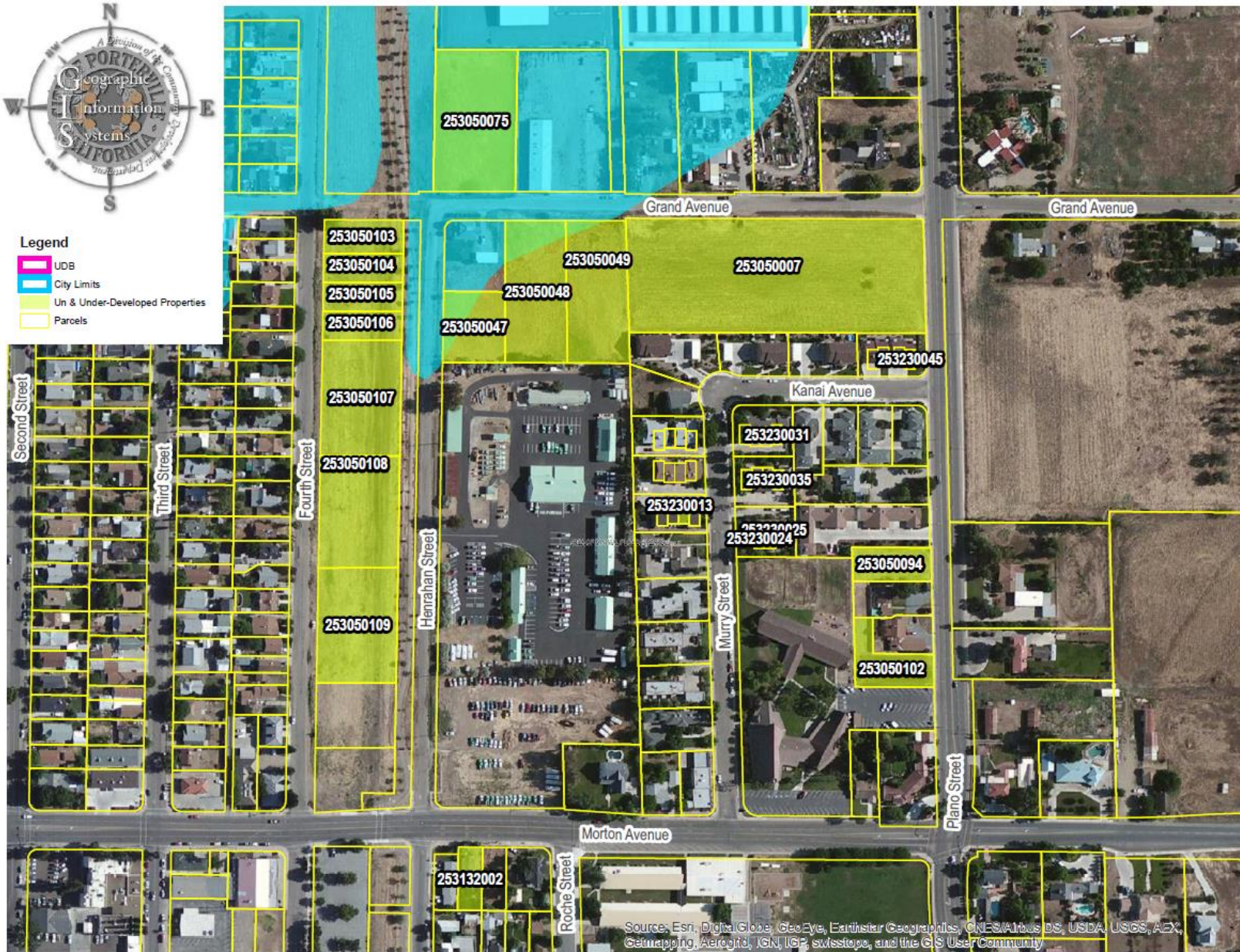


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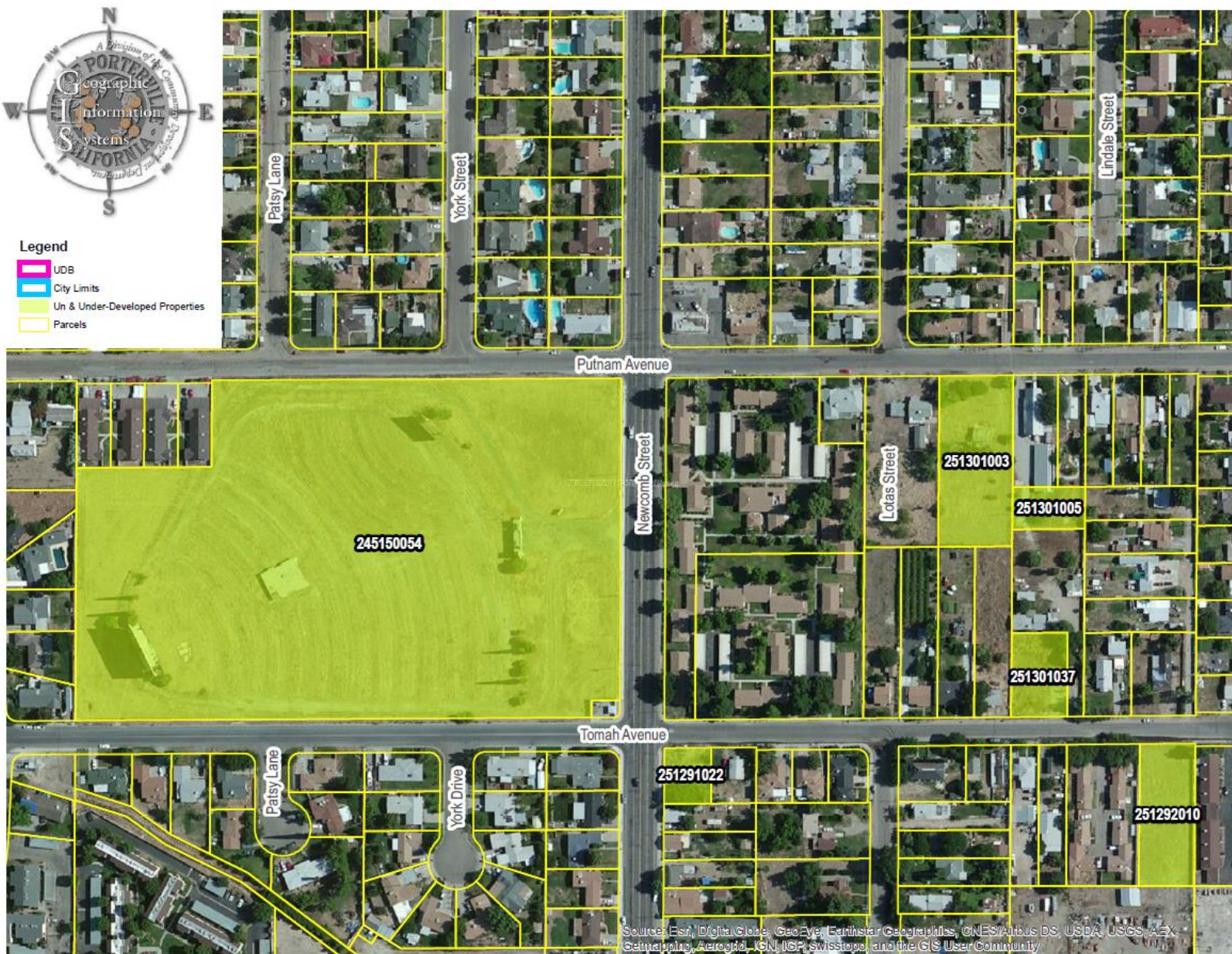


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Legend

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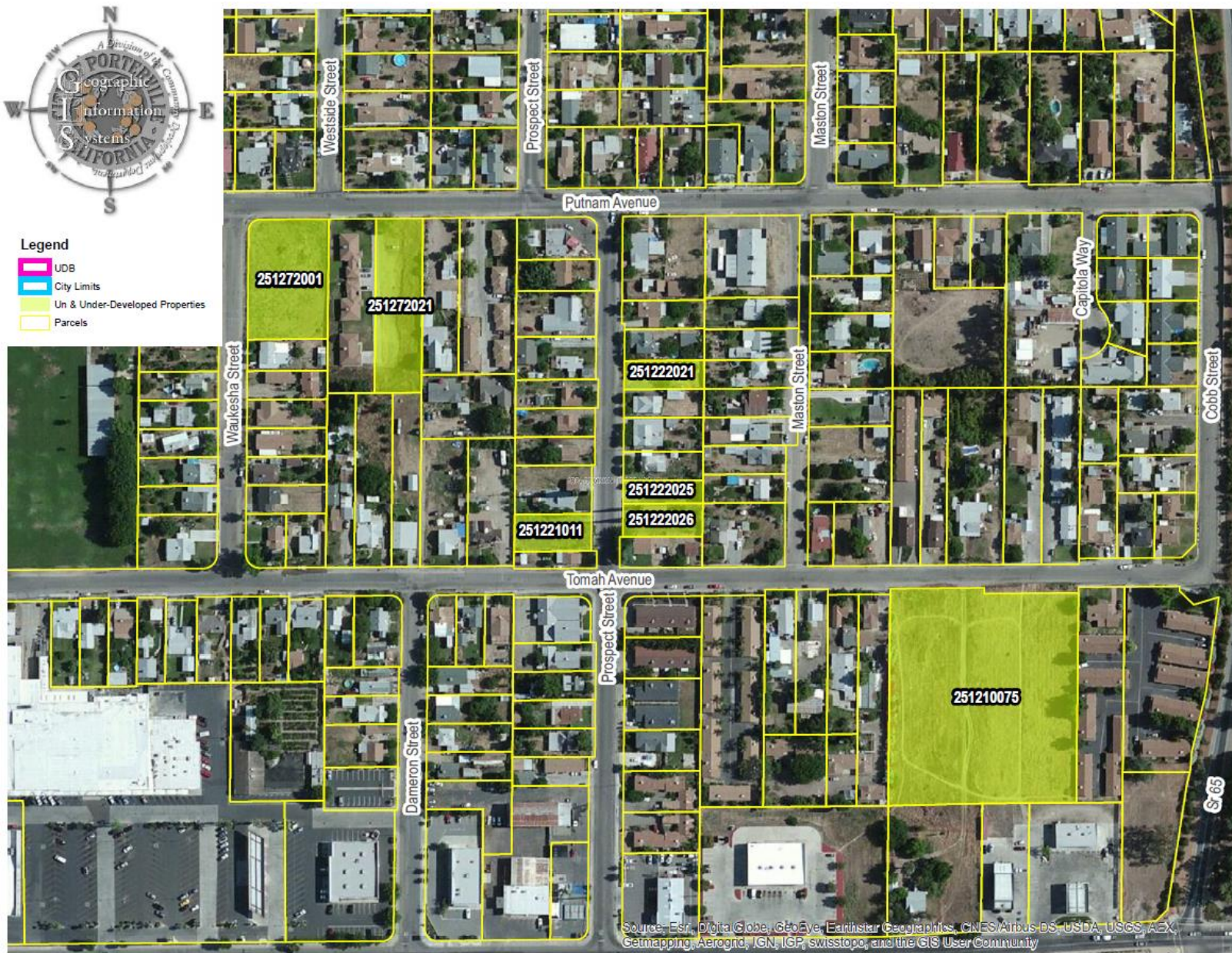


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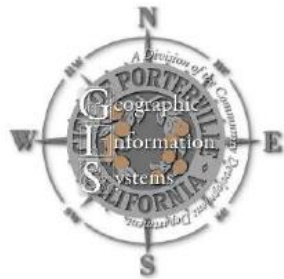


Legend

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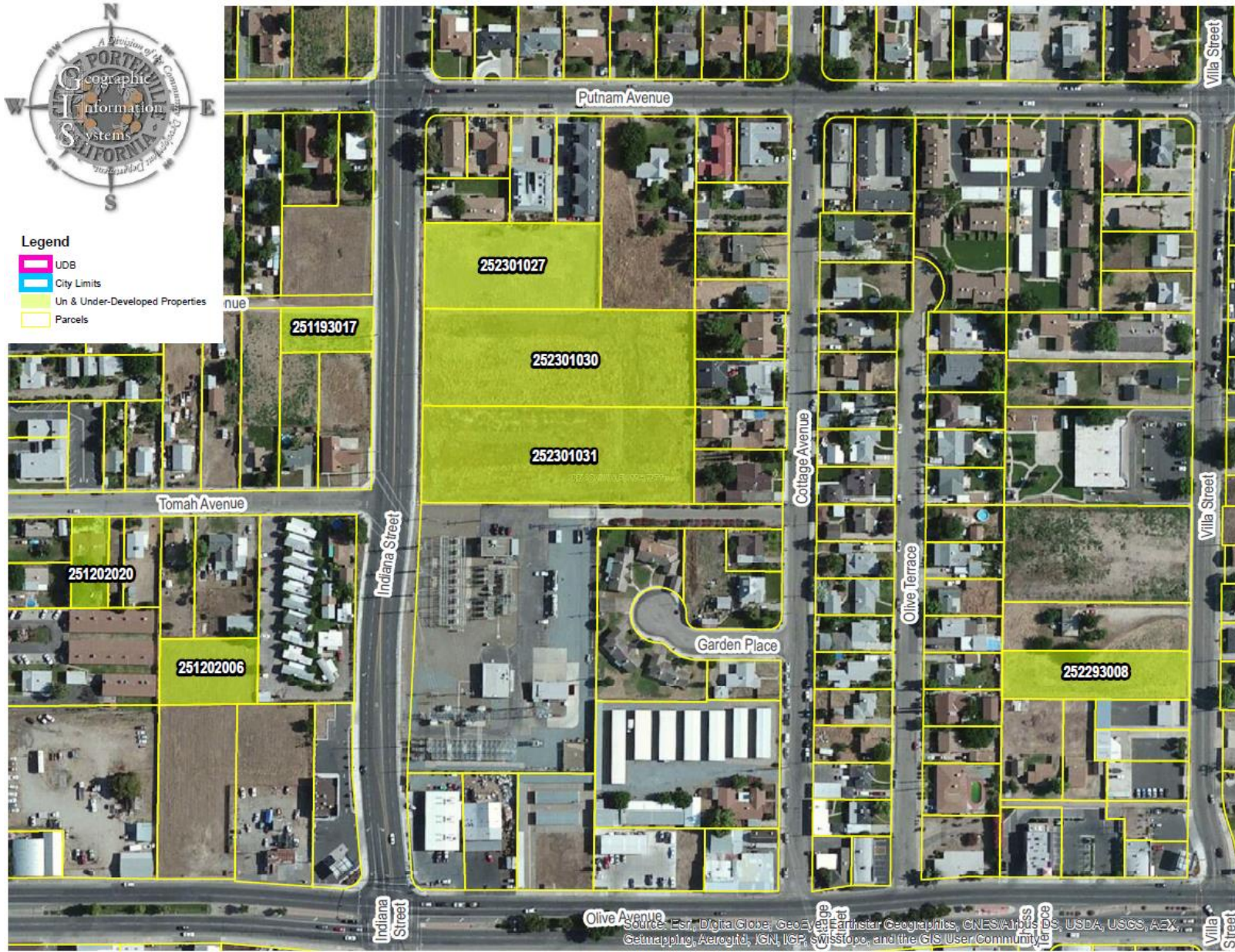
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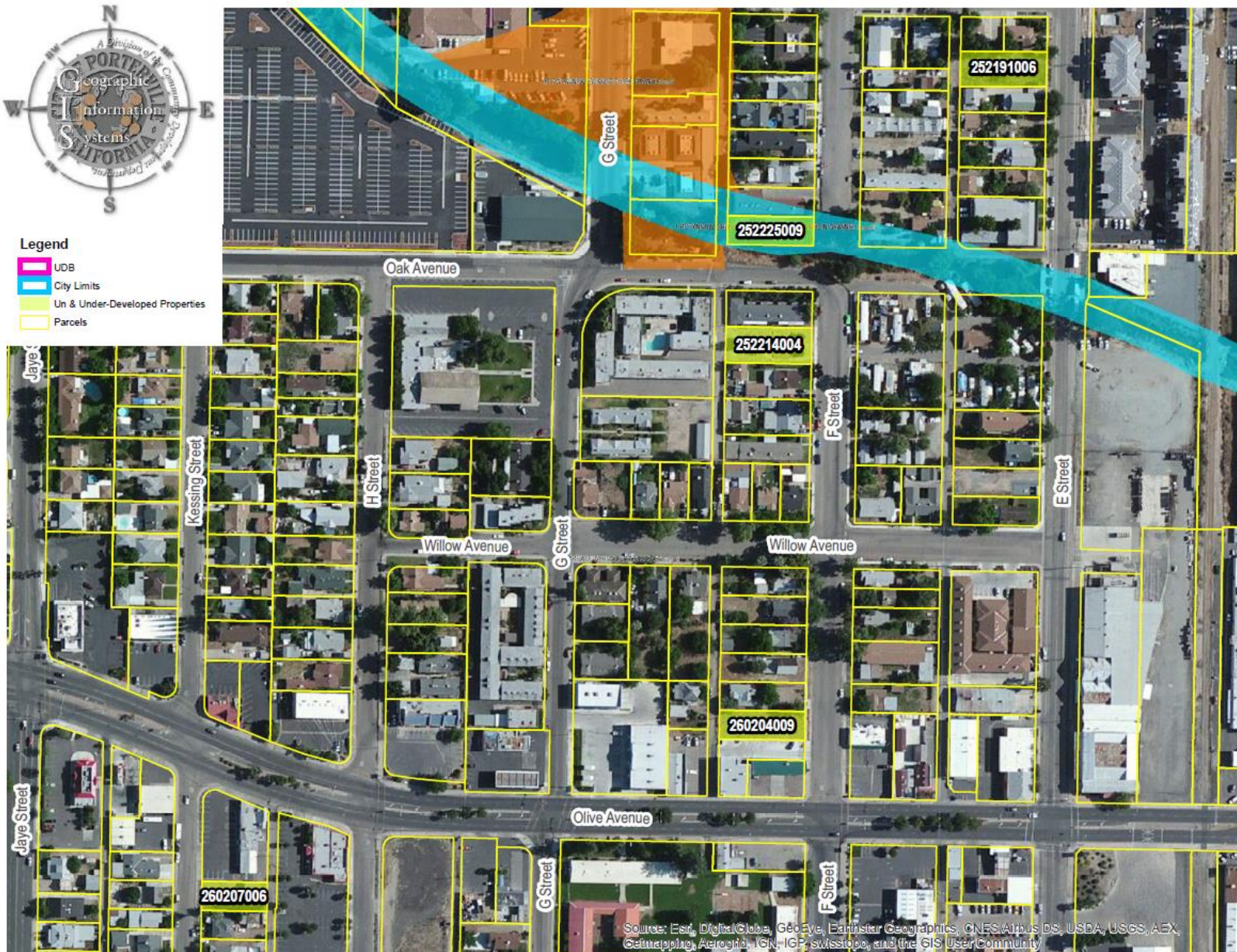
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- Parcels





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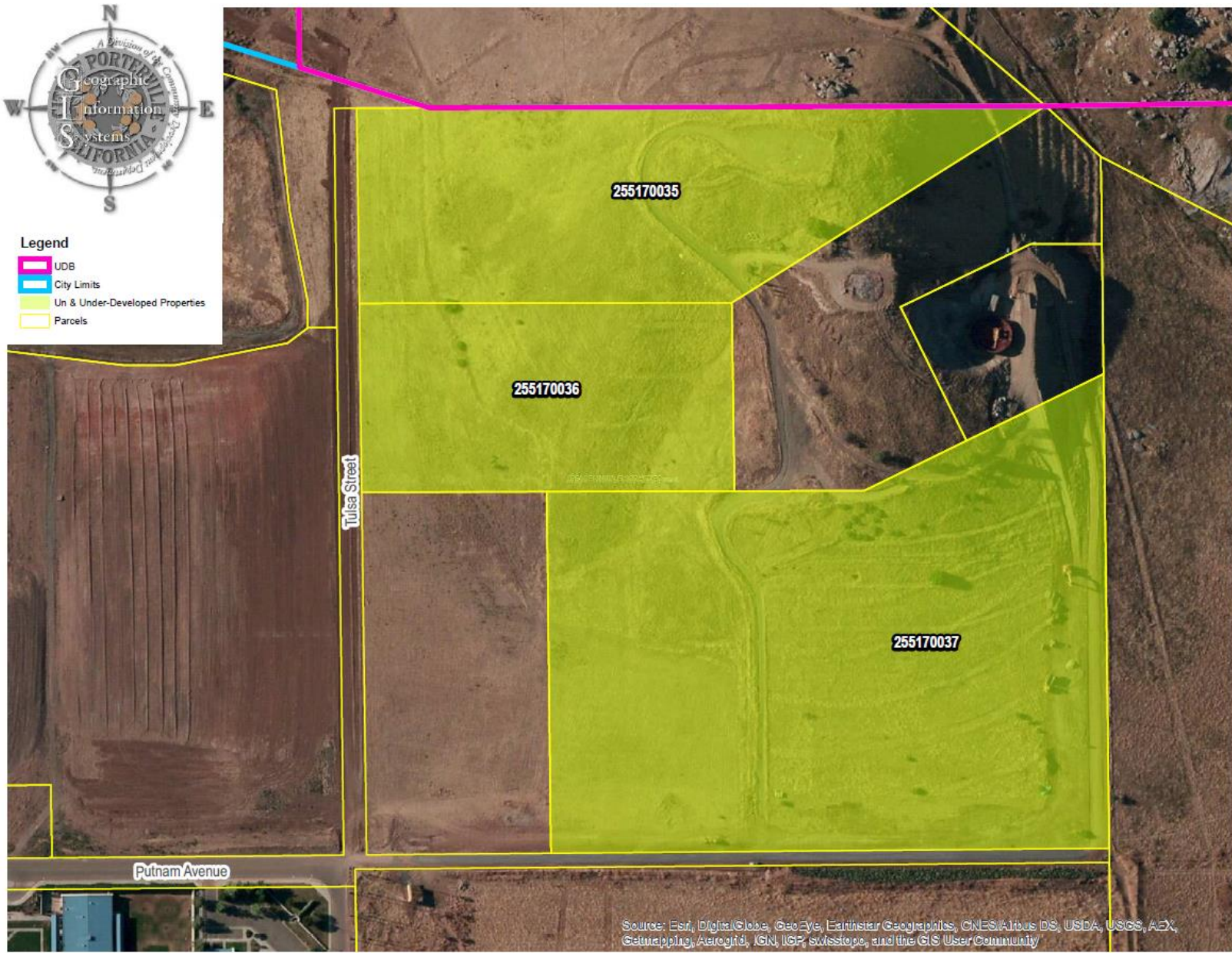


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Legend

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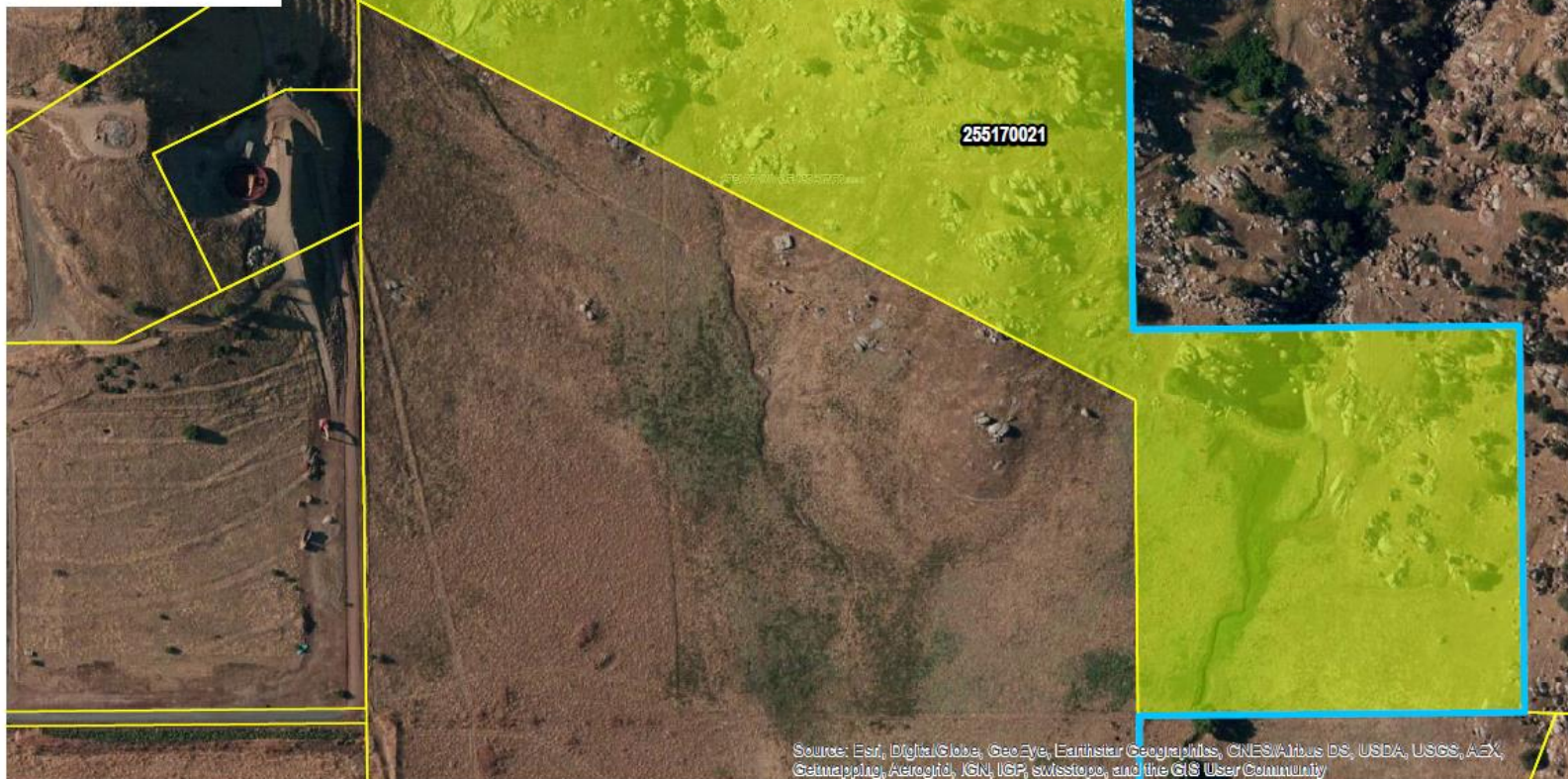


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-  UDB
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-  Un & Under-Developed Properties
-  Parcels



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Legend

- UDB
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- Un & Under-Developed Properties
- Parcels





Legend

- UDB
- City Limits
- Un & Under-Developed Properties
- Parcels





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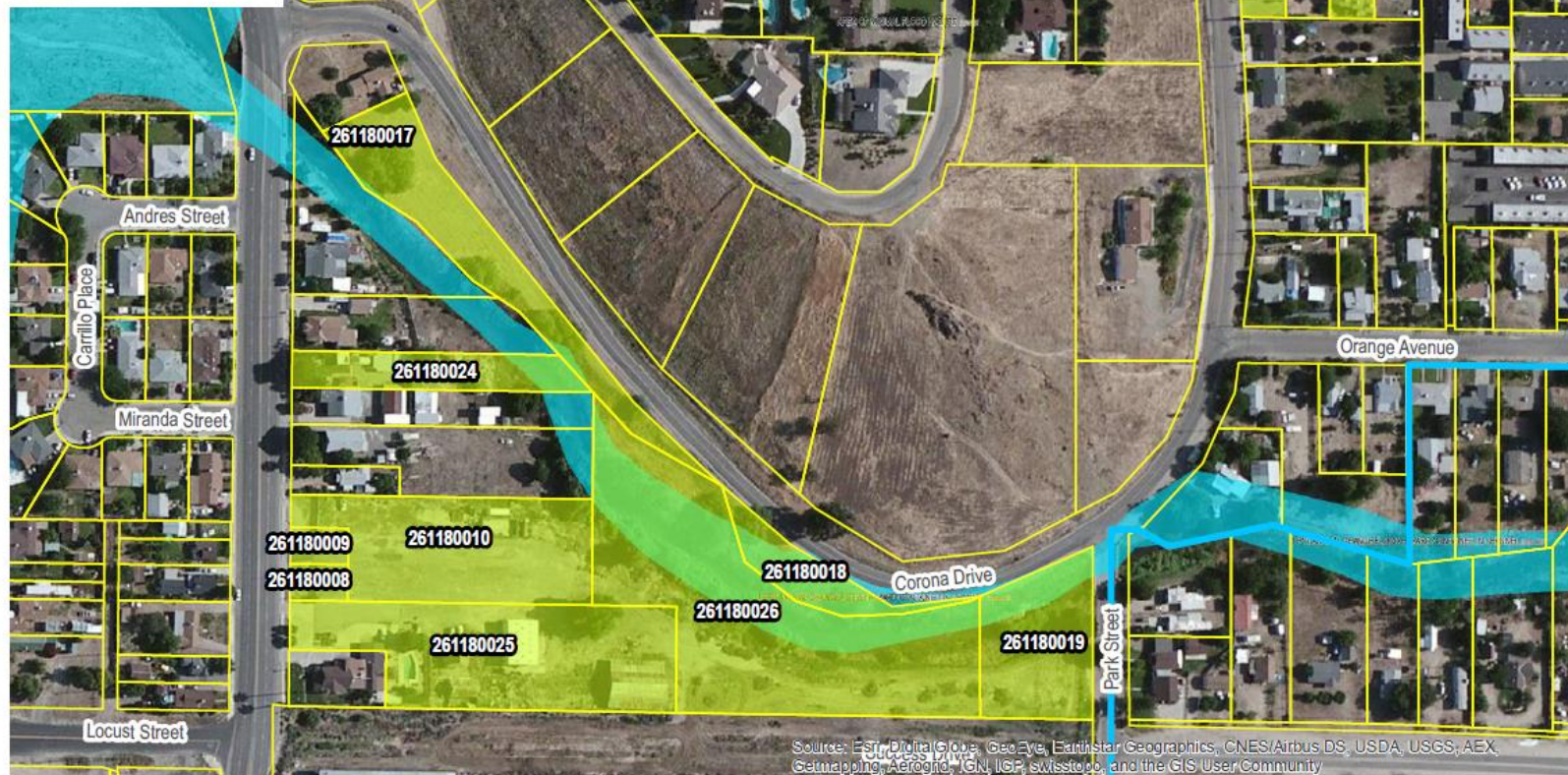


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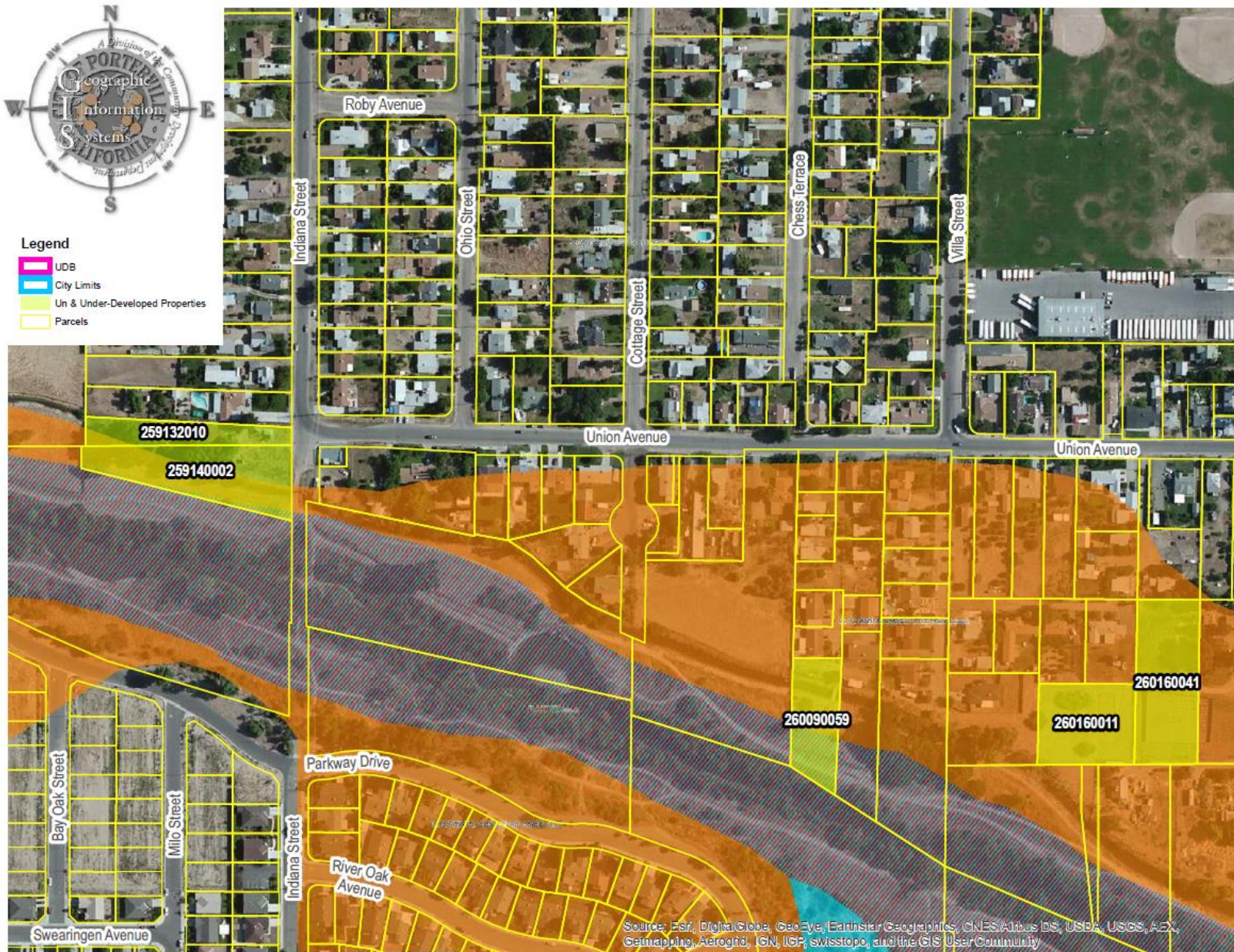
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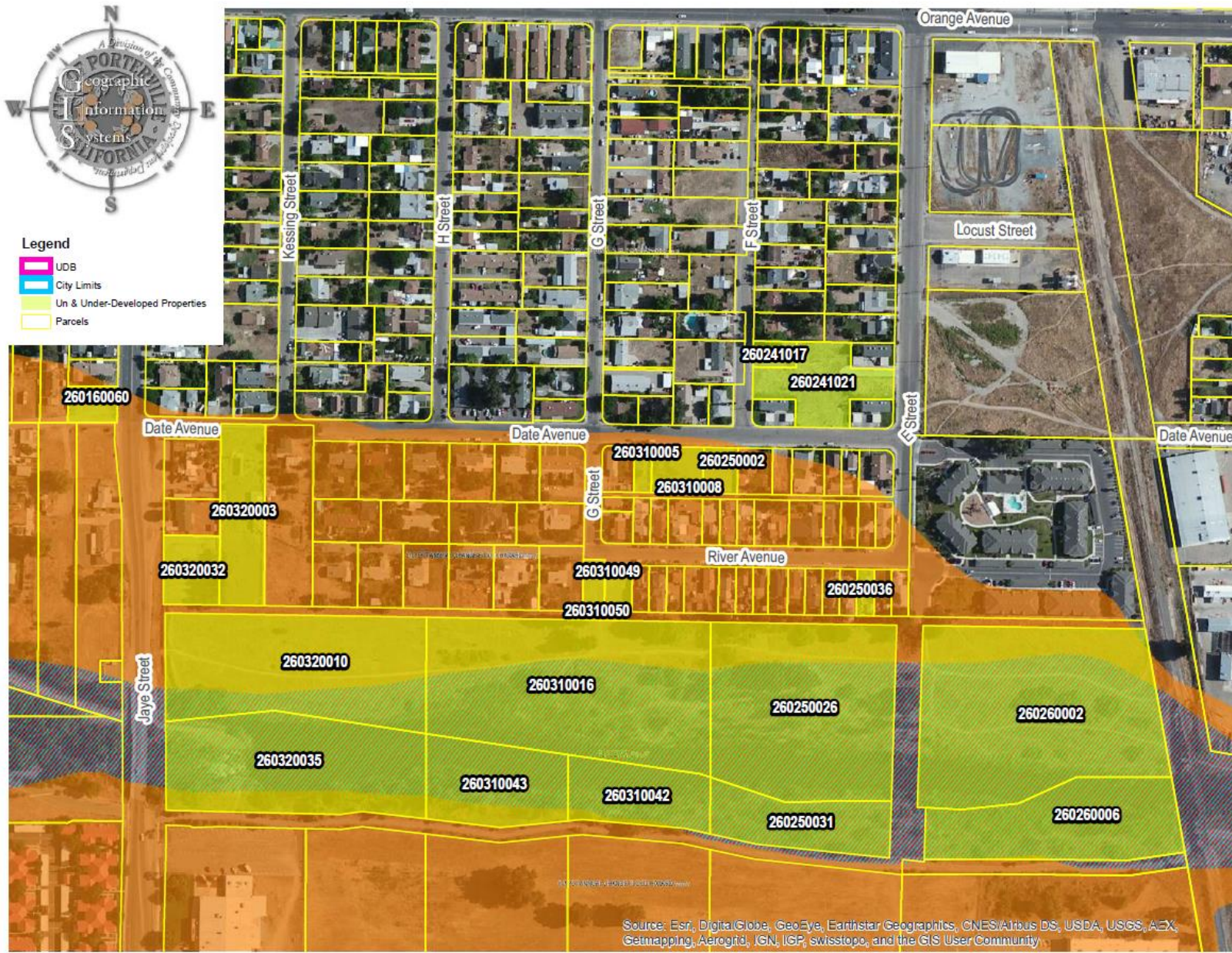
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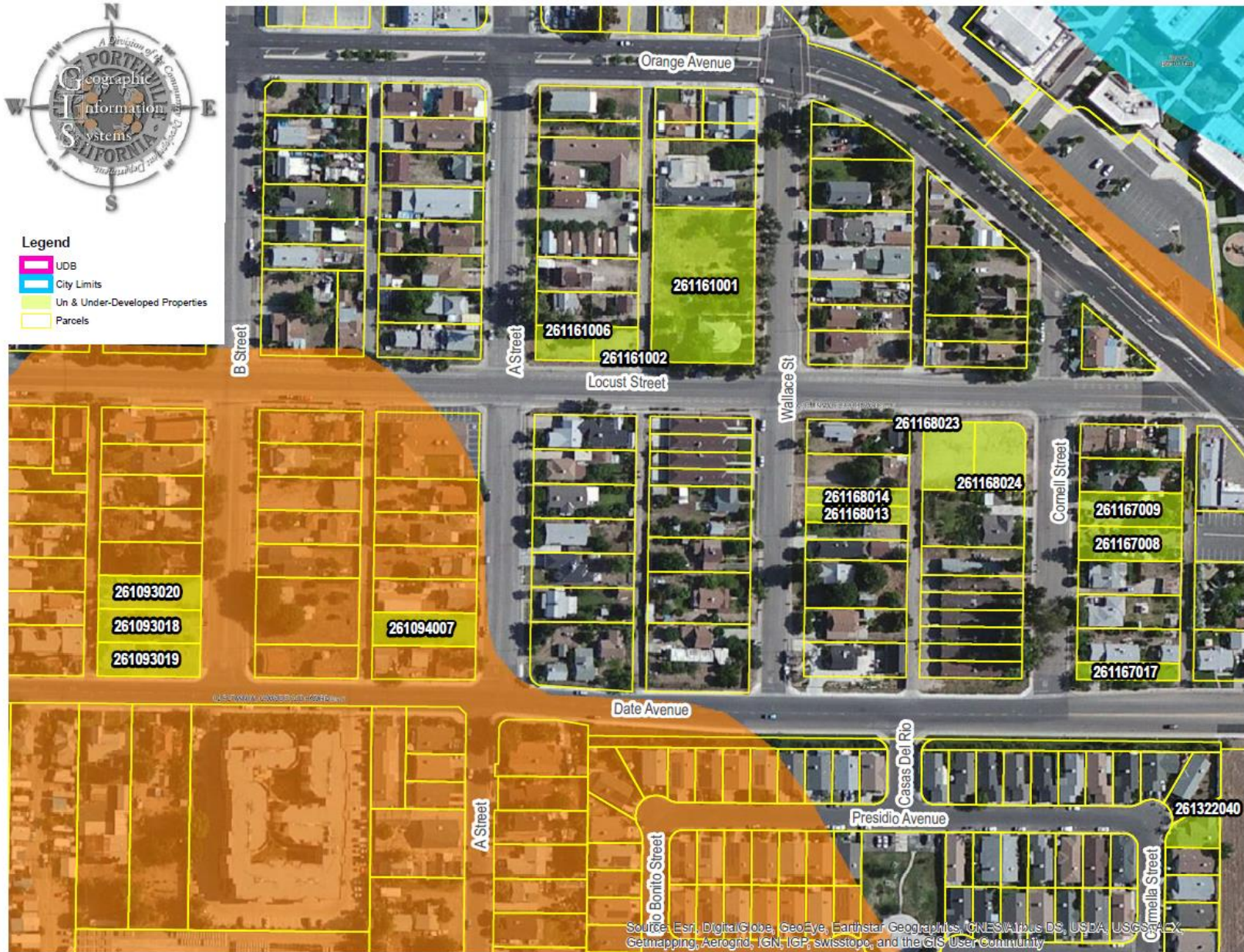


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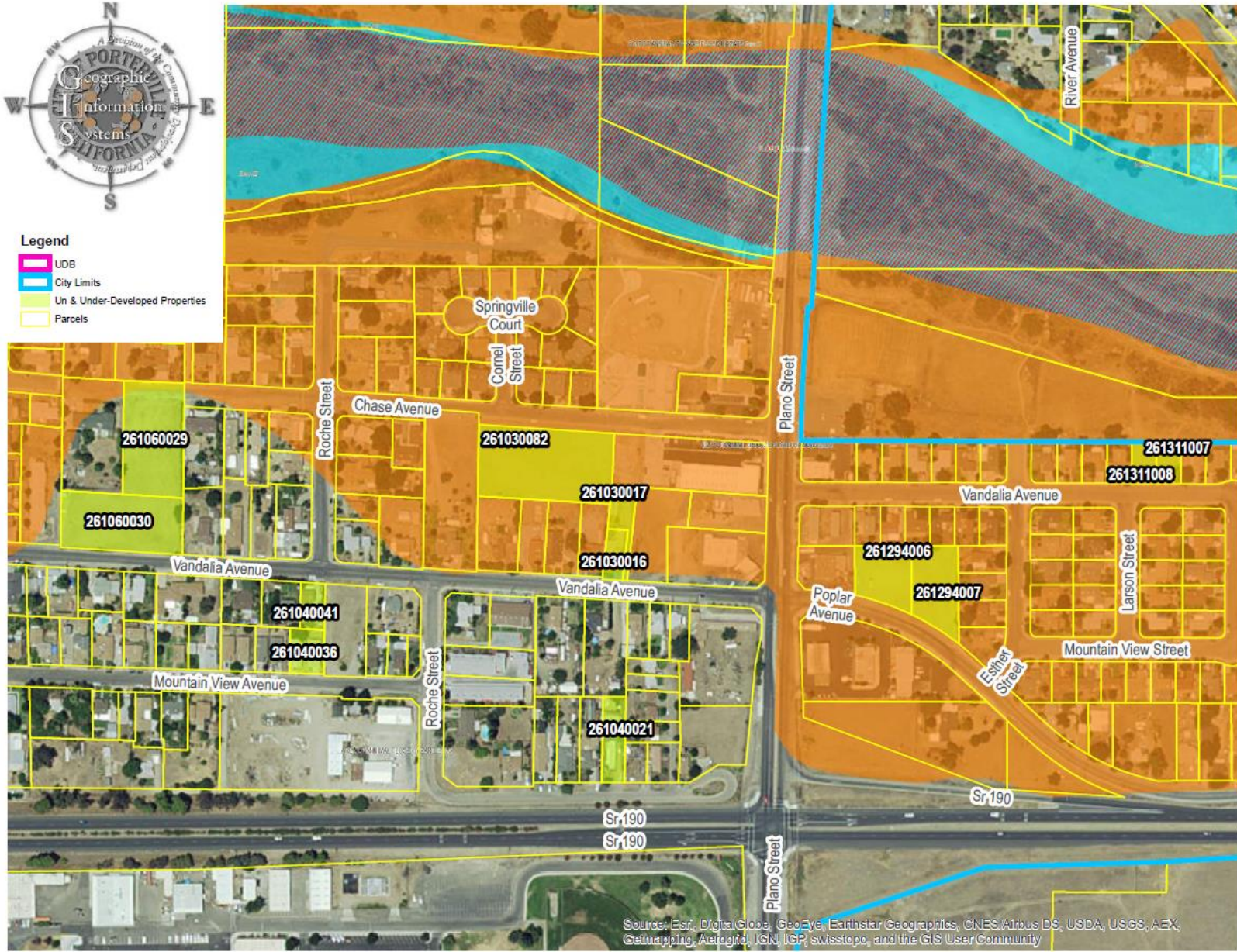


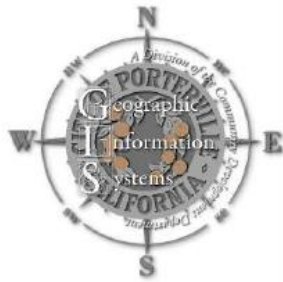
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



Legend

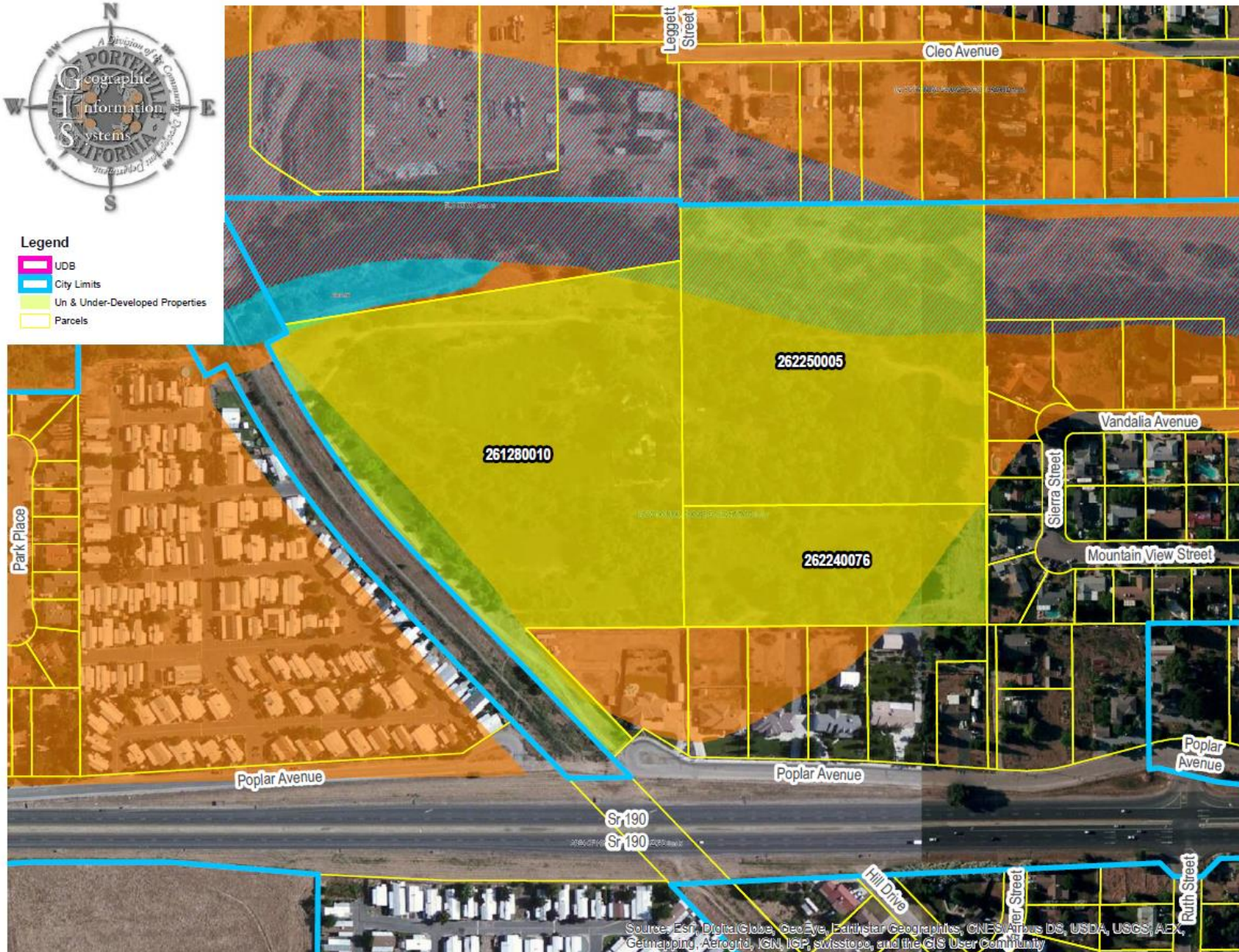
- UDB
- City Limits
- Un & Under-Developed Properties
- Parcels





Legend

- UDB
- City Limits
- Un & Under-Developed Properties
- Parcels





CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Modification to Conditional Use Permit 3-87 (PRC 2015-024-M) for the Church of Christ located at 1000 N. Newcomb Street

SOURCE: Community Development

BACKGROUND:

On November 17, 1987, City Council approved Conditional Use Permit 3-87 (Resolution 138-87) to allow for the development of a church facility on a 3.49± acre parcel in three phases located at 1000 N. Newcomb Street. The first phase consisted of a two-story 7,800± square foot building with sanctuary, classrooms, offices, landscaped area, small kitchen, and with 70 parking stalls. The second phase would have consisted of a 12,000 square foot auditorium, landscaped area, and 48 parking stalls. The third and final phase would have consisted of a 7,500 square foot classroom with landscaped area. Since the approval of the Conditional Use Permit in November 17, 1987, only phase one of the three-phased project has been developed. The applicant has expressed that phase two and three of the approved development project has been re-evaluated and rejected as future construction plans. At this time, the applicant is requesting a modification to Conditional Use Permit 3-87 (Resolution No. 138-87) to allow for the construction of a 3,000 square foot dining room, fellowship hall, and storage area.

COMMENT: On July 15, 2015, the Project Review Committee met with the applicant's agent, Mr. Mark Hillman, to discuss the proposed project. The applicant is proposing to construct a 2,818 square foot dining room/fellowship hall with a 182 square foot storage room addition behind the existing two-story building. The applicant noted that the proposed addition will be architecturally compatible with the existing building by incorporating similar building material and color scheme.

Upon site inspection on July 13, 2015, staff noted three 8 x 20 (160 sq. ft. each) cargo containers located on the property. One is located at the northeast corner directly behind the existing two-story building. The other two are located just south of the existing building and are visible from Newcomb Street. The applicant is requesting a Cargo Container Permit to utilize three cargo containers for the timeframe of December 15, 2015, through December 15, 2020, a period of five years. The cargo containers have been used to accommodate yearly storage capacity needs.

ANALYSIS: The proposed addition is compatible with the surrounding land use and conditions of approval are in place to protect the public's safety and interest. The addition will not create a demand for additional on-site parking. Conditions of approval

are in place to prevent the new addition in becoming a sanctuary, unless required parking spaces are provided at the time of conversion. The addition will be architecturally compatible with existing structures and the development will not have an adverse effect on surrounding areas.

Based on Resolution 08-2015, the Zoning Administrator may approve a cargo container permit if there are less than four containers as temporary non-standard developments where appropriate and necessary for long term use. However, Section 601.04(c) dictates applications requiring multiple approval be heard and approved together. Therefore, if Council approves the cargo container permit, the applicant shall relocate those two cargo containers so they are not visible from Newcomb Street, as shown herein as Attachment 1, to the satisfaction of the Zoning Administrator. The placement of the cargo containers shall be such that they do not interfere with the permanent site improvements including, but not limited to, parking, loading areas, on-site circulation, and accessibility.

ENVIRONMENTAL REVIEW:

On December 4, 2015, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15301(e)(2), since the addition is less than 10,000 square feet in an area where all public services and facilities are available to allow maximum development permissible in the General Plan.

RECOMMENDATION:

That the City Council adopt the draft Resolution approving the modification to Conditional Use Permit 3-87 (PRC 2015-024-M) to allow the construction of a 3,000 square foot dining room, fellowship hall and storage room for the Church of Christ and to allow three cargo containers for the timeframe of December 15, 2015, through December 15, 2020.

ATTACHMENTS:

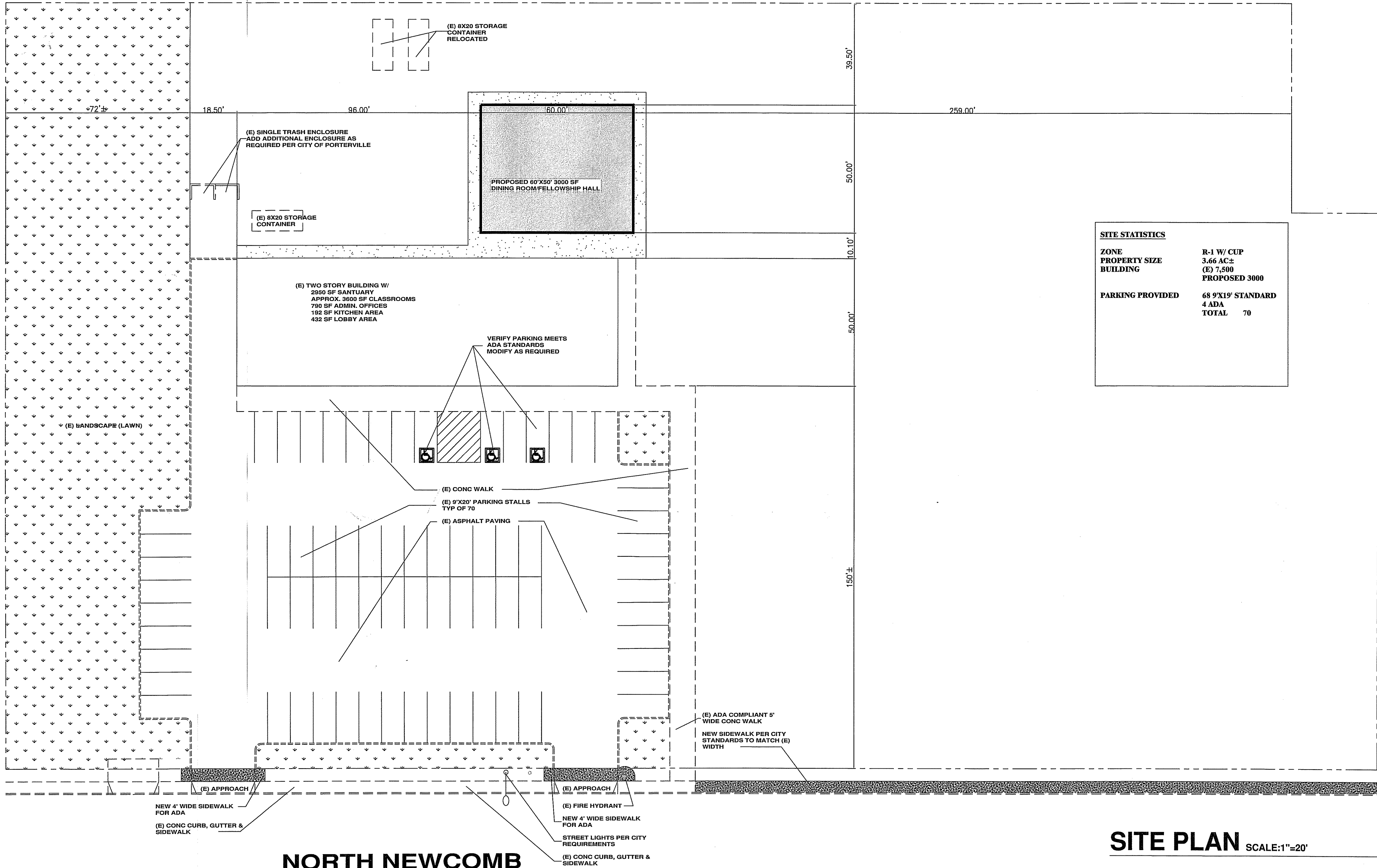
1. Site Plan
2. Floor Plan
3. Elevation Plan
4. Conditional Use Permit 3-87 (Resolution 138-87)
5. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



SITE STATISTICS	
ZONE	R-1 W/ CUP
PROPERTY SIZE	3.66 AC±
BUILDING	(E) 7,500 PROPOSED 3000
PARKING PROVIDED	68 9'X19' STANDARD 4 ADA TOTAL 70

SITE PLAN SCALE:1"=20'

ADD: 1000 NORTH NEWCOMB
CITY OF PORTERVILLE
STATE OF CALIFORNIA

OWNER: CHURCH OF CHRIST



NORTH NEWCOMB

REVISIONS	BY

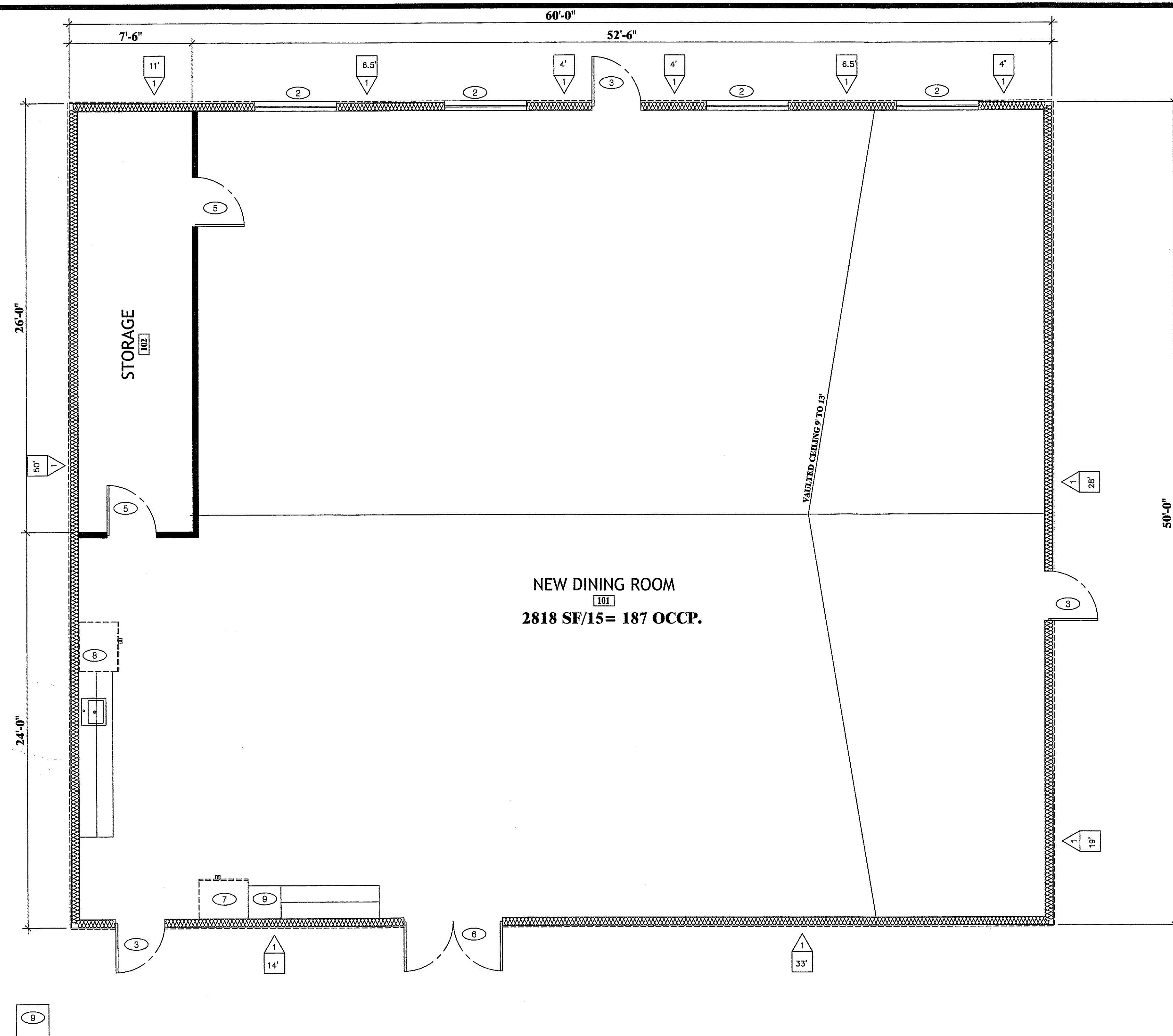
HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel. (559) 781-1538
Email hillmandesigns@ccsnet.net

PROPOSED DINING ROOM ADDITION FOR:
PORTERVILLE CHURCH OF CHRIST
1000 NORTH NEWCOMB
PORTERVILLE, CA

DATE	10-1-15
SCALE	NONE
DRAWN	MH
JOB	15028
SHEET	

C1.1

PLOT -10-1-15



2" X 4" STUDS @ 16" O.C.
2" X 6" STUDS @ 16" O.C.

LEGEND

- A. GENERAL CONTRACTOR SHALL PAY FOR ALL REQUIRED DEMOLITION PERMIT FEES AND OBTAIN ALL APPLICABLE DEMOLITION PERMITS.
- B. GENERAL CONTRACTOR SHALL REMOVE ALL DEBRIS & EQUIPMENT DAILY DURING THE DEMOLITION WORK.
- C. GENERAL CONTRACTOR SHALL FIELD VERIFY ALL EXISTING SITE AND BUILDING CONDITIONS PRIOR TO CONSTRUCTION.
- D. ABANDONED PIPES SHALL BE CAPPED IN MANNER TO CONCEAL WITHIN WALL, CEILING OR FLOOR.
- E. DEMOLITION MEANS AND METHODS ARE CONTRACTOR'S RESPONSIBILITY. .

GENERAL NOTES

- ① MAINTAIN 44" MIN CLEAR AISLE EGRESS PATHS TO EXIT DOORS.
- ② 5X4' FG WINDOW U VALUE .32
- ③ 3X7' MTL DOOR W/ MTL. JAMBS & PANIC HARDWARE
- ④ (E) 400 AMP ELECTRIC METER
- ⑤ 3X7' MTL DOOR W/ MTL FRAME AND KEYPED LOCK
- ⑥ 6X7' DBL MTL DOOR W/ MTL. FRAMES & PANIC HARDWARE
- ⑦ REFRIGERATOR BY OWNER
- ⑧ FREEZER BY OWNER
- ⑨ WARMING OVEN BY OWNER

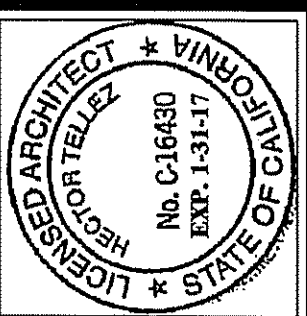
KEY NOTES

[illegible]

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970

34583 Hwy. 190 Springville, CA 93265
Tel. (559) 781-1538
Email hillmandesigns@ocsnet.net

HECTOR TELLEZ ARCHITECT
LIC. C16430
40831 Balch Park Road Springville, CA 93265
TEL: (562) 701-1130

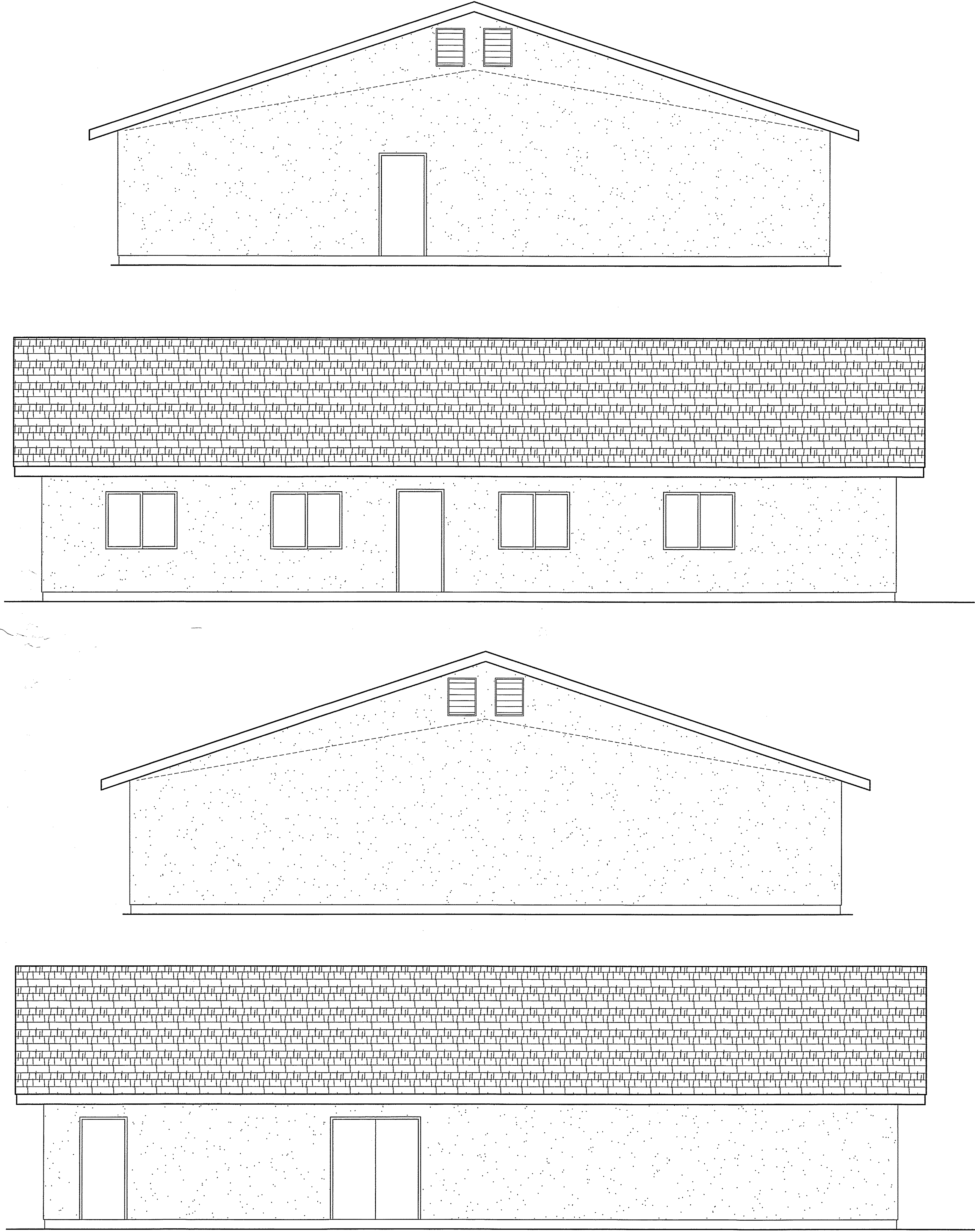


PROPOSED REMODEL FOR:
CHURCH OF CHRIST
1000 NORTH NEWCOMB

DATE	---
SCALE	SHOWN
DRAWN	MH
JOB	15028
SHEET	

A1.1

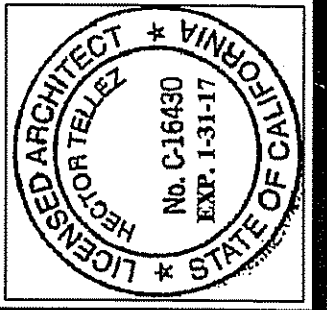
PRELIMINARY UNENGINEERED PLANS FOR BID



REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel. (559) 781-1538
Email hillmandesigns@csnet.net

HECTOR TELLEZ ARCHITECT
LIC. C16430
40891 Balch Park Road Springville, CA 93265
Tel. (559) 781-1538



PROPOSED REMODEL FOR
CHURCH OF CHRIST
1000 NORTH NEWCOMB

DATE	---
SCALE	SHOWN
DRAWN	MH
JOB	15028
SHEET	

A1.2

PRELIMINARY UNENGINEERED PLANS FOR BID

RESOLUTION NO. 138-87

CONDITIONAL USE PERMIT 3-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW THE DEVELOPMENT OF A CHURCH FACILITY TO BE CONSTRUCTED IN THREE PHASES ON 3.66 ACRES OF LAND LOCATED ON THE EAST SIDE OF NEWCOMB STREET APPROXIMATELY 380 FEET NORTH OF MULBERRY AVENUE

WHEREAS: The City Council at its regularly scheduled meeting of November 17, 1987 held a public hearing to consider approval of a conditional use permit to allow for the development of a church site in three phases located in the area of the northeast corner of Newcomb Street and Mulberry Avenue; and

WHEREAS: The City Council received testimony from interested parties relative to the subject conditional use permit; and

WHEREAS: The City Council reviewed the proposed development as proposed on the site plan attached hereto and marked Exhibit "A"; and

WHEREAS: The City Council considered the following findings in review of the subject project:

1. That the design and improvement of the proposed project is consistent with the General Plan.
2. That the site is physically suitable for the type and density of the development.
3. That the design of the project and proposed improvements are not likely to cause substantial environmental damage or public health problems.
4. That a Negative Declaration was approved for the project in accordance with the California Environmental Quality Act.
5. That the phasing of the project, landscaping design, parking area and locations of structures of the proposed development will be compatible with the area surrounding the subject site.

**ATTACHMENT
ITEM NO. 5**

6. Churches are allowed in R-1 zones subject to approval of a conditional use permit when on a lot of three (3) acres or more in size.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Conditional Use Permit 3-87 to allow development of a church site in three (3) phases subject to the following conditions:

1. That per Section 2903-C of the Zoning Ordinance: "Any Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein."
2. That per Section 2018-A of the Porterville Zoning Ordinance, one (1) sign only for churches not to exceed 20 square feet is allowed in residential zones, and will be located as shown on Exhibit "A".
3. That all on-site lighting shall be directed away from adjoining properties and rights-of-way and shall be so designed and located as to preclude glare and visibility impacts on surrounding areas.
4. That all proposed structures must be designed and constructed in accordance with the Uniform Building and Fire Codes and all other applicable codes, including Title 19 CAC.
5. That fire hydrants shall be installed at locations determined by the City Fire Department.
6. That a refuse truck liability waiver form must be submitted to the City of Porterville Field Services Division prior to start of refuse pick up service.
7. That trees planted within the public right-of-way along Newcomb Street, if any, must be selected from the approved City Street Tree List.
8. When submitting for a building permit the following is required:
 - a. Two sets of plans signed by an architect or engineer.
 - b. One set of energy calculations.
 - c. One set of structural calculations.
9. That, if required, soil compaction test results for the building pad site shall be submitted prior to issuance of a building permit.

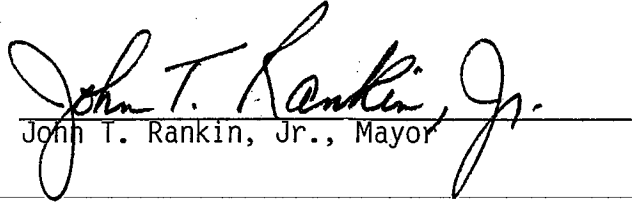
10. That the following be adhered to:

- ° Compliance with master plans, Standard Specifications for Public Works Construction, Standard Plans and Specifications, and the Work Area Traffic Control Handbook, unless otherwise noted herein.
- ° Payment of all applicable fees in accordance with the Municipal Code and State law (Phase 2 and 3 fees deferred until development) prior to issuance of a building permit.
- ° Compliance with Chapter 70 of the Uniform Building Code including provision of a grading and drainage plan signed by a licensed civil engineer. A masonry retaining wall is required at the property line for any grade differential in excess to one foot.
- ° Construction of curb, gutter, sidewalk, paveout, water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer.
- ° Dedication of right-of-way, if necessary, adequate for a street width to match the adopted Land Use and Circulation Element and/or the established street and alley pattern in the area.
- ° Provision of street lights on marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without written approval of the City Engineer.
- ° Design and improvement of the parking lot in accordance with Section 2206 of the Zoning Ordinance.
- ° Under City inspection, removal of all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of any building permit (e.g. foundations, septic tanks, irrigation pipes, etc.).
- ° Abandonment of existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health. Providing the City Engineer with proof of compliance with County regulations prior to performing any grading.

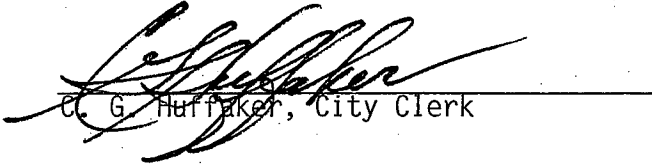
11. That one (1) parking space be provided for every five (5) seats in the main auditorium, and that the type of construction, location of said structures and size of said structures shall be as generally represented in Exhibit "A", attached hereto and that any future modification to said plans shall be subject to review and approval by the City Council.

12. That the site shall be landscaped in accordance with plans submitted in Exhibit "A" attached hereto.

13. That any proposed installation of outside sound amplification equipment shall be subject to review and approval of the City Council.


John T. Rankin, Jr., Mayor

ATTEST:


C. G. Huffaker, City Clerk

CUP: RES/3-87

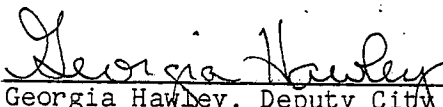
STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

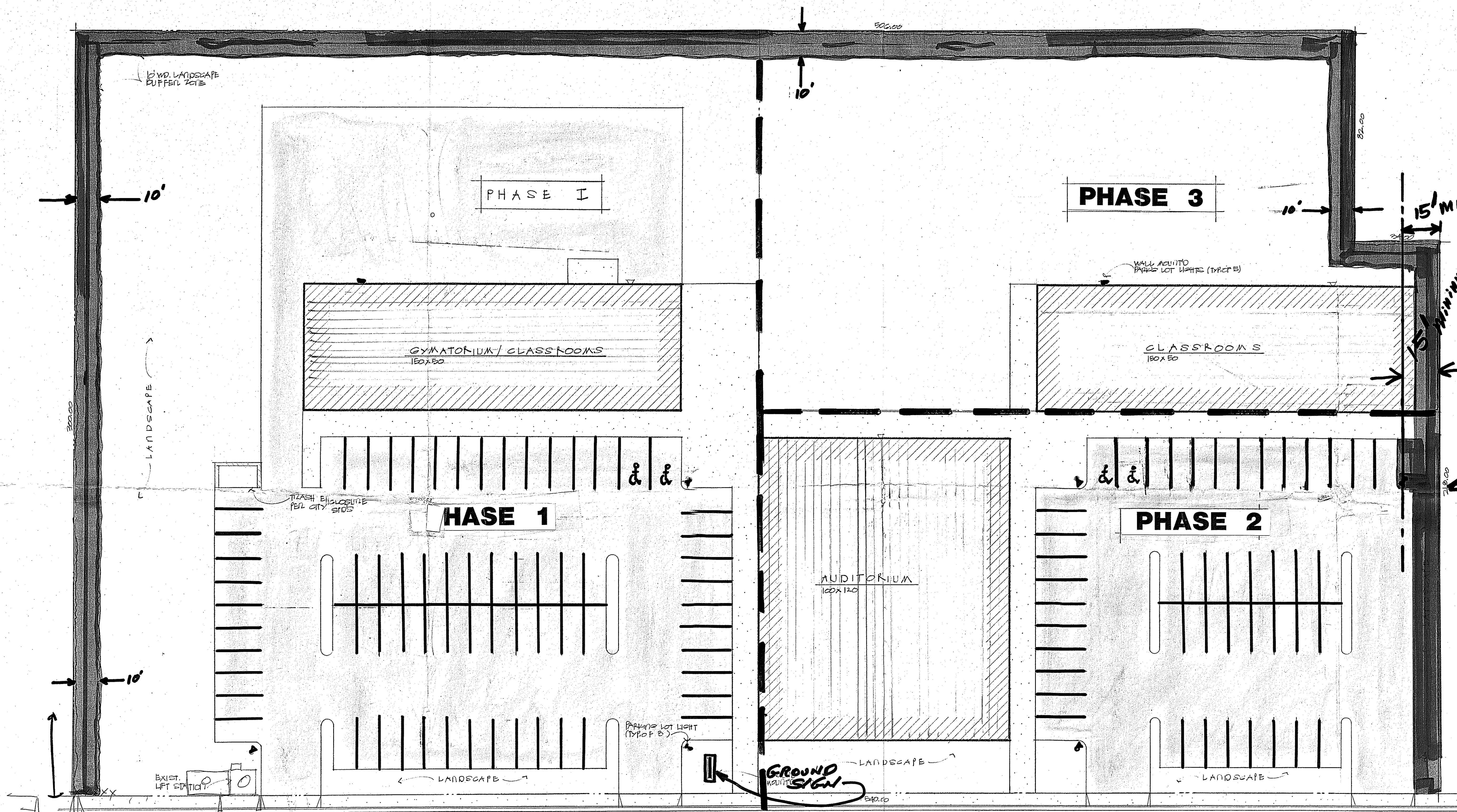
I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on November 17, 1987.

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

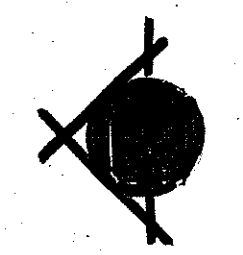
COUNCILMEN	PRUITT	BONDS	LEAVITT	ENSSLIN	RANKIN
AYES	X	X	X	X	X
NOES					
ABSENT					
ABSTAIN					

C. G. HUFFAKER, City Clerk


Georgia Hawley, Deputy City Clerk



NEWCOMB AVENUE
NEWCOMB STREET



MASTER SITE PLAN

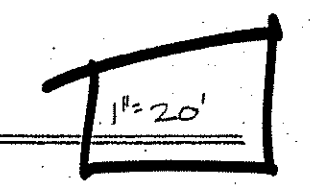


EXHIBIT "A"
CUP 3-87

§ 2604 A of the ZONE ORD.
No institutional or "church"
building SHALL BE
LOCATED CLOSER THAN
15' FROM ANY "R" ZONED
PROPERTY LINE.
4-26-87
JDA

BIBLE BAPTIST CHURCH

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MODIFICATION TO
CONDITIONAL USE PERMIT 3-87 (PRC 2015-024-M) TO ALLOW FOR THE
CONSTRUCTION OF A 3,000 SQUARE FOOT DINING ROOM, FELLOWSHIP HALL
AND STORAGE ROOM LOCATED AT 1000 N. NEWCOMB STREET

WHEREAS: On November 17, 1987, City Council approved Conditional Use Permit 3-87 (Resolution 138-87) to allow for the development of a church facility in three phases located at 1000 N. Newcomb Street. The Church of Christ has only constructed Phase 1 of the approved three-phased development; and

WHEREAS: On July 15, 2015, the applicant requested a modification to Conditional Use Permit 3-87 (Resolution 138-87) to allow the construction of a 2,818 square foot dining room/fellowship hall with a 182 square foot storage room; and

WHEREAS: On December 4, 2015, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15301(e)(2), of the California Code of Regulation (CEQA Guidelines); and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 15, 2015, conducted a public hearing to receive testimony from all interested parties and to consider a modification to Conditional Use Permit 3-87 (PRC 2015-024-3-M), to allow the construction of a 2,818 square foot dining room/fellowship hall with a 182 square foot storage room; and

WHEREAS: Based on Resolution 08-2015, the Zoning Administrator may approve a cargo container permit if there are less than four containers as temporary non-standard developments where appropriate and necessary for long term use; however, Section 601.04(c) dictates applications requiring multiple approval be heard and approved together.

WHEREAS: The City Council made the following findings:

1. That the 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.

This project supports and complies with Land Use Guiding Policy (LU-G-3) in that it will promote sustainability in the design and development of public and private development projects. The Church of Christ was established primarily for the benefit and service of the population of the community in which it is located.

2. That the proposed 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 adopted by the City Council.

The proposed location, size and operating characteristics are compatible with the surrounding land use and conditions of approval are in place to protect the public's safety and interest. The addition will not create a demand for additional on-site parking. Conditions of approval are in place to prevent the new addition in becoming a sanctuary, unless required parking spaced are provided at the time of conversion. The addition will be architectural compatibility with existing structures and the development will not have an adverse effect on surrounding areas.

3. On December 4, 2015, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15301(e)(2), of the California Code of Regulation (CEQA Guidelines).

This project is Categorically Exempt pursuant to CEQA Guidelines §15301(e)(2), since the addition is less than 10,000 square feet in an area where all public services and facilities are available to allow maximum development permissible in the General Plan and is not located in an environmentally sensitive area.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the modification to Conditional Use Permit 3-87 (PRC 2015-024-M) to allow for the construction of a 3,000 square foot dining room, fellowship hall and storage room addition, as represented in the site plan incorporated herein as Exhibit "A," subject to the following conditions:

1. The 3,000 square foot dining room, fellowship hall and storage room addition shall not be used as a sanctuary, unless required parking spaces are provided at the time of conversion.
2. The developer/applicant shall comply with Ordinance No. 1830, as it relates to water conservation and landscaping irrigation.
3. Unless an extension of time is granted by the City Council, the modification to the conditional use permit (PRC 2015-024-M) shall expire and be declared null and void three years after the date of approval if not actively and continuously pursued.
4. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans and Standard Drawings, Standard Specifications for Public Works Construction (2012 Edition), and Standard Plans and Specifications (2010 Standards), except where they are in conflict with current access compliance regulations, the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
5. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. 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.

6. The developer/applicant shall comply with Appendix J, "Grading" of the current California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. 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.
7. The developer/applicant shall submit design master plans consisting of combined grading & drainage and sewer & water utilities to ensure the proper functioning and/or phasing of the development.
8. The developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the current California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc. where required for the construction of public improvements.
9. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontage, except where they exist and are determined to be in good condition and in compliance with current accessibility standards in the opinion of the City Engineer (Ord. No. 1306). Existing frontage improvements were evaluated and determined that a portion of the improvements are non-compliant. An accessible path of travel across the three existing driveways serving the property must be provided per the attached professional office/commercial standard driveway standard plan. The developer/applicant shall extend the sidewalk across the full frontage of the property.
10. The developer/applicant shall construct a pedestrian path of travel from the City sidewalk to onsite walks in a manner that is compliant with current accessibility standards.
11. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (for example, foundations, septic tanks, irrigation pipes, etc.).
12. The developer/applicant shall assure compliance with Section 7-8, Work Site Maintenance of the Standard Specifications. Applicable requirements from both San Joaquin Valley Unified Air Pollution Control District Regulation VIII, Fugitive PM10 Prohibitions and the California Green Code Standards must also be met. 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.
13. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.

14. The developer/applicant shall install a dual refuse container enclosure that will accommodate solid waste and recyclable materials removal or collection according to City Standards (Sec. 13-15). The enclosure location is to be approved by the City prior to the issuance of the building permit. The enclosure should be oriented for direct pick up. An accessible path to the enclosure must be provided for employee use to comply with current accessibility standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
15. The developer/applicant shall comply with City Standard for “backflow” prevention pursuant to Resolution No. 9615 (1981). A double backflow preventer is required off the water main and is to be located in an underground vault/screened above ground enclosure.
16. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.
17. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system, is required for monitoring actual water usage if the landscape area is 1000 square feet or more.
18. The developer/applicant shall design on-site water systems meeting the requirements of the current California Plumbing and Fire Codes. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.
19. The developer/applicant shall move existing utility structures (i.e., poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet of clear space in the sidewalk area and a minimum of two feet of clear space from the curb face to the structure, unless the utility structures are below grade (Title 24 OSA).
20. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Wood poles are expressly prohibited without prior written approval of the City Engineer.
21. The developer/applicant shall submit three complete sets of plans, signed by a licensed Architect or Engineer, including two sets of energy calculations and structural calculations.
22. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
23. Plan submittals shall comply with all current applicable Codes.
24. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
25. The developer/applicant shall provide soil compaction test(s) as required by the applicable building code sections.

26. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
27. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
28. Restrooms, main entrance(s), and paths of travel from designated parking stalls shall comply with current access laws (both State and Federal). The most stringent Code shall prevail. Per the discussion during the Project Review Committee meeting, the following areas of the proposed project will need to be addressed as part of the construction project and detailed on the plans:
 - a. Accessible parking to be made compliant. Three stalls are required.
 - b. Provide an accessible path from every exterior door.
29. Compliance forms and worksheets are required to be included on all plan submittals (per California Green Code).
30. All construction offices, storage containers, etc. planned and/or intended for temporary use during construction must receive approval from the Chief Building Official through a separate permit process prior to their installation and/or placement on the property and must be removed from the jobsite prior to final occupancy being requested and/or approved.
31. Signs require separate plan submittal and separate permit per the Development Ordinance.
32. The Building Official has designated the proposed construction to be an “A-2” Occupancy Classification.
33. Allow two weeks review time for the initial plan check submittal and an additional two weeks review time for each subsequent re-submittal.
34. Plans submitted with deferred items will automatically be rejected and are not guaranteed a complete plan review prior to said rejection.
35. A grease trap or grease interceptor is required.
36. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.
37. When a sprinkler system is required, all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.
38. For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

39. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
40. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
41. The City will test and maintain all fire hydrants in the City whether on private property or not. An easement shall be required from the property owner.
42. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
43. A Knox box will be required. A “Grand Master” key that opens all locked areas will also be required and placed inside the Knox Box. An application may be obtained from the Fire Department.

NOW, THEREFORE, BE IT FURTHER RESOLVED: That the City Council of the City of Porterville does hereby grant a permit for the use of three cargo containers from the timeframe of December 15, 2015, through December 15, 2020, for a period of five years, with the following conditions:

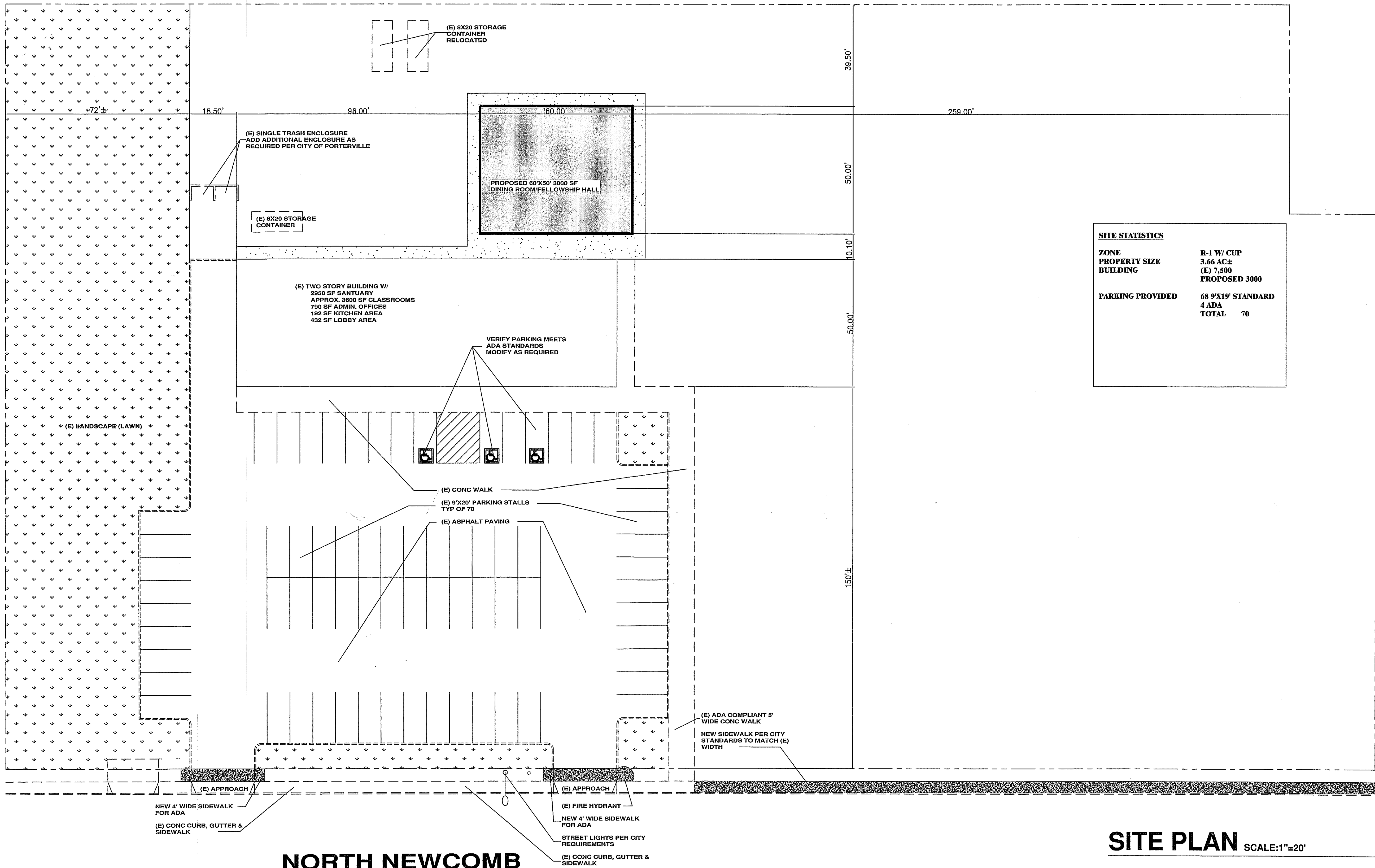
1. The number of containers allowed shall be determined by City Council.
2. The time period requested shall be specified by the applicant. Final expiration of the permit shall be coterminous with the permit expiration date approved by Council. Extensions will not be permitted. However, the applicant may apply for another long-term, discretionary permit. Failure to obtain the renewed permit could result in Code Enforcement action and associated fines.
3. The placement of the cargo containers shall be such that they do not interfere with the permanent site improvements, including, but not limited to, parking, loading areas, on-site circulation, and accessibility.
4. The placement of the cargo containers shall not encroach into required setbacks, and shall not be visible from off-site or public streets.
5. Council may require additional conditions intended to ensure the use does not create blight.
6. The duration of the permit for the use of the cargo containers is for five years beginning on December 15, 2015, and ending on December 15, 2020.
7. The placement of the cargo containers shall be consistent with the site plan represented in Exhibit A, attached hereto, with associated screening materials if applicable.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk



SITE STATISTICS	
ZONE	R-1 W/ CUP
PROPERTY SIZE	3.66 AC±
BUILDING	(E) 7,500
	PROPOSED 3000
PARKING PROVIDED	68 9'X19' STANDARD
	4 ADA
	TOTAL 70

SITE PLAN SCALE:1"=20'

ADD: 1000 NORTH NEWCOMB
CITY OF PORTERVILLE
STATE OF CALIFORNIA

OWNER: CHURCH OF CHRIST

Exhibit A

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel. (559) 781-1538
Email hillmandesigns@ccsnet.net

PROPOSED DINING ROOM ADDITION FOR:
PORTERVILLE CHURCH OF CHRIST
1000 NORTH NEWCOMB
PORTERVILLE, CA

DATE	10-1-15
SCALE	NONE
DRAWN	MH
JOB	15028
SHEET	

C1.1

PLOT -10-1-15



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Massage Business Ordinance

SOURCE: Community Development

BACKGROUND:

On October 6, 2015, the City Council adopted Ordinance 1827, an interim urgency ordinance prohibiting the use of land for the purpose of operating a massage-oriented business. The City Council found that a current and immediate threat existed to the public health, safety and welfare arising from a lack of sufficient authority and controls to allow the City to impose appropriate and necessary conditions and regulations upon massage-oriented businesses. As a result, no new business licenses have been or may be issued for the duration of the interim urgency ordinance. As required by California Government Code Section 65858(d), the City Council issued a written report describing the measures taken to alleviate the condition that led to the adoption of the interim urgency ordinance; the report was issued at the meeting of November 3, 2015. On November 17, 2015, the City Council extended Ordinance 1827 for a period of ten months, or until a new ordinance could be adopted and become effective.

COMMENT: Because of the City's interest in establishing this ordinance as quickly as possible so as not to prolong potential impacts on new massage businesses, the preparation of the draft ordinance was expedited. The proposed ordinance identifies appropriate locations for massage-oriented businesses; procedures to provide siting of massage-oriented businesses; and mechanisms to be put in place to impose appropriate and necessary conditions upon massage-oriented businesses and practitioners.

ANALYSIS: The proposed ordinance includes an amendment to the Development Ordinance, adding massage therapy to the list of allowed uses in the "Professional/Medical" and "Personal Services" land use classifications. However, the most substantive modifications to City regulations are found in Municipal Code Chapter 15 – Licenses and Business Regulations. This new section, Article IX-Massage Businesses and Practitioners, establishes a new permitting program for massage businesses. At the core of the new section is a Registration Certificate. While the massage business Registration Certificate would establish a new process not currently in place, this system has been approved in other jurisdictions and is supported by the California Massage Therapy Council (CAMTC). Further, the Registration Certificate process is administrative in nature, and does not require Council action.

In summary, the Registration Certificate would require that all individuals performing massage are certified practitioners licensed with CAMTC, and that a business license is on file with the City for all businesses and contracted staff. The application materials are specifically listed in Section 15-128 (b), and include

such information as copies of the CAMTC certification, employment history of the owner, names of employees performing massage therapy, and authorization for City employees and agents to seek information and confirm qualifications as provided in the application.

ENVIRONMENTAL REVIEW:

The environmental coordinator has determined, based on Title 14 of the California Code of Regulations, California Environmental Quality Act (CEQA), Section 15061(b)(3), that the action of adopting this ordinance is not subject to CEQA under the General Rule that CEQA applies only to projects which have the potential for causing a significant effect to the environment.

RECOMMENDATION: That the City Council approve the draft ordinance adopting regulations regarding massage businesses, and establishing a Registration Certificate for such businesses, waive further reading and order the ordinance to print.

ATTACHMENTS: 1. Draft Ordinance

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Jenni Byers, Community Development Director

Julia Lew, City Attorney

Final Approver: John Lollis, City Manager

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING LICENSING REQUIREMENTS FOR MASSAGE BUSINESSES AND
PRACTITIONERS, AND ESTABLISHING MASSAGE THERAPY AS A LAND USE
ALLOWED IN SPECIFIC ZONE DISTRICTS

WHEREAS, on October 6, 2015, the City Council adopted Ordinance 1827, an interim urgency ordinance prohibiting the use of land for the purpose of operating a massage-oriented business. The City Council found that a current and immediate threat existed to the public health, safety and welfare arising from a lack of sufficient authority and controls to allow the City to impose appropriate and necessary conditions and regulations upon massage-oriented businesses. As required by California Government Code Section 65858(d), the City Council issued a written report describing the measures taken to alleviate the condition that led to the adoption of the interim urgency ordinance; the report was issued at the Council meeting of November 3, 2015; and

WHEREAS, on November 17, 2015, the City Council extended Ordinance 1827 for a period of up to ten (10) months to provide opportunity for the preparation and adoption of a permanent ordinance that would provide regulations for massage therapy as a land use; and

WHEREAS, a notice of public hearing was published in the Porterville Recorder, a newspaper of general circulation, and mailed to all massage practitioners currently licensed in the city of Porterville. A public hearing has been held before the City Council at its meeting of December 15, 2015; and

WHEREAS, licensing of massage businesses is a legitimate and reasonable means of accountability to ensure that operators of massage businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal activities or conduct such as: (1) purchasing persons for purposes of prostitution; or (2) engaging in pimping or pandering, or lewd or obscene conduct; and

WHEREAS, the Community Development Director, in her role as environmental coordinator, has reviewed Title 14 of the California Code of Regulations, California Environmental Quality Act (CEQA), Section 15061(b)(3), and determined that the action of adopting this ordinance is not subject to CEQA under the General Rule that CEQA applies only to projects which have the potential for causing a significant effect to the environment; and

WHEREAS, upon consideration of the staff report and all public testimony presented at the hearing held on this project, the City Council finds the Municipal Code amendments are consistent with the General Plan and all applicable specific plans of the City of Porterville; and

WHEREAS, the general welfare, health, and safety of the citizens of the city of Porterville will be promoted by the enactment of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Porterville Municipal Code, Chapter 15, Article IX is established to read as follows:

Article IX. - MESSAGE BUSINESSES AND PRACTITIONERS

Sec. 15-124. - Applicability of chapter.

Except as otherwise provided, all of the provisions of this chapter shall be applicable to all massage businesses and all massage practitioners operating within the city of Porterville. This chapter shall not be construed in a manner that is inconsistent with any state law governing the practice of massage.

Sec. 15-125. - Definitions.

As used in this chapter:

Ancillary massage services means those services where less than twenty (20) percent of the gross floor area of the business is devoted to massage.

California Massage Therapy Council or CAMTC means the massage therapy organization formed pursuant to Chapter 10.5 of Division 2 of the Business and Professions Code Sections 4600 et seq.

Certified massage practitioner or therapist means any individual certified by the California Massage Therapy Council (CAMTC) as a certified massage therapist, certified massage practitioner, or conditionally certified massage practitioner pursuant to Chapter 10.5 of Division 2 of the California Business and Professions Code Sections 4600 et seq.

City means the City of Porterville, California.

City manager means the city manager of the City of Porterville or designee.

City registration certificate or registration certificate or registration means a certificate issued by the City to a massage business to practice massage for compensation pursuant to this title and this chapter.

Client means the customer or patron who pays for or receives massage services.

Community Development Director means the Community Development Director of the City of Porterville or designee.

Compensation means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

Day means calendar day, unless otherwise specifically expressed.

Disqualifying conduct means any of the following:

- (a) Within five (5) years immediately preceding the date the City registration application was filed, or any time thereafter, the person has been convicted in a court of competent

jurisdiction of the commission of or any attempt to commit, directly or indirectly, or assisting in or abetting the commission of, or conspiring to commit:

- (1) A violation of any provision of law pursuant to which a person is required to register under the provisions of California Penal Code section 290;
 - (2) Any violation of California Penal Code sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 314, 315, 316, 318, 653.22, 653.23 or subsections (a), (b) or (d) of section 647;
 - (3) Any other crime involving dishonesty, fraud, deceit, or moral turpitude;
 - (4) A violation of California Penal Code section 415, 602, or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the crimes previously listed in subsections (1) through (3) above;
 - (5) Any crime committed while engaged in the management or ownership of a massage business or the practice of massage;
 - (6) A violation of California Health and Safety Code sections 11054, 11055, 11056, 11057, or 11058; or
 - (7) Any offense in another state or territory of the United States which is the equivalent of any of the above offenses.
- (b) Within five (5) years of the date immediately preceding the date the application was filed, or any time thereafter, any applicant whose City registration certificate, CAMTC certification, or trainee registration certificate or permit, which was issued by the State of California or any county or city has been suspended or revoked for good cause;
- (c) Committing or maintaining a nuisance pursuant to California Penal Code sections 11225 through 11235, and/or Health and Safety Code sections 11570 et seq., for which a permanent injunction was issued, or committing a violation of any similar provisions of law in another state or territory of the United States; or
- (d) Committing a violation of any provision of this chapter provided that the applicant received timely notice of the violation.

Employee means any person hired by a massage business or owner who renders any service for the business/owner in exchange for any form of compensation from the business.

Finance Director or director means the Finance Director of the City of Porterville or designee.

Hearing officer means the administrative hearing officer appointed by the City Manager to conduct an administrative hearing pursuant to this chapter.

Manager means the person(s) designated by the massage business owner to act as the representative and agent of the owner in managing day-to-day operations with corresponding responsibilities. The term "manager" may also include an owner.

Massage or massage therapy means the skillful application of touch, including, but not limited to, pressure, stroking, kneading, compression on or movement of the external surfaces of the body to produce increased awareness, relaxation, pain relief, injury rehabilitation, or neuromuscular re-education. Examples of massage include, but are not limited to, Swedish massage, sports massage, shiatsu, polarity therapy, rolfing, heller work and reflexology.

Massage business or business means any business that offers massage therapy in exchange for compensation. Any business that offers any combination of massage therapy and bath facilities - including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs - shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship. For purposes of this chapter, "massage business" shall include, without limitation, the advertising and soliciting of massages, and includes, but is not limited to, a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage business which employs certified massage practitioners or therapists.

Massage business owner or owner means any of the following persons:

- (a) Any person who is a general partner of a general or limited partnership that owns a massage business.
- (b) Any person who has a five (5) percent or greater ownership interest in a corporation that owns a massage business.
- (c) Any person who is a member of a limited liability company that owns a massage business.
- (d) Any person who has a five (5) percent or greater ownership interest in any other type of business association that owns a massage business.

Reception area means an area immediately inside the front door of the massage business dedicated to the reception and waiting of clients of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

Registration certificate holder means the applicant named on the application for a registration certificate and all massage business owners.

Rent-space massage therapist or rent-space therapist means a person who practices massage at a massage business but is not an employee of the business.

Sole proprietorship means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

Visitor means any person who enters a massage business and who is neither a client, owner, manager, nor employee of the business.

Sec. 15-126. - Exemptions.

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

- (a) Complete exemption. The requirements of this chapter shall not apply to the following individuals:
 - (1) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of the licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.

- (2) Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this exemption shall only apply if the massaging of the neck, face and/or scalp, hands or feet of the clients is ancillary to the primary service being provided by the barber or beautician.
 - (3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment.
 - (4) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.
 - (5) Any other business or profession exempt from the provisions of this chapter by state law.
- (b) Limited exemption. In addition to any other applicable provisions of this chapter, businesses that offer ancillary massage services shall only be required to comply with the provisions set forth in this section for the massage portion of the business. The business shall comply with the following provisions:
- (1) Massage services must be performed by a certified massage practitioner or therapist;
 - (2) Subsection 15-128(f) related to facility requirements as they pertain to the portion of business that is utilized for massage;
 - (3) Subsection 15-128(g) related to operational requirements; and
 - (4) Section 15-136 related to inspections.
- (c) Any person claiming exception under this section shall furnish satisfactory evidence to the City Manager upon request that he or she is entitled to the exemption, including proof of bona fide employment, or, if applicable, a citation to the particular provision of state law upon which that person relies.

Sec. 15-127. - Requirements for individuals practicing massage.

It shall be unlawful for any individual to practice massage therapy for compensation as a sole practitioner or therapist or employee of a massage business or in any capacity within the city unless that individual is a certified massage practitioner or therapist.

Sec. 15-128. - Requirements for massage businesses.

- (a) It shall be unlawful for any massage business to provide massage services unless all of the following requirements are met:
- (1) All of the individuals employed by the massage business to perform massage are certified massage practitioners or therapists;
 - (2) The business has a valid City business license under this title; and
 - (3) The business has a valid City registration certificate under this chapter.

- (b) Application for City registration certificate. The application for new and renewal city registration certificates shall include the following information, without limitation, and an application fee in an amount established by City Council resolution:
- (1) The legal name, address and telephone number of the massage business.
 - (2) A floor plan indicating how the use is proposed to be conducted within the premises, a list of services to be provided, and a description of any other business operated on the same premises.
 - (3) Legal names of all owners of the massage business and the names of all managers.
 - (4) Home address and telephone number and business address and telephone number of all owners of the massage business, and any previous home addresses for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.
 - (5) For all owners, a valid and current driver's license and/or photo identification issued by a state or federal governmental agency, or other photographic identification bearing a bona fide seal by a foreign government.
 - (6) The form of business under which the massage business will be operating (i.e. corporation, general or limited partnership, limited liability company, or other form).
 - (7) For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Section 4600 et seq., any local, state, or federal law, or the provisions of this chapter may result in revocation of the business's City registration certificate.
 - (8) The massage license and registration history of all of the owners, including whether the owner has operated any massage business or similar business or occupation within any other county, city, or state; and whether or not the applicant, in previously operating a massage business, has had the license or registration certificate revoked, suspended, or denied. In the case of revocation, suspension, or denial, the owner shall also include within the form the reason(s) therefor, and any employment obtained subsequent to any revocation, suspension or denial.
 - (9) The employment history of each owner for five (5) years preceding the date of the application, the inclusive dates of the employment history, and the name and address of any massage business or similar business owned by the individual, whether inside or outside the city. Employment history shall also include whether the owner, including a corporation or partnership, or a former employer of the applicant while so employed, was ever subjected to an abatement proceeding under California Penal Code sections 11225 through 11235, or any similar provisions of law in a jurisdiction outside the state.
 - (10) For each owner of the massage business that is a certified massage practitioner, a copy of that person's current certification from the California Massage Therapy Council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner, and copy of that person's CAMTC-issued identification card.

- (11) For each owner that is not CAMTC certified, current fingerprints taken by the City of Porterville Police Department or a certified and approved California Live Scan Fingerprinting Center for the purpose of conducting a background check on behalf of the City, to determine the criminal history of the applicant, including whether the applicant has been convicted of any felony, misdemeanor, infraction, or municipal code violation, or has been held liable for any administrative or civil action, for an act that is substantially related to the practice of massage or disqualifying conduct.
- (12) The name of each person the massage business employs or retains to perform massage therapy for compensation. For each person the massage business does or will employ or retain to perform massage therapy for compensation, a copy of that person's current certification from the California Massage Therapy Council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner and a copy of that person's CAMTC-issued identification card for each certified massage practitioner.
- (13) The name and address of the owner of the real property upon, in, or from which the massage business is to be operated. In the event the applicant or owner is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the massage business and the property owner authorizing use of the premises for a massage business, or, alternatively, if there is no written lease, then a written, notarized acknowledgement from the property owner that the property owner has been advised that a massage business will be operated by the applicant upon, in, or from the property owner's property.
- (14) Proof of current and valid workers' compensation insurance from an insurer authorized to do business in California, in an amount as required by law.
- (15) Authorization for the City, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the registration certificate.
- (16) The name of the individual to receive notices on behalf of the business.
- (17) Any other identification and information necessary to discover the truth of the matters required to be set in the application.
- (c) Any changes to the application information during the period the City is reviewing the application shall be immediately reported to the City. Failure to report these changes shall result in denial of application.
- (d) Approval or denial of City registration certificate and massage business registration certificate renewals.
 - (1) Within thirty (30) days following receipt of a completed application, the Finance Director shall either issue the registration certificate or mail a written statement of the reasons for denial as set forth below. The director shall deny a registration certificate to the applicant where any of the following conditions exist:
 - a. The applicant or any owner has procured or attempted to procure a registration certificate or other license by fraud, misrepresentation or material misstatement;

- b. The applicant or any owner is a person who, as established by clear and convincing evidence, has engaged in disqualifying conduct as defined in this chapter within five (5) years immediately preceding the date of filing of the application;
 - c. The massage business, as proposed by the applicant, if permitted, would not comply or has not complied with all the applicable laws, including, but not limited to, all the City's building, fire, zoning, and health regulations;
 - d. The applicant or any owner has violated any provision of this chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage businesses;
 - e. The applicant is less than eighteen (18) years of age;
 - f. The application is incomplete and the required supplementary documents were not submitted within twenty (20) days of a request for these documents by the Finance Director;
 - g. The applicant or any owner has been denied for good cause a business registration certificate or license; has had their registration certificate or registration revoked, suspended, or restricted for good cause; has been proven to have violated any ordinance related to the practice of massage; or has had any other disciplinary action taken for good cause against them by another city, state, county or territory of the United States, or by any other government agency; or
 - h. The applicant or any owner is indebted to the City for any unpaid fee or fine.
- (2) If prosecution is pending against the applicant or any owner for either conduct violating this chapter's provisions or conduct violating Business and Professions Code section 4600 et seq., the director may postpone the decision on the application until the prosecution's final resolution. As used in this subsection, prosecution means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil or criminal action maintained by the Porterville City Attorney or prosecution attorney.
- (e) Upon determining that grounds for denial exist, the Finance Director shall furnish written notice of the denial to the applicant. The notice shall summarize the principal reasons for the denial, shall state that the applicant may request an appeal pursuant to Section 15-131, and shall be delivered by mail to the applicant as that name and address appear on the application.
- (f) Facilities prerequisite to registration certificate issuance. A registration certificate shall not be issued pursuant to this chapter unless an inspection reveals that the business complies with each of the following minimum requirements of this chapter and Chapter 21 of this Code:
- (1) Facility requirements.
- a. No massage or massage services shall be given in a business, or premises registered pursuant to this chapter, in any room or space enclosed or divided by walls and fitted with a door capable of being locked from the inside. This section shall not apply to the business's external doors and shall not operate to prohibit a massage business from locking its external doors if the business is a business entity owned by one (1) individual with one (1) or no employees or independent contractors.

- b. A list of services available and the cost of the services shall be posted in an open and conspicuous public place on the premises. The services shall be described in English and any other languages that the business chooses. Only services on the posted list shall be performed.
- c. Minimum lighting consisting of at least one (1) artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.
- d. Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.
- e. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities, shall be in good repair and maintained in a clean and sanitary condition.
- f. Adequate bathing, dressing, locker and toilet facilities shall be provided for clients. A minimum of one (1) tub or shower; one (1) dressing room containing a separate locker for each client to be served, which locker shall be capable of being locked; as well as a minimum of one (1) toilet and washbasin, shall be provided in every massage business; provided, however, that if male and female clients are to be served simultaneously at the business, separate bathing, massage room(s), dressing room(s), and toilet facilities shall be provided for male and female clients. This requirement may be modified upon approval of the City Manager if the services provided or site plan do not necessitate some or all of these facilities.
- g. A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within, or as close as practicable, to the area devoted to performing massage services. Sanitary towels shall also be provided at each basin. Hot and cold running water shall be provided at all times.
- h. In the reception area, in letters that are a minimum of one (1) inch in height, a notice in English (and any other language that the business chooses) that provides information substantially as follows:

THIS MASSAGE BUSINESS AND THE MASSAGE ROOMS DO NOT
PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY
CITY AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE
- i. No room or space enclosed or divided by walls and fitted with a door where massage or massage services are performed shall be equipped with any electronic, mechanical, or artificial device used or capable of being used, for the recording or videotaping of visual images and/or sound.

- j. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed or required.
- k. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. The tables shall be sanitized after each use.
- l. A massage business shall operate only under the name specified in its City registration certificate.
- m. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

(g) Operating requirements.

- (1) Massage may be provided only between the hours of 7:00 a.m. and 9:00 p.m. No massage business shall be open and no massage services shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to 9:00 p.m. shall nevertheless terminate at 9:00 p.m., and all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at 9:00 p.m.
- (2) The owner and manager of a massage business shall be responsible for displaying the City registration certificate and the CAMTC registration certificate of each and every certified massage practitioner or therapist employed in the business in an open and conspicuous place on the premises. Passport-size photographs of the registration certificate holder shall be affixed to the respective registration certificate on display pursuant to this section.
- (3) For each massage service provided, every massage business shall keep a complete and legible written record of the following information:
 - a. The date and hour that service was provided;
 - b. The service received;
 - c. The name or initials of the employee entering the information; and
 - d. The name of the employee administering the service.

The records shall be open to inspection and copying by the Porterville Police Department, or other City officials charged with enforcement of this chapter. These records may not be used by any massage business owner or employee for any purpose other than as records of service provided and may not be provided to other parties by any person unless otherwise required by law. The records shall be retained on the premises of the massage business for a period of two (2) years.

- (4) All massage business owners and their employees shall wear clean outer garments. The garments shall not include any of the following:
 - a. Attire that is transparent or see-through, or substantially exposes the employee's undergarments;

- b. Swim attire, if not providing a water-based massage modality accepted by the California Massage Therapy Council;
 - c. Attire that exposes the employee's genitals, pubic areas, buttocks, or breasts;
 - d. Attire worn in a manner that constitutes a violation of California Penal Code section 314;
 - e. Attire worn in a manner that is otherwise deemed by the California Massage Therapy Council to constitute unprofessional attire based on the custom and practice of the profession in California.
- (5) At all times during the massage, the client's genitals shall be fully covered and contact shall not be made with the genitals.
- (6) The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during the business hours (including electronic locking devices) or when clients are present. External doors may only be locked during business hours if the massage business is a business entity owned by one (1) individual with one (1) or no employees or independent contractors who are not employees of the business and there is no staff available to assure security for clients and massage staff behind closed doors.
- (7) During hours of operation, no person other than the listed manager on duty, an employee, or a client shall be allowed beyond the reception area of the massage business.
- (8) Clients and visitors shall only be permitted in the massage business during the hours of operation.
- (9) Visitors shall only be permitted in the reception area of the massage business.
- (10) Clients shall only be permitted in massage treatment areas if at least one (1) massage practitioner is on the premises.
- (11) The massage business shall be supervised, during all hours of operation, by a manager specified in the City's registration application. The name of the manager on duty shall be posted in a conspicuous place within the reception area daily.
- (12) The owner and manager shall maintain a register of all employees or rent-space massage therapists. The employee register shall be maintained on the premises for a minimum period of two (2) years following an employee's termination. The owner and manager shall make the employee register immediately available for inspection upon demand by a representative of the Porterville Police Department or the City at all reasonable times. The employee register shall include, but not be limited to the following information:
- a. The name, nicknames and/or aliases used by an employee or rent-space massage therapist.
 - b. A good quality color photocopy of a lawfully issued CAMTC certificate for each employee and rent-space therapist that provides massage services.
 - c. The employee's or rent-space therapist's home address and relevant phone numbers (including, but not limited to, home and cellular numbers).

- d. The employee or rent-space therapist's age, date of birth, gender, height, weight, color of hair and eyes.
 - e. The date of employment and termination, if applicable, or, in the case of a rent-space therapist, the start and end dates of the lease agreement, as well as a copy of the agreement for all employees.
 - f. The duties of each employee.
- (13) While the City registration is in effect and at all times during operation, the massage business shall fully maintain current and valid workers' compensation insurance as required by law. Proof of insurance shall be maintained on the premises at all times.
- (14) The massage business shall apply to the City for an amended City registration certificate within twenty (20) days after the occurrence of any circumstance which changes the registration information initially provided to the City pursuant to this section, including, but not limited to, the termination of certified massage practitioners or therapists. There shall be no charge for an amended registration certificate unless the director determines that the changes are substantial and a new certificate is required.
- (h) A City registration certificate issued pursuant to the terms of this chapter shall be valid for a term of one (1) year from the date of issuance and, unless suspended or revoked, may be renewed annually upon application by the massage business owner so long as the massage business is operating within the city. No registration certificate shall confer any vested right to any person or business for more than the registration period.

Sec. 15-129. - Violations.

- (a) In addition to any other remedy available under the law, violations of this chapter are subject to all applicable remedies within this Code, including, but not limited to, Section 1-9 and/or the administrative citations and penalties provisions in Chapter 1 of this Code.
- (b) Any massage business operated, conducted, or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business and Professions Code section 17200 et seq., and the City attorney or district attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of Tulare County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to, fines, attorneys' fees and costs. All remedies provided for in this chapter are cumulative.
- (c) It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

Sec. 15-130. - City registration certificate suspension or revocation.

- (a) In addition to any other remedy available to the City under this Code or state law, any registration certificate may be suspended or revoked by the director where it is found by substantial evidence that any of the following have occurred:

- (1) The registration certificate holder and/or agent has violated any provision of this chapter or the grounds for denial of the registration certificate exist;
- (2) The registration certificate holder and/or agent is a person who has engaged in disqualifying conduct as defined in this chapter;
- (3) The registration certificate holder and/or agent has failed to comply with one (1) or more of the facilities and operations requirements of this chapter;
- (4) The registration certificate holder and/or agent has engaged in fraud, misrepresentation, or false statement in conducting the massage business;
- (5) The registration certificate holder and/or agent has continued to operate the massage business after the City registration certificate or registration has been suspended; or
- (6) The registration certificate holder and/or agent has failed to apply with the City for an amended City registration certificate within twenty (20) days after the occurrence of any circumstance which substantially changes the registration information initially provided to the City pursuant to Section 15-128, including, but not limited to the termination of certified massage practitioners or therapists; or
- (7) Massage treatments have been performed on the premises of the massage business, with or without the registration certificate holder's actual knowledge, by any person who:
 - a. Does not have a valid CAMTC certification; or
 - b. As established by clear and convincing evidence, has engaged in conduct or has been convicted of the offenses described as disqualifying conduct.

Sec. 15-131. – Denial/Appeals.

- (a) Notice of Denial, Suspension or Revocation shall contain a statement of the violation(s) which constitute the basis for the suspension or revocation and information about the right to appeal. Notice of the Suspension or Revocation shall be given by first class mail to the owner and real property owner at the addresses shown on the registration certificate. Service shall be deemed complete when the Notice is mailed by first class mail. The owner shall have ten (10) calendar days from the date the Notice is served to appeal to the Finance Director in writing and upon payment of a fee in an amount established by City Council resolution. Upon issuance of a Notice of Suspension or Revocation, the registration certificate shall be surrendered and no massage activity may occur while any appeal proceeds.
- (b) Upon receipt of an appeal, the Finance Director shall appoint a hearing officer. A hearing shall be scheduled upon not less than ten (10) calendar days and not more than 30 days, unless extended by mutual agreement. Notice of the hearing shall be given by first class mail to the owner and real property owner at the address shown on the registration certificate. Service shall be deemed complete when the Notice is mailed.
- (c) The hearing officer's jurisdiction is limited to determining whether evidence exists to provide grounds for the registration certificate denial, suspension or revocation.
- (d) The City shall provide proof of any violations by a preponderance of the evidence. Formal rules of evidence shall not apply to the hearing.
- (e) The hearing officer shall:

- (1) Receive evidence regarding the proposed suspension, revocation or certificate denial.
 - (2) Maintain a record of all evidence introduced.
 - (3) Record the hearing.
 - (4) Consider the nature, volume, severity, and frequency of any violations.
 - (5) Decide whether grounds exist of the suspension or revocation or denial.
 - (6) Issue a written decision within seven (7) days of the hearing that includes the factual and legal basis of the decision and a notice of the appeal rights contained in this chapter.
- (f) The hearing officer's decision shall be final upon mailing by first class mail to the owner and real property owner at the address listed on the registration certificate.
- (g) The hearing officer's decision is subject to review pursuant to California Code of Civil Procedure section 1094.6.

Sec. 15-132. - Conditions of approval.

The director or hearing officer may condition any City registration certificate if they find that grounds for denial or revocation of a registration certificate exist.

Sec. 15-133. - Hearing fees.

All hearings held as provided in this chapter may be subject to a filing fee in an amount established by the City Council resolution.

Sec. 15-134. - Reapplication after denial or revocation.

- (a) An applicant for a City registration certificate under this chapter whose application for registration has been denied may not reapply for registration for a period of two (2) years from the date of the denial. However, a reapplication prior to the termination of two (2) years may be made if accompanied by evidence that the ground(s) for denial of the application no longer exist. Notwithstanding, if an application or renewal is denied due to criminal activity at the business, no reapplication for a new massage business at the same location will be accepted within two (2) years after the effective date of the denial.
- (b) A registration certificate holder under this chapter whose registration or renewal has been revoked or denied may not reapply for a registration certificate for a period of two (2) years from the date of the revocation or denial.
- (c) If an application or renewal is denied due to criminal activity at the business, no reapplication for a new massage business at the same location will be accepted within two (2) years after the effective date of the denial.

Sec. 15-135. - No refund of fee.

No refund or rebate of a registration certificate fee shall be allowed regardless of whether the City registration certificate has been suspended or revoked, or because the registration certificate holder discontinues an activity for which a City registration certificate is required pursuant to this chapter.

Sec. 15-136. - Inspection by officials.

The investigating and enforcing officials, including, but not limited to, the Porterville Police Department; Tulare County Health Department; or the City's Community Development Director, Finance Director, code enforcement, or building and safety officials, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter.

Sec. 15-137. - Notifications.

A massage business shall immediately report to the City's business license department any of the following:

- (a) Arrests of any employees, owners, or managers of the registrant's massage business for an offense other than a misdemeanor traffic offense;
- (b) Resignations, terminations, or transfers of certified massage practitioners or therapists employed by the registrant's massage business;
- (c) The occurrence of any event involving the registrant's massage business or the massage practitioners or therapists employed there that constitutes a violation of this chapter or state or federal law.

Sec. 15-138. - Business location change.

Upon a change of location of a massage business, a new application shall be made to the director for a City registration certificate pursuant to the requirements of Section 15-128 prior to commencing operation at the new location. The application shall be granted, provided all applicable provisions of this chapter and Chapter 21 are complied with, and a change of location fee in an amount established by City Council resolution to defray the costs of investigation and report has been paid to the City. A new location shall be subject to an inspection under Section 15-136 before a new registration will be issued.

Sec. 15-139. - Sale or transfer of massage business interest.

A sale or transfer of any interest in a massage business, which interest would be reported as required in this chapter upon application for a City registration certificate, shall be reported to the Finance Director within ten (10) days of the sale or transfer. The Finance Director shall investigate any person receiving any interest in a massage business as a result of the sale or transfer, and if the person satisfies the requirements relating to City registration certificate applicants, the existing registration certificate shall be endorsed to include the person. A fee as set by resolution of the City Council shall be paid to the City for the investigation by the Finance Director necessitated by each sale or transfer.

SECTION 2: The Porterville Municipal Code, Chapter 21, commonly known as the Porterville Development Ordinance, Series 700, Chapter 701.02, Land Use Classifications, is hereby amended as follows:

Medical Facilities. These classifications exclude veterinaries and animal hospitals (see Animal Care, Sales, and Services) and medical marijuana dispensaries.

Hospitals. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons.

Medical Clinic. This classification includes facilities for multiple physicians, medical groups, inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees.

Professional/Medical. This classification is for the single practitioner; to include offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals, including, where affiliated with a medical practitioner, massage therapy.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, massage therapy, tattoo parlors, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

SECTION 3: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 4: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2015.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Medical Cannabis Update: Dispensaries and Personal Cultivation

SOURCE: Community Development

COMMENT: At the Council meeting of September 1, 2015, the City Council received a staff report updating the Council on the first year of activity related to the City's medical marijuana cultivation ordinance. At that meeting, staff presented data regarding the number of permits processed, a summary of marijuana-related criminal activity, and the interface of the medical marijuana ordinance with other recently adopted State laws. As a result of the meeting, the Council requested that staff review the potential for establishing local regulations that could allow development of a medical marijuana dispensary.

On October 9, 2015, Governor Brown approved a three-bill package, the Medical Marijuana Regulation and Safety Act (MMRSA), which establishes a State regulatory process for medical marijuana cultivation and distribution. Staff has reviewed and considered the impacts of MMRSA on any local regulations, and finds that the language of the State laws continue to allow local control of medical marijuana, but provide specific parameters for jurisdictions that choose to allow medical marijuana industries. MMRSA is comprised of Assembly Bill 243, Assembly Bill 266, and Senate Bill 643.

Assembly Bill 243 directs various state agencies to define regulations or standards relating to medical marijuana and its cultivation, take specified actions to mitigate the impacts of cultivation on the environment, and establish fees for state licensing, as well as fines for violation of MMRSA.

Assembly Bill 266 enacts a licensure program and a reporting program to be adopted and run by various State agencies. Further, AB 266 repealed provisions existing in State law related to cooperatives and collectives, and provides that actions of licensees with relevant local permits are not offenses subject to arrest, prosecution, or other sanction under state law. In effect, AB 266 requires that cooperatives and collectives receive a local permit, and without a local permit, such activities would not be allowed. This is being referred to as the dual-permitting process, and is key to the local governments maintaining control over these land uses.

Senate Bill 643 establishes a new state agency, the Bureau of Medical Marijuana Regulation, and directs various State agencies to issue licenses for and oversee the business of transportation, storage, cultivation, manufacturing, and testing of medical marijuana. Further, SB 643 authorizes counties to impose

a tax upon specified marijuana-related activity.

Meetings held among City departments have resulted in a list of concerns and considerations related to a potential medical marijuana dispensary in Porterville. It should be noted that this list assumes that all elements of a medical marijuana commercial industry are present in Porterville. This would in effect allow the “closed loop” concept that was a point of discussion at the Council meeting of September 1, 2015. A “closed loop” concept is no longer allowed by a single business per MMRSA, as any given business may only maintain a maximum of two of the six possible license classifications. In order to permit a complete array of medical marijuana businesses, Porterville would have a minimum of three businesses holding various classifications of licenses.

The list of concerns, based on meetings with the City’s Police Department, is as follows:

1. Security at Dispensaries

- A. Burglary risk.
- B. Recorded video monitoring should be required.
- C. Alarms for burglary and hold-up alarms.
- D. Staffing levels to be proportionate to anticipated clientele.
- E. “Sally port” style multiple locked entry points before accessing stores of product.
- F. Limit hours of operation of dispensary to avoid late night crime issues.
- G. Background check for all employees.

2. Inspections

- A. Facility must be open for inspection by law enforcement.
- B. Ability to inspect records.
- C. Require record keeping similar to what may be expected at a pharmacy.
- D. 24-hour contact info must be on file with Police Department in case of emergency.

3. Manufacturing

- A. Honey oil labs/processors are volatile and dangerous. These should be limited to locations where the public will not be, i.e., not AT the dispensary location.
- B. Staff looking into how much raw marijuana is really necessary to process tinctures, salves, ointments, etc, so as to better understand how large a cultivation operation would need to be. A max of four acres total cultivation area is allowed per permittee (AB 266).

4. Deliveries

- A. ABSOLUTELY NO DELIVERIES to consumers.
- B. All sales to take place on premises, and buyer must take possession at location.
- C. No mobile dispensaries allowed.
- D. Transportation between cultivation/manufacturing/dispensary license

holders by a centralized, secure transportation license holder.

5. Other concerns

A. No consumption on premises.

B. No alcohol sales/ABC permit at same location as dispensary.

C. Require dispensary (or any MMJ license holder) to be located on its own parcel, not within a strip mall, for example.

D. Allow only within a certain distance of residential & sensitive uses.

Consider spacing of 500 feet, which would accommodate some locations within the City in addition to the airport.

E. Smell/Public Nuisance.

F. Staff is concerned that the “hands-off” approach that the DEA is currently taking is just the informal position of the current Federal Administration. No laws, regulations, policies, or Executive Orders have been put in place to formalize it, and with the pending election, this could all change overnight. Staff feels that a new ordinance should include an automatic revocation clause, wherein all dispensary permits are automatically and immediately invalidated if DEA takes a more aggressive approach.

In addition to thoughts about a potential dispensary ordinance, staff has compiled concerns and considerations related to the existing personal cultivation ordinance:

1. Number of plants - a personal grow should be limited to fewer plants. The National Organization for the Reform of Marijuana Laws (NORML) lists an average consumption use between ½ to 1 gram per day. Narcotics officers note that a higher, but plausible, average can be up to 5 grams per day. Even using such a high average, 5 grams per day equates to just over 64 ounces (4 pounds) of product per year. Each plant will, on average, yield 1 to 3 pounds of usable product. Estimating the highest usage and the lowest plant production, only four plants per year would be necessary. Allowing for a high number of plants results in an excessive amount of usable marijuana being produced for no legitimate purpose. In order to prevent or reduce the likelihood of medicinal grows being used for illegal activities, the number of allowable plants should be reduced in number. A reduction in number of plants to five or less should have no adverse effect on legitimate medical grows for personal use.

2. Cultivation is required to be at the patient’s primary residence, but often the Recommendation card and/or CA ID/DL do not match the site address. Staff would like to examine to what extent the City can require that these documents represent that the patient lives at the address.

3. Minor children are on premises at a number of the permitted locations. The code specifies that minors can’t be able to access the grow site, but people are processing (de-stemming, drying, bagging) their buds in areas that often times are accessible - the kitchen table, the garage, etc. We may need to amend the ordinance, or at least clarify through the permit process that all elements of the processing need to be secured from minors.

4. The great majority of permits issued in 2015 were late in the grow season, and often in response to complaints or notices of violation issued as a result of a visit from the Police Department and Code Enforcement officer. It seems that a more proactive approach would be to require that a permit application be submitted not later than June 30 of a given year, in order to create a consequence for those who are only requesting a permit to correct a violation, rather than prior to planting, as required by the ordinance.

Agencies throughout the state are working to establish or amend ordinances related to medical marijuana, and Porterville is no different. Staff requests Council's direction on whether or not Porterville should have medical marijuana businesses, and if so, to what degree, staff will continue to move forward drafting language to establish a permit process for such businesses.

RECOMMENDATION: That the City Council review the information provided herein, and if desired, provide direction to staff.

ATTACHMENTS:

1. AB 243
2. AB 266
3. SB 643
4. Ordinance 1817

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director
Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

Assembly Bill No. 243

CHAPTER 688

An act to add Article 6 (commencing with Section 19331), Article 13 (commencing with Section 19350), and Article 17 (commencing with Section 19360) to Chapter 3.5 of Division 8 of the Business and Professions Code, to add Section 12029 to the Fish and Game Code, to add Sections 11362.769 and 11362.777 to the Health and Safety Code, and to add Section 13276 to the Water Code, relating to medical marijuana, and making an appropriation therefor.

[Approved by Governor October 9, 2015. Filed with
Secretary of State October 9, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 243, Wood. Medical marijuana.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill would require the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill would also require various state agencies to take specified actions to mitigate the impact that marijuana cultivation has on the environment. By requiring cities, counties, and their local law enforcement agencies to coordinate with state agencies to enforce laws addressing the environmental impacts of medical marijuana cultivation, and by including medical marijuana within the Sherman Act, the bill would impose a state-mandated local program.

This bill would require a state licensing authority to charge each licensee under the act a licensure and renewal fee, as applicable, and would further require the deposit of those collected fees into an account specific to that licensing authority in the Medical Marijuana Regulation and Safety Act Fund, which this bill would establish. This bill would impose certain fines

and civil penalties for specified violations of the Medical Marijuana Regulation and Safety Act, and would require moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account, which this bill would establish within the fund. Moneys in the fund and each account of the fund would be available upon appropriation of the Legislature.

This bill would authorize the Director of Finance to provide an initial operating loan from the General Fund to the Medical Marijuana Regulation and Safety Act Fund of up to \$10,000,000, and would appropriate \$10,000,000 from the Medical Marijuana Regulation and Safety Act Fund to the Department of Consumer Affairs to begin the activities of the bureau.

This bill would provide that its provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would become operative only if AB 266 and SB 643 of the 2015–16 Regular Session are enacted and take effect on or before January 1, 2016.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 6. Licensed Cultivation Sites

19331. The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis

cultivation sites are actually safe for use on cannabis intended for human consumption.

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

19333. An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

SEC. 2. Article 13 (commencing with Section 19350) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 13. Funding

19350. Each licensing authority shall establish a scale of application, licensing, and renewal fees, based upon the cost of enforcing this chapter, as follows:

(a) Each licensing authority shall charge each licensee a licensure and renewal fee, as applicable. The licensure and renewal fee shall be calculated to cover the costs of administering this chapter. The licensure fee may vary depending upon the varying costs associated with administering the various regulatory requirements of this chapter as they relate to the nature and scope of the different licensure activities, including, but not limited to, the track and trace program required pursuant to Section 19335, but shall not exceed the reasonable regulatory costs to the licensing authority.

(b) The total fees assessed pursuant to this chapter shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this chapter.

(c) All license fees shall be set on a scaled basis by the licensing authority, dependent on the size of the business.

(d) The licensing authority shall deposit all fees collected in a fee account specific to that licensing authority, to be established in the Medical Marijuana Regulation and Safety Act Fund. Moneys in the licensing authority fee accounts shall be used, upon appropriation of the Legislature, by the designated licensing authority for the administration of this chapter.

19351. (a) The Medical Marijuana Regulation and Safety Act Fund is hereby established within the State Treasury. Moneys in the fund shall be available upon appropriation by the Legislature. Notwithstanding Section 16305.7 of the Government Code, the fund shall include any interest and dividends earned on the moneys in the fund.

(b) (1) Funds for the establishment and support of the regulatory activities pursuant to this chapter shall be advanced as a General Fund or special fund loan, and shall be repaid by the initial proceeds from fees collected pursuant to this chapter or any rule or regulation adopted pursuant to this chapter, by January 1, 2022. Should the initial proceeds from fees not be sufficient to repay the loan, moneys from the Medical Cannabis Fines and Penalties Account shall be made available to the bureau, by appropriation of the Legislature, to repay the loan.

(2) Funds advanced pursuant to this subdivision shall be appropriated to the bureau, which shall distribute the moneys to the appropriate licensing authorities, as necessary to implement the provisions of this chapter.

(3) The Director of Finance may provide an initial operating loan from the General Fund to the Medical Marijuana Regulation and Safety Act Fund that does not exceed ten million dollars (\$10,000,000).

(c) Except as otherwise provided, all moneys collected pursuant to this chapter as a result of fines or penalties imposed under this chapter shall be deposited directly into the Medical Marijuana Fines and Penalties Account, which is hereby established within the fund, and shall be available, upon appropriation by the Legislature to the bureau, for the purposes of funding the enforcement grant program pursuant to subdivision (d).

(d) (1) The bureau shall establish a grant program to allocate moneys from the Medical Cannabis Fines and Penalties Account to state and local entities for the following purposes:

(A) To assist with medical cannabis regulation and the enforcement of this chapter and other state and local laws applicable to cannabis activities.

(B) For allocation to state and local agencies and law enforcement to remedy the environmental impacts of cannabis cultivation.

(2) The costs of the grant program under this subdivision shall, upon appropriation by the Legislature, be paid for with moneys in the Medical Cannabis Fines and Penalties Account.

(3) The grant program established by this subdivision shall only be implemented after the loan specified in this section is repaid.

19352. The sum of ten million dollars (\$10,000,000) is hereby appropriated from the Medical Marijuana Regulation and Safety Act Fund to the Department of Consumer Affairs to begin the activities of the Bureau of Medical Marijuana Regulation. Funds appropriated pursuant to this section shall not include moneys received from fines or penalties.

SEC. 3. Article 17 (commencing with Section 19360) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 17. Penalties and Violations

19360. (a) A person engaging in cannabis activity without a license and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the department, state or local authority, or court may order the destruction of medical cannabis associated with that violation. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section shall be deposited into the Marijuana Production and Environment Mitigation Fund established pursuant to Section 31013 of the Revenue and Taxation Code.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the Attorney General, the penalty collected shall be deposited into the General Fund. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or city prosecutor, the penalty collected shall be paid to the treasurer of the city or city and county in which the judgment was entered. If the action is brought by a city attorney and is adjudicated in a superior court located in the unincorporated area or another city in the same county, the penalty shall be paid one-half to the treasurer of the city in which the complaining attorney has jurisdiction and one-half to the treasurer of the county in which the judgment is entered.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person or entity engaging in cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the Health and Safety Code.

SEC. 4. Section 12029 is added to the Fish and Game Code, to read:

12029. (a) The Legislature finds and declares all of the following:

(1) The environmental impacts associated with marijuana cultivation have increased, and unlawful water diversions for marijuana irrigation have a detrimental effect on fish and wildlife and their habitat, which are held in trust by the state for the benefit of the people of the state.

(2) The remediation of existing marijuana cultivation sites is often complex and the permitting of these sites requires greater department staff time and personnel expenditures. The potential for marijuana cultivation sites to significantly impact the state's fish and wildlife resources requires immediate action on the part of the department's lake and streambed alteration permitting staff.

(b) In order to address unlawful water diversions and other violations of the Fish and Game Code associated with marijuana cultivation, the department shall establish the watershed enforcement program to facilitate the investigation, enforcement, and prosecution of these offenses.

(c) The department, in coordination with the State Water Resources Control Board, shall establish a permanent multiagency task force to address the environmental impacts of marijuana cultivation. The multiagency task force, to the extent feasible and subject to available Resources, shall expand its enforcement efforts on a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on fish and wildlife and their habitats throughout the state.

(d) In order to facilitate the remediation and permitting of marijuana cultivation sites, the department shall adopt regulations to enhance the fees on any entity subject to Section 1602 for marijuana cultivation sites that require remediation. The fee schedule established pursuant to this subdivision shall not exceed the fee limits in Section 1609.

SEC. 5. Section 11362.769 is added to the Health and Safety Code, to read:

11362.769. Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of Fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

SEC. 6. Section 11362.777 is added to the Health and Safety Code, to read:

11362.777. (a) The Department of Food and Agriculture shall establish a Medical Cannabis Cultivation Program to be administered by the secretary, except as specified in subdivision (c), shall administer this section as it pertains to the cultivation of medical marijuana. For purposes of this section and Chapter 3.5 (commencing with Section 19300) of the Business and Professions Code, medical cannabis is an agricultural product.

(b) (1) A person or entity shall not cultivate medical marijuana without first obtaining both of the following:

(A) A license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(B) A state license issued by the department pursuant to this section.

(2) A person or entity shall not submit an application for a state license issued by the department pursuant to this section unless that person or entity has received a license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(3) A person or entity shall not submit an application for a state license issued by the department pursuant to this section if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning.

(c) (1) Except as otherwise specified in this subdivision, and without limiting any other local regulation, a city, county, or city and county, through its current or future land use regulations or ordinance, may issue or deny a permit to cultivate medical marijuana pursuant to this section. A city, county, or city and county may inspect the intended cultivation site for suitability prior to issuing a permit. After the city, county, or city and county has approved a permit, the applicant shall apply for a state medical marijuana cultivation license from the department. A locally issued cultivation permit shall only become active upon licensing by the department and receiving final local approval. A person shall not cultivate medical marijuana prior to obtaining both a permit from the city, county, or city and county and a state medical marijuana cultivation license from the department.

(2) A city, county, or city and county that issues or denies conditional licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

(3) A city, county, or city and county's locally issued conditional permit requirements must be at least as stringent as the department's state licensing requirements.

(4) If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

(d) (1) The secretary may prescribe, adopt, and enforce regulations relating to the implementation, administration, and enforcement of this part, including, but not limited to, applicant requirements, collections, reporting, refunds, and appeals.

(2) The secretary may prescribe, adopt, and enforce any emergency regulations as necessary to implement this part. Any emergency regulation prescribed, adopted, or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(3) The secretary may enter into a cooperative agreement with a county agricultural commissioner to carry out the provisions of this chapter, including, but not limited to, administration, investigations, inspections, licensing and assistance pertaining to the cultivation of medical marijuana. Compensation under the cooperative agreement shall be paid from assessments and fees collected and deposited pursuant to this chapter and shall provide reimbursement to the county agricultural commissioner for associated costs.

(e) (1) The department, in consultation with, but not limited to, the Bureau of Medical Marijuana Regulation, the State Water Resources Control Board, and the Department of Fish and Wildlife, shall implement a unique identification program for medical marijuana. In implementing the program, the department shall consider issues, including, but not limited to, water use and environmental impacts. In implementing the program, the department shall ensure that:

(A) Individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(B) Cultivation will not negatively impact springs, riparian wetlands, and aquatic habitats.

(2) The department shall establish a program for the identification of permitted medical marijuana plants at a cultivation site during the cultivation period. The unique identifier shall be attached at the base of each plant. A unique identifier, such as, but not limited to, a zip tie, shall be issued for each medical marijuana plant.

(A) Unique identifiers will only be issued to those persons appropriately licensed by this section.

(B) Information associated with the assigned unique identifier and licensee shall be included in the trace and track program specified in Section 19335 of the Business and Professions Code.

(C) The department may charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each medical marijuana plant.

(D) The department may promulgate regulations to implement this section.

(3) The department shall take adequate steps to establish protections against fraudulent unique identifiers and limit illegal diversion of unique identifiers to unlicensed persons.

(f) (1) A city, county, or city and county that issues or denies licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

(2) Unique identifiers and associated identifying information administered by a city or county shall adhere to the requirements set by the department and be the equivalent to those administered by the department.

(g) This section does not apply to a qualified patient cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity. This section does not apply to a primary caregiver cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of Section 11362.765. For purposes of this section, the area used to cultivate marijuana shall be measured by the aggregate area of vegetative growth of live marijuana plants on the premises. Exemption from the requirements of this section does not limit or prevent a city, county, or city and county from regulating or banning the cultivation, storage, manufacture, transport, provision, or other activity by the exempt person, or impair the enforcement of that regulation or ban.

SEC. 7. Section 13276 is added to the Water Code, to read:

13276. (a) The multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, assigned to respond to the damages caused by marijuana cultivation on public and private lands in California, shall continue its enforcement efforts on a permanent basis and expand them to a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on water quality and on fish and wildlife throughout the state.

(b) Each regional board shall, and the State Water Resources Control Board may, address discharges of waste resulting from medical marijuana cultivation and associated activities, including by adopting a general permit, establishing waste discharge requirements, or taking action pursuant to Section 13269. In addressing these discharges, each regional board shall include conditions to address items that include, but are not limited to, all of the following:

(1) Site development and maintenance, erosion control, and drainage features.

(2) Stream crossing installation and maintenance.

(3) Riparian and wetland protection and management.

- (4) Soil disposal.
- (5) Water storage and use.
- (6) Irrigation runoff.
- (7) Fertilizers and soil.
- (8) Pesticides and herbicides.
- (9) Petroleum products and other chemicals.
- (10) Cultivation-related waste.
- (11) Refuse and human waste.
- (12) Cleanup, restoration, and mitigation.

SEC. 8. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 10. This measure shall become operative only if both Assembly Bill 266 and Senate Bill 643 of the 2015–16 Regular Session are enacted and become operative.

Assembly Bill No. 266

CHAPTER 689

An act to amend Sections 27 and 101 of, to add Section 205.1 to, and to add Chapter 3.5 (commencing with Section 19300) to Division 8 of, the Business and Professions Code, to amend Section 9147.7 of the Government Code, to amend Section 11362.775 of the Health and Safety Code, to add Section 147.5 to the Labor Code, and to add Section 31020 to the Revenue and Taxation Code, relating to medical marijuana.

[Approved by Governor October 9, 2015. Filed with
Secretary of State October 9, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 266, Bonta. Medical marijuana.

(1) Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill, among other things, would enact the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill would require the director to administer and enforce the provisions of the act.

This bill would also require the Board of Equalization, in consultation with the Department of Food and Agriculture, to adopt a system for reporting the movement of commercial cannabis and cannabis products.

This bill would impose certain fines and civil penalties for specified violations of the act, and would require moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account.

(2) Under existing law, certain persons with identification cards, who associate within the state in order collectively or cooperatively to cultivate marijuana for medical purposes, are not solely on the basis of that fact subject to specified state criminal sanctions.

This bill would repeal these provisions upon the issuance of licenses by licensing authorities pursuant to the Medical Marijuana Regulation and Safety Act, as specified, and would instead provide that actions of licensees with the relevant local permits, in accordance with the act and applicable local ordinances, are not offenses subject to arrest, prosecution, or other sanction under state law.

(3) This bill would provide that its provisions are severable.

(4) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(6) The bill would provide that it shall become operative only if SB 643 and AB 243 of the 2015–16 Regular Session are also enacted and become operative.

The people of the State of California do enact as follows:

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a

physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical

social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Marijuana Regulation shall disclose information on its licensees.

(g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:

- (a) The Dental Board of California.
- (b) The Medical Board of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The Bureau of Barbering and Cosmetology.
- (i) The Board for Professional Engineers and Land Surveyors.
- (j) The Contractors' State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.
- (q) The State Board of Guide Dogs for the Blind.
- (r) The Bureau of Security and Investigative Services.
- (s) The Court Reporters Board of California.
- (t) The Board of Vocational Nursing and Psychiatric Technicians.
- (u) The Landscape Architects Technical Committee.
- (v) The Division of Investigation.

- (w) The Bureau of Automotive Repair.
- (x) The Respiratory Care Board of California.
- (y) The Acupuncture Board.
- (z) The Board of Psychology.
- (aa) The California Board of Podiatric Medicine.
- (ab) The Physical Therapy Board of California.
- (ac) The Arbitration Review Program.
- (ad) The Physician Assistant Committee.
- (ae) The Speech-Language Pathology and Audiology Board.
- (af) The California Board of Occupational Therapy.
- (ag) The Osteopathic Medical Board of California.
- (ah) The Naturopathic Medicine Committee.
- (ai) The Dental Hygiene Committee of California.
- (aj) The Professional Fiduciaries Bureau.
- (ak) The State Board of Chiropractic Examiners.
- (al) The Bureau of Real Estate.
- (am) The Bureau of Real Estate Appraisers.
- (an) The Structural Pest Control Board.
- (ao) The Bureau of Medical Marijuana Regulation.
- (ap) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 3. Section 205.1 is added to the Business and Professions Code, to read:

205.1. Notwithstanding subdivision (a) of Section 205, the Medical Marijuana Regulation and Safety Act Fund is a special fund within the Professions and Vocations Fund, and is subject to subdivision (b) of Section 205.

SEC. 4. Chapter 3.5 (commencing with Section 19300) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 3.5. MEDICAL MARIJUANA REGULATION AND SAFETY ACT

Article 1. Definitions

19300. This act shall be known and may be cited as the Medical Marijuana Regulation and Safety Act.

19300.5. For purposes of this chapter, the following definitions shall apply:

(a) “Accrediting body” means a nonprofit organization that requires conformance to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing.

(b) “Applicant,” for purposes of Article 4 (commencing with Section 19319), means the following:

(1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, “owner” includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

(3) If the applicant is a publicly traded company, “owner” means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

(c) “Batch” means a specific quantity of medical cannabis or medical cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(d) “Bureau” means the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(e) “Cannabinoid” or “phytocannabinoid” means a chemical compound that is unique to and derived from cannabis.

(f) “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(g) “Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(h) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

(i) “Certificate of accreditation” means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

(j) “Chief” means Chief of the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(k) “Commercial cannabis activity” includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 19319, related to qualifying patients and primary caregivers.

(l) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(m) “Delivery” means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. “Delivery” also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

(n) “Dispensary” means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.

(o) “Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

(p) “Distribution” means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this chapter.

(q) “Distributor” means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

(r) “Dried flower” means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(s) “Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

(t) “Fund” means the Medical Marijuana Regulation and Safety Act Fund established pursuant to Section 19351.

(u) “Identification program” means the universal identification certificate program for commercial medical cannabis activity authorized by this chapter.

(v) “Labor peace agreement” means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business. This agreement means that the

applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

(w) "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the license.

(x) "Cultivation site" means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(y) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as described in subdivision (ae), or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(z) "Testing laboratory" means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.

(2) Registered with the State Department of Public Health.

(aa) "Transporter" means a person issued a state license by the bureau to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the bureau between facilities that have been issued a state license pursuant to this chapter.

(ab) "Licensee" means a person issued a state license under this chapter to engage in commercial cannabis activity.

(ac) "Live plants" means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(ad) "Lot" means a batch, or a specifically identified portion of a batch, having uniform character and quality within specified limits. In the case of medical cannabis or a medical cannabis product produced by a continuous process, "lot" means a specifically identified amount produced in a unit of time or a quantity in a manner that ensures its having uniform character and quality within specified limits.

(ae) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

(af) “Manufacturing site” means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

(ag) “Medical cannabis,” “medical cannabis product,” or “cannabis product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, “medical cannabis” does not include “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(ah) “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.

(ai) “Permit,” “local license,” or “local permit” means an official document granted by a local jurisdiction that specifically authorizes a person to conduct commercial cannabis activity in the local jurisdiction.

(aj) “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ak) “State license,” “license,” or “registration” means a state license issued pursuant to this chapter.

(al) “Topical cannabis” means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the Health and Safety Code.

(am) “Transport” means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

19300.7. License classifications pursuant to this chapter are as follows:

- (a) Type 1 = Cultivation; Specialty outdoor; Small.
- (b) Type 1A = Cultivation; Specialty indoor; Small.
- (c) Type 1B = Cultivation; Specialty mixed-light; Small.
- (d) Type 2 = Cultivation; Outdoor; Small.
- (e) Type 2A = Cultivation; Indoor; Small.
- (f) Type 2B = Cultivation; Mixed-light; Small.
- (g) Type 3 = Cultivation; Outdoor; Medium.
- (h) Type 3A = Cultivation; Indoor; Medium.
- (i) Type 3B = Cultivation; Mixed-light; Medium.
- (j) Type 4 = Cultivation; Nursery.
- (k) Type 6 = Manufacturer 1.
- (l) Type 7 = Manufacturer 2.
- (m) Type 8 = Testing.

- (n) Type 10 = Dispensary; General.
- (o) Type 10A = Dispensary; No more than three retail sites.
- (p) Type 11 = Distribution.
- (q) Type 12 = Transporter.

Article 2. Administration

19302. There is in the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

19303. Protection of the public shall be the highest priority for the bureau in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

19304. The bureau shall make and prescribe reasonable rules as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and duties conferred upon it by this chapter, not inconsistent with any statute of this state, including particularly this chapter and Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the performance of its duties, the bureau has the power conferred by Sections 11180 to 11191, inclusive, of the Government Code.

19305. Notice of any action of the licensing authority required by this chapter to be given may be signed and given by the director or an authorized employee of the department and may be made personally or in the manner prescribed by Section 1013 of the Code of Civil Procedure.

19306. (a) The bureau may convene an advisory committee to advise the bureau and licensing authorities on the development of standards and regulations pursuant to this chapter, including best practices and guidelines to ensure qualified patients have adequate access to medical cannabis and medical cannabis products. The advisory committee members shall be determined by the chief.

(b) The advisory committee members may include, but not be limited to, representatives of the medical marijuana industry, representatives of medical marijuana cultivators, appropriate local and state agencies, appropriate local and state law enforcement, physicians, environmental and public health experts, and medical marijuana patient advocates.

19307. A licensing authority may make or cause to be made such investigation as it deems necessary to carry out its duties under this chapter.

19308. For any hearing held pursuant to this chapter, the director, or a licensing authority, may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in

Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

19309. In any hearing before a licensing authority pursuant to this chapter, the licensing authority may pay any person appearing as a witness at the hearing at the request of the licensing authority pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

19310. The department may on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

Article 3. Enforcement

19311. Grounds for disciplinary action include:

(a) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter.

(b) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 3 (commencing with Section 490) of Division 1.5.

(c) Any other grounds contained in regulations adopted by a licensing authority pursuant to this chapter.

(d) Failure to comply with any state law, except as provided for in this chapter or other California law.

19312. Each licensing authority may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

19313. Each licensing authority may take disciplinary action against a licensee for any violation of this chapter when the violation was committed by the licensee's agent or employee while acting on behalf of the licensee or engaged in commercial cannabis activity.

19313.5. Upon suspension or revocation of a license, the licensing authority shall inform the bureau. The bureau shall then inform all other licensing authorities and the Department of Food and Agriculture.

19314. All accusations against licensees shall be filed by the licensing authority within five years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery, by the licensing authority, of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within five years after such discovery.

19315. (a) Nothing in this chapter shall be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements.

(b) Nothing in this chapter shall be interpreted to require the Department of Consumer Affairs to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing requirements.

(c) Nothing in this chapter shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority under the Fish and Game Code, the Water Code, the Food and Agricultural Code, or the Health and Safety Code.

19316. (a) Pursuant to Section 7 of Article XI of the California Constitution, a city, county, or city and county may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, security, and worker protections established by the state shall be the minimum standards for all licensees statewide.

(b) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this chapter and the regulations promulgated by the bureau or any licensing authority, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall further assume complete responsibility for any regulatory function relating to those licensees within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(c) Nothing in this chapter, or any regulations promulgated thereunder, shall be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

19317. (a) The actions of a licensee, its employees, and its agents that are (1) permitted pursuant to both a state license and a license or permit issued by the local jurisdiction following the requirements of the applicable local ordinances, and (2) conducted in accordance with the requirements of this chapter and regulations adopted pursuant to this chapter, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to both a state license and a local license or permit following the requirements of the applicable local ordinances, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

19318. (a) A person engaging in commercial cannabis activity without a license required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the court may order the destruction of medical cannabis associated with that violation in accordance with Section 11479 of the Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section by a licensing authority shall be deposited into the Medical Cannabis Fines and Penalties Account established pursuant to Section 19351.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the Attorney General on behalf of the people, the penalty collected shall be deposited into the Medical Cannabis Fines and Penalties Account established pursuant to Section 19351. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or city prosecutor, the penalty collected shall be paid to the treasurer of the city or city and county in which the judgment was entered. If the action is brought by a city attorney and is adjudicated in a superior court located in the unincorporated area or another city in the same county, the penalty shall be paid one-half to the treasurer of the city in which the complaining attorney has jurisdiction and one-half to the treasurer of the county in which the judgment is entered.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the Health and Safety Code.

Article 4. Licensing

19320. (a) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

19321. (a) The Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of Public Health shall promulgate regulations for implementation of their respective responsibilities in the administration of this chapter.

(b) A license issued pursuant to this section shall be valid for 12 months from the date of issuance. The license shall be renewed annually. Each licensing authority shall establish procedures for the renewal of a license.

(c) Notwithstanding subdivision (a) of Section 19320, a facility or entity that is operating in compliance with local zoning ordinances and other state and local requirements on or before January 1, 2018, may continue its operations until its application for licensure is approved or denied pursuant to this chapter. In issuing licenses, the licensing authority shall prioritize any facility or entity that can demonstrate to the authority's satisfaction that it was in operation and in good standing with the local jurisdiction by January 1, 2016.

(d) Issuance of a state license or a determination of compliance with local law by the licensing authority shall in no way limit the ability of the City of Los Angeles to prosecute any person or entity for a violation of, or otherwise enforce, Proposition D, approved by the voters of the City of Los Angeles on the May 21, 2013, ballot for the city, or the city's zoning laws. Nor may issuance of a license or determination of compliance with local law by the licensing authority be deemed to establish, or be relied upon, in determining satisfaction with the immunity requirements of Proposition D or local zoning law, in court or in any other context or forum.

Article 5. Medical Marijuana Regulation

19326. (a) A person other than a licensed transporter shall not transport medical cannabis or medical cannabis products from one licensee to another licensee, unless otherwise specified in this chapter.

(b) All licensees holding cultivation or manufacturing licenses shall send all medical cannabis and medical cannabis products cultivated or manufactured to a distributor, as defined in Section 19300.5, for quality assurance and inspection by the Type 11 licensee and for a batch testing by a Type 8 licensee prior to distribution to a dispensary. Those licensees holding a Type 10A license in addition to a cultivation license or a manufacturing license shall send all medical cannabis and medical cannabis products to a Type 11 licensee for presale inspection and for a batch testing by a Type 8 licensee prior to dispensing any product. The licensing authority shall fine a licensee who violates this subdivision in an amount determined by the licensing authority to be reasonable.

(c) (1) Upon receipt of medical cannabis or medical cannabis products by a holder of a cultivation or manufacturing license, the Type 11 licensee shall first inspect the product to ensure the identity and quantity of the product and then ensure a random sample of the medical cannabis or medical cannabis product is tested by a Type 8 licensee prior to distributing the batch of medical cannabis or medical cannabis products.

(2) Upon issuance of a certificate of analysis by the Type 8 licensee that the product is fit for manufacturing or retail, all medical cannabis and medical cannabis products shall undergo a quality assurance review by the Type 11 licensee prior to distribution to ensure the quantity and content of the medical cannabis or medical cannabis product, and for tracking and taxation purposes by the state. Licensed cultivators and manufacturers shall package or seal all medical cannabis and medical cannabis products in tamper-evident packaging and use a unique identifier, as prescribed by the Department of Food and Agriculture, for the purpose of identifying and tracking medical cannabis or medical cannabis products. Medical cannabis and medical cannabis products shall be labeled as required by Section 19347. All packaging and sealing shall be completed prior to medical cannabis or medical cannabis products being transported or delivered to a licensee, qualified patient, or caregiver.

(3) This section does not limit the ability of licensed cultivators, manufacturers, and dispensaries to directly enter into contracts with one another indicating the price and quantity of medical cannabis or medical cannabis products to be distributed. However, a Type 11 licensee responsible for executing the contract is authorized to collect a fee for the services rendered, including, but not limited to, costs incurred by a Type 8 licensee, as well as applicable state or local taxes and fees.

(d) Medical cannabis and medical cannabis products shall be tested by a registered testing laboratory, prior to retail sale or dispensing, as follows:

(1) Medical cannabis from dried flower shall, at a minimum, be tested for concentration, pesticides, mold, and other contaminants.

(2) Medical cannabis extracts shall, at a minimum, be tested for concentration and purity of the product.

(3) This chapter shall not prohibit a licensee from performing on-site testing for the purposes of quality assurance of the product in conjunction

with reasonable business operations. On-site testing by the licensee shall not be certified by the State Department of Public Health.

(e) All commercial cannabis activity shall be conducted between licensees, when these are available.

19327. (a) A licensee shall keep accurate records of commercial cannabis activity.

(b) All records related to commercial cannabis activity as defined by the licensing authorities shall be maintained for a minimum of seven years.

(c) The bureau may examine the books and records of a licensee and inspect the premises of a licensee as the licensing authority or a state or local agency deems necessary to perform its duties under this chapter. All inspections shall be conducted during standard business hours of the licensed facility or at any other reasonable time.

(d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The licensing authorities may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the licensing agency upon request.

(e) A licensee or its agent, or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section has engaged in a violation of this chapter.

(f) If a licensee or an employee of a licensee fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of thirty thousand dollars (\$30,000) per individual violation.

19328. (a) A licensee may only hold a state license in up to two separate license categories, as follows:

(1) Type 1, 1A, 1B, 2, 2A, or 2B licensees may also hold either a Type 6 or 7 state license.

(2) Type 6 or 7 licensees, or a combination thereof, may also hold either a Type 1, 1A, 1B, 2, 2A, or 2B state license.

(3) Type 6 or 7 licensees, or a combination thereof, may also hold a Type 10A state license.

(4) Type 10A licensees may also hold either a Type 6 or 7 state license, or a combination thereof.

(5) Type 1, 1A, 1B, 2, 2A, or 2B licensees, or a combination thereof, may also hold a Type 10A state license.

(6) Type 10A licensees may apply for Type 1, 1A, 1B, 2, 2A, or 2B state license, or a combination thereof.

(7) Type 11 licensees shall apply for a Type 12 state license, but shall not apply for any other type of state license.

(8) Type 12 licensees may apply for a Type 11 state license.

(9) A Type 10A licensee may apply for a Type 6 or 7 state license and hold a 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination thereof if, under the 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination of licenses thereof, no more than four acres of total canopy size of cultivation by the licensee is occurring throughout the state during the period that the respective licenses

are valid. All cultivation pursuant to this section shall comply with local ordinances. This paragraph shall become inoperative on January 1, 2026.

(b) Except as provided in subdivision (a), a person or entity that holds a state license is prohibited from licensure for any other activity authorized under this chapter, and is prohibited from holding an ownership interest in real property, personal property, or other assets associated with or used in any other license category.

(c) (1) In a jurisdiction that adopted a local ordinance, prior to July 1, 2015, allowing or requiring qualified businesses to cultivate, manufacture, and dispense medical cannabis or medical cannabis products, with all commercial cannabis activity being conducted by a single qualified business, upon licensure that business shall not be subject to subdivision (a) if it meets all of the following conditions:

(A) The business was cultivating, manufacturing, and dispensing medical cannabis or medical cannabis products on July 1, 2015, and has continuously done so since that date.

(B) The business has been in full compliance with all applicable local ordinances at all times prior to licensure.

(C) The business is registered with the State Board of Equalization.

(2) A business licensed pursuant to paragraph (1) is not required to conduct all cultivation or manufacturing within the bounds of a local jurisdiction, but all cultivation and manufacturing shall have commenced prior to July 1, 2015, and have been in full compliance with applicable local ordinances.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

19329. A licensee shall not also be licensed as a retailer of alcoholic beverages pursuant to Division 9 (commencing with Section 23000).

19330. This chapter and Article 2 (commencing with Section 11357) and Article 2.5 (commencing with Section 11362.7) of Chapter 6 of Division 10 of the Health and Safety Code shall not interfere with an employer's rights and obligations to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law.

Article 7. Licensed Distributors, Dispensaries, and Transporters

19334. (a) State licenses to be issued by the Department of Consumer Affairs are as follows:

(1) "Dispensary," as defined in this chapter. This license shall allow for delivery pursuant to Section 19340.

(2) "Distributor," for the distribution of medical cannabis and medical cannabis products from manufacturer to dispensary. A Type 11 licensee

shall hold a Type 12, or transporter, license and register each location where product is stored for the purposes of distribution. A Type 11 licensee shall not hold a license in a cultivation, manufacturing, dispensing, or testing license category and shall not own, or have an ownership interest in, a facility licensed in those categories other than a security interest, lien, or encumbrance on property that is used by a licensee. A Type 11 licensee shall be bonded and insured at a minimum level established by the licensing authority.

(3) “Transport,” for transporters of medical cannabis or medical cannabis products between licensees. A Type 12 licensee shall be bonded and insured at a minimum level established by the licensing authority.

(4) “Special dispensary status” for dispensers who have no more than three licensed dispensary facilities. This license shall allow for delivery where expressly authorized by local ordinance.

(b) The bureau shall establish minimum security requirements for the commercial transportation and delivery of medical cannabis and products.

(c) A licensed dispensary shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the dispensary. These security measures shall include, but not be limited to, all of the following:

(1) Preventing individuals from remaining on the premises of the dispensary if they are not engaging in activity expressly related to the operations of the dispensary.

(2) Establishing limited access areas accessible only to authorized dispensary personnel.

(3) Storing all finished medical cannabis and medical cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, or immediate sale.

(d) A dispensary shall notify the licensing authority and the appropriate law enforcement authorities within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the bureau.

(2) Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.

(3) The loss or unauthorized alteration of records related to cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents.

(4) Any other breach of security.

Article 9. Delivery

19340. (a) Deliveries, as defined in this chapter, can only be made by a dispensary and in a city, county, or city and county that does not explicitly prohibit it by local ordinance.

(b) Upon approval of the licensing authority, a licensed dispensary that delivers medical cannabis or medical cannabis products shall comply with both of the following:

(1) The city, county, or city and county in which the licensed dispensary is located, and in which each delivery is made, do not explicitly by ordinance prohibit delivery, as defined in Section 19300.5.

(2) All employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current license authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.

(c) A county shall have the authority to impose a tax, pursuant to Article 11 (commencing with Section 19348), on each delivery transaction completed by a licensee.

(d) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the licensing authority and law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.

(e) The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the licensing authority and law enforcement officers.

(f) A local jurisdiction shall not prevent carriage of medical cannabis or medical cannabis products on public roads by a licensee acting in compliance with this chapter.

Article 10. Licensed Manufacturers and Licensed Laboratories

19341. The State Department of Public Health shall promulgate regulations governing the licensing of cannabis manufacturers and testing laboratories. Licenses to be issued are as follows:

(a) "Manufacturing level 1," for manufacturing sites that produce medical cannabis products using nonvolatile solvents.

(b) "Manufacturing level 2," for manufacturing sites that produce medical cannabis products using volatile solvents. The State Department of Public Health shall limit the number of licenses of this type.

(c) "Testing," for testing of medical cannabis and medical cannabis products. Testing licensees shall have their facilities licensed according to regulations set forth by the division. A testing licensee shall not hold a

license in another license category of this chapter and shall not own or have ownership interest in a facility licensed pursuant to this chapter.

19342. (a) For the purposes of testing medical cannabis or medical cannabis products, licensees shall use a licensed testing laboratory that has adopted a standard operating procedure using methods consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test medical cannabis and medical cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.

(b) An agent of a licensed testing laboratory shall obtain samples according to a statistically valid sampling method for each lot.

(c) A licensed testing laboratory shall analyze samples according to either of the following:

(1) The most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.

(2) Scientifically valid methodology that is demonstrably equal or superior to paragraph (1), in the opinion of the accrediting body.

(d) If a test result falls outside the specifications authorized by law or regulation, the licensed testing laboratory shall follow a standard operating procedure to confirm or refute the original result.

(e) A licensed testing laboratory shall destroy the remains of the sample of medical cannabis or medical cannabis product upon completion of the analysis.

19343. A licensed testing laboratory shall not handle, test, or analyze medical cannabis or medical cannabis products unless the licensed testing laboratory meets all of the following:

(a) Is registered by the State Department of Public Health.

(b) Is independent from all other persons and entities involved in the medical cannabis industry.

(c) Follows the methodologies, ranges, and parameters that are contained in the scope of the accreditation for testing medical cannabis or medical cannabis products. The testing lab shall also comply with any other requirements specified by the State Department of Public Health.

(d) Notifies the State Department of Public Health within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(e) Has established standard operating procedures that provide for adequate chain of custody controls for samples transferred to the licensed testing laboratory for testing.

19344. (a) A licensed testing laboratory shall issue a certificate of analysis for each lot, with supporting data, to report both of the following:

(1) Whether the chemical profile of the lot conforms to the specifications of the lot for compounds, including, but not limited to, all of the following:

(A) Tetrahydrocannabinol (THC).

(B) Tetrahydrocannabinolic Acid (THCA).

- (C) Cannabidiol (CBD).
- (D) Cannabidiolic Acid (CBDA).
- (E) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.
- (F) Cannabigerol (CBG).
- (G) Cannabinol (CBN).
- (H) Any other compounds required by the State Department of Public Health.

(2) That the presence of contaminants does not exceed the levels that are the lesser of either the most current version of the American Herbal Pharmacopoeia monograph or the State Department of Public Health. For purposes of this paragraph, contaminants includes, but is not limited to, all of the following:

- (A) Residual solvent or processing chemicals.
- (B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.
- (C) Microbiological impurity, including total aerobic microbial count, total yeast mold count, *P. aeruginosa*, *aspergillus* spp., *s. aureus*, aflatoxin B1, B2, G1, or G2, or ochratoxin A.
- (D) Whether the batch is within specification for odor and appearance.

(b) Residual levels of volatile organic compounds shall be below the lesser of either the specifications set by the United States Pharmacopeia (U.S.P. Chapter 467) or those set by the State Department of Public Health.

19345. (a) Except as provided in this chapter, a licensed testing laboratory shall not acquire or receive medical cannabis or medical cannabis products except from a licensed facility in accordance with this chapter, and shall not distribute, sell, deliver, transfer, transport, or dispense medical cannabis or medical cannabis products, from which the medical cannabis or medical cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(b) A licensed testing laboratory may receive and test samples of medical cannabis or medical cannabis products from a qualified patient or primary caregiver only if he or she presents his or her valid recommendation for cannabis for medical purposes from a physician. A licensed testing laboratory shall not certify samples from a qualified patient or caregiver for resale or transfer to another party or licensee. All tests performed by a licensed testing laboratory for a qualified patient or caregiver shall be recorded with the name of the qualified patient or caregiver and the amount of medical cannabis or medical cannabis product received.

(c) The State Department of Public Health shall develop procedures to ensure that testing of cannabis occurs prior to delivery to dispensaries or any other business, specify how often licensees shall test cannabis and that the cost of testing shall be borne by the licensed cultivators, and require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards promulgated by the State Department of Public Health, unless remedial measures can bring the

cannabis into compliance with quality assurance standards as promulgated by the State Department of Public Health.

(d) The State Department of Public Health shall establish a licensing fee, and laboratories shall pay a fee to be licensed. Licensing fees shall not exceed the reasonable regulatory cost of the licensing activities.

19347. (a) Prior to delivery or sale at a dispensary, medical cannabis products shall be labeled and in a tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements:

(1) Medical cannabis packages and labels shall not be made to be attractive to children.

(2) All medical cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:

(A) Manufacture date and source.

(B) The statement “SCHEDULE I CONTROLLED SUBSTANCE.”

(C) The statement “KEEP OUT OF REACH OF CHILDREN AND ANIMALS” in bold print.

(D) The statement “FOR MEDICAL USE ONLY.”

(E) The statement “THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS.”

(F) The statement “THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.”

(G) For packages containing only dried flower, the net weight of medical cannabis in the package.

(H) A warning if nuts or other known allergens are used.

(I) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.

(J) Clear indication, in bold type, that the product contains medical cannabis.

(K) Identification of the source and date of cultivation and manufacture.

(L) Any other requirement set by the bureau.

(M) Information associated with the unique identifier issued by the Department of Food and Agriculture pursuant to Section 11362.777 of the Health and Safety Code.

(b) Only generic food names may be used to describe edible medical cannabis products.

Article 14. Reporting

19353. Beginning on March 1, 2023, and on or before March 1 of each following year, each licensing authority shall prepare and submit to the Legislature an annual report on the authority’s activities and post the report

on the authority's Internet Web site. The report shall include, but not be limited to, the following information for the previous fiscal year:

- (a) The amount of funds allocated and spent by the licensing authority for medical cannabis licensing, enforcement, and administration.
- (b) The number of state licenses issued, renewed, denied, suspended, and revoked, by state license category.
- (c) The average time for processing state license applications, by state license category.
- (d) The number and type of enforcement activities conducted by the licensing authorities and by local law enforcement agencies in conjunction with the licensing authorities or the bureau.
- (e) The number, type, and amount of penalties, fines, and other disciplinary actions taken by the licensing authorities.

19354. The bureau shall contract with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, to develop a study that identifies the impact that cannabis has on motor skills.

Article 15. Privacy

19355. (a) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the office or licensing authorities for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter, or a local ordinance.

(b) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the bureau for the purposes of administering this chapter shall be maintained in accordance with Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code, Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, and other state and federal laws relating to confidential patient information.

(c) Nothing in this section precludes the following:

- (1) Employees of the bureau or any licensing authorities notifying state or local agencies about information submitted to the agency that the employee suspects is falsified or fraudulent.
- (2) Notifications from the bureau or any licensing authorities to state or local agencies about apparent violations of this chapter or applicable local ordinance.
- (3) Verification of requests by state or local agencies to confirm licenses and certificates issued by the regulatory authorities or other state agency.

(4) Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency or local governing body authorized by law to issue subpoenas.

(d) Information shall not be disclosed by any state or local agency beyond what is necessary to achieve the goals of a specific investigation, notification, or the parameters of a specific court order or subpoena.

SEC. 5. Section 9147.7 of the Government Code is amended to read:

9147.7. (a) For the purpose of this section, “eligible agency” means any agency, authority, board, bureau, commission, conservancy, council, department, division, or office of state government, however denominated, excluding an agency that is constitutionally created or an agency related to postsecondary education, for which a date for repeal has been established by statute on or after January 1, 2011.

(b) The Joint Sunset Review Committee is hereby created to identify and eliminate waste, duplication, and inefficiency in government agencies. The purpose of the committee is to conduct a comprehensive analysis over 15 years, and on a periodic basis thereafter, of every eligible agency to determine if the agency is still necessary and cost effective.

(c) Each eligible agency scheduled for repeal shall submit to the committee, on or before December 1 prior to the year it is set to be repealed, a complete agency report covering the entire period since last reviewed, including, but not limited to, the following:

- (1) The purpose and necessity of the agency.
- (2) A description of the agency budget, priorities, and job descriptions of employees of the agency.
- (3) Any programs and projects under the direction of the agency.
- (4) Measures of the success or failures of the agency and justifications for the metrics used to evaluate successes and failures.
- (5) Any recommendations of the agency for changes or reorganization in order to better fulfill its purpose.

(d) The committee shall take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency shall be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency. No eligible agency shall be extended in perpetuity unless specifically exempted from the provisions of this section. The committee may recommend that the Legislature extend the statutory sunset date for no more than one year to allow the committee more time to evaluate the eligible agency.

(e) The committee shall be comprised of 10 members of the Legislature. The Senate Committee on Rules shall appoint five members of the Senate to the committee, not more than three of whom shall be members of the same political party. The Speaker of the Assembly shall appoint five members of the Assembly to the committee, not more than three of whom shall be members of the same political party. Members shall be appointed within 15 days after the commencement of the regular session. Each member of the committee who is appointed by the Senate Committee on Rules or the Speaker of the Assembly shall serve during that committee member’s

term of office or until that committee member no longer is a Member of the Senate or the Assembly, whichever is applicable. A vacancy on the committee shall be filled in the same manner as the original appointment. Three Assembly Members and three Senators who are members of the committee shall constitute a quorum for the conduct of committee business. Members of the committee shall receive no compensation for their work with the committee.

(f) The committee shall meet not later than 30 days after the first day of the regular session to choose a chairperson and to establish the schedule for eligible agency review provided for in the statutes governing the eligible agencies. The chairperson of the committee shall alternate every two years between a Member of the Senate and a Member of the Assembly, and the vice chairperson of the committee shall be a member of the opposite house as the chairperson.

(g) This section shall not be construed to change the existing jurisdiction of the budget or policy committees of the Legislature.

(h) This section shall not apply to the Bureau of Medical Marijuana Regulation.

SEC. 6. Section 11362.775 of the Health and Safety Code is amended to read:

11362.775. (a) Subject to subdivision (b), qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients and persons with identification cards, who associate within the State of California in order collectively or cooperatively to cultivate cannabis for medical purposes, shall not solely on the basis of that fact be subject to state criminal sanctions under Section 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570.

(b) This section shall remain in effect only until one year after the Bureau of Medical Marijuana Regulation posts a notice on its Internet Web site that the licensing authorities have commenced issuing licenses pursuant to the Medical Marijuana Regulation and Safety Act (Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code), and is repealed upon issuance of licenses.

SEC. 7. Section 147.5 is added to the Labor Code, to read:

147.5. (a) By January 1, 2017, the Division of Occupational Safety and Health shall convene an advisory committee to evaluate whether there is a need to develop industry-specific regulations related to the activities of facilities issued a license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code.

(b) By July 1, 2017, the advisory committee shall present to the board its findings and recommendations for consideration by the board. By July 1, 2017, the board shall render a decision regarding the adoption of industry-specific regulations pursuant to this section.

SEC. 8. Section 31020 is added to the Revenue and Taxation Code, to read:

31020. The board, in consultation with the Department of Food and Agriculture, shall adopt a system for reporting the movement of commercial

cannabis and cannabis products throughout the distribution chain. The system shall not be duplicative of the electronic database administered by the Department of Food and Agriculture specified in Section 19335 of the Business and Professions Code. The system shall also employ secure packaging and be capable of providing information to the board. This system shall capture, at a minimum, all of the following:

- (a) The amount of tax due by the designated entity.
- (b) The name, address, and license number of the designated entity that remitted the tax.
- (c) The name, address, and license number of the succeeding entity receiving the product.
- (d) The transaction date.
- (e) Any other information deemed necessary by the board for the taxation and regulation of marijuana and marijuana products.

SEC. 9. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 10. The Legislature finds and declares that Section 4 of this act, which adds Section 19355 to the Business and Professions Code, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code).

SEC. 11. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 12. This act shall become operative only if Senate Bill 643 and Assembly Bill 243 of the 2015–16 Regular Session are also enacted and become operative.

Senate Bill No. 643

CHAPTER 719

An act to amend Sections 144, 2220.05, 2241.5, and 2242.1 of, to add Sections 19302.1, 19319, 19320, 19322, 19323, 19324, and 19325 to, to add Article 25 (commencing with Section 2525) to Chapter 5 of Division 2 of, and to add Article 6 (commencing with Section 19331), Article 7.5 (commencing with Section 19335), Article 8 (commencing with Section 19337), and Article 11 (commencing with Section 19348) to Chapter 3.5 of Division 8 of, the Business and Professions Code, relating to medical marijuana.

[Approved by Governor October 9, 2015. Filed with
Secretary of State October 9, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 643, McGuire. Medical marijuana.

(1) Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 6, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill would, among other things, set forth standards for a physician and surgeon prescribing medical cannabis and require the Medical Board of California to prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommended cannabis to patients for medical purposes without a good faith examination, as specified. The bill would require the Bureau of Medical Marijuana to require an applicant to furnish a full set of fingerprints for the purposes of conducting criminal history record checks. The bill would prohibit a physician and surgeon who recommends cannabis to a patient for a medical purpose from accepting, soliciting, or offering any form of remuneration from a facility licensed under the Medical Marijuana Regulation and Safety Act. The bill would make a violation of this prohibition a misdemeanor, and by creating a new crime, this bill would impose a state-mandated local program.

This bill would require the Governor, under the Medical Marijuana Regulation and Safety Act, to appoint, subject to confirmation by the Senate, a chief of the Bureau of Medical Marijuana Regulation. The act would require the Department of Consumer Affairs to have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation and storage, unrelated to manufacturing, of medical marijuana, and would authorize the department to collect fees for its regulatory activities and impose specified duties on this department in this regard. The act would require the Department of Food and Agriculture to administer the provisions of the act related to, and associated with, the cultivation, and transportation of, medical cannabis and would impose specified duties on this department in this regard. The act would require the State Department of Public Health to administer the provisions of the act related to, and associated with, the manufacturing and testing of medical cannabis and would impose specified duties on this department in this regard.

This bill would authorize counties to impose a tax upon specified cannabis-related activity.

This bill would require an applicant for a state license pursuant to the act to provide a statement signed by the applicant under penalty of perjury, thereby changing the scope of a crime and imposing a state-mandated local program.

This bill would set forth standards for the licensed cultivation of medical cannabis, including, but not limited to, establishing duties relating to the environmental impact of cannabis and cannabis products. The bill would also establish state cultivator license types, as specified.

(2) This bill would provide that its provisions are severable.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) Existing constitutional provisions require that a statute that limits the right of access to the meeting of public bodies or the writings of public bodies or the writings of public officials and agencies be adopted with finding demonstrating the interest protected by the limitation and the need for protecting that interest. The bill would make legislative findings to that effect.

(5) The bill would become operative only if AB 266 and AB 243 of the 2015–16 Regular Session are enacted and take effect on or before January 1, 2016.

The people of the State of California do enact as follows:

SECTION 1. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
 - (2) State Athletic Commission.
 - (3) Board of Behavioral Sciences.
 - (4) Court Reporters Board of California.
 - (5) State Board of Guide Dogs for the Blind.
 - (6) California State Board of Pharmacy.
 - (7) Board of Registered Nursing.
 - (8) Veterinary Medical Board.
 - (9) Board of Vocational Nursing and Psychiatric Technicians.
 - (10) Respiratory Care Board of California.
 - (11) Physical Therapy Board of California.
 - (12) Physician Assistant Committee of the Medical Board of California.
 - (13) Speech-Language Pathology and Audiology and Hearing Aid Dispenser Board.
 - (14) Medical Board of California.
 - (15) State Board of Optometry.
 - (16) Acupuncture Board.
 - (17) Cemetery and Funeral Bureau.
 - (18) Bureau of Security and Investigative Services.
 - (19) Division of Investigation.
 - (20) Board of Psychology.
 - (21) California Board of Occupational Therapy.
 - (22) Structural Pest Control Board.
 - (23) Contractors' State License Board.
 - (24) Naturopathic Medicine Committee.
 - (25) Professional Fiduciaries Bureau.
 - (26) Board for Professional Engineers, Land Surveyors, and Geologists.
 - (27) Bureau of Medical Marijuana Regulation.
- (c) For purposes of paragraph (26) of subdivision (b), the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 2. Section 2220.05 of the Business and Professions Code is amended to read:

2220.05. (a) In order to ensure that its resources are maximized for the protection of the public, the Medical Board of California shall prioritize its

investigative and prosecutorial resources to ensure that physicians and surgeons representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in the first paragraph:

(1) Gross negligence, incompetence, or repeated negligent acts that involve death or serious bodily injury to one or more patients, such that the physician and surgeon represents a danger to the public.

(2) Drug or alcohol abuse by a physician and surgeon involving death or serious bodily injury to a patient.

(3) Repeated acts of clearly excessive prescribing, furnishing, or administering of controlled substances, or repeated acts of prescribing, dispensing, or furnishing of controlled substances without a good faith prior examination of the patient and medical reason therefor. However, in no event shall a physician and surgeon prescribing, furnishing, or administering controlled substances for intractable pain consistent with lawful prescribing, including, but not limited to, Sections 725, 2241.5, and 2241.6 of this code and Sections 11159.2 and 124961 of the Health and Safety Code, be prosecuted for excessive prescribing and prompt review of the applicability of these provisions shall be made in any complaint that may implicate these provisions.

(4) Repeated acts of clearly excessive recommending of cannabis to patients for medical purposes, or repeated acts of recommending cannabis to patients for medical purposes without a good faith prior examination of the patient and a medical reason for the recommendation.

(5) Sexual misconduct with one or more patients during a course of treatment or an examination.

(6) Practicing medicine while under the influence of drugs or alcohol.

(b) The board may by regulation prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized by regulation shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).

(c) The Medical Board of California shall indicate in its annual report mandated by Section 2312 the number of temporary restraining orders, interim suspension orders, and disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

SEC. 3. Section 2241.5 of the Business and Professions Code is amended to read:

2241.5. (a) A physician and surgeon may prescribe for, or dispense or administer to, a person under his or her treatment for a medical condition dangerous drugs or prescription controlled substances for the treatment of pain or a condition causing pain, including, but not limited to, intractable pain.

(b) No physician and surgeon shall be subject to disciplinary action for prescribing, dispensing, or administering dangerous drugs or prescription controlled substances in accordance with this section.

(c) This section shall not affect the power of the board to take any action described in Section 2227 against a physician and surgeon who does any of the following:

(1) Violates subdivision (b), (c), or (d) of Section 2234 regarding gross negligence, repeated negligent acts, or incompetence.

(2) Violates Section 2241 regarding treatment of an addict.

(3) Violates Section 2242 or 2525.3 regarding performing an appropriate prior examination and the existence of a medical indication for prescribing, dispensing, or furnishing dangerous drugs or recommending medical cannabis.

(4) Violates Section 2242.1 regarding prescribing on the Internet.

(5) Fails to keep complete and accurate records of purchases and disposals of substances listed in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) or controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Sec. 801 et seq.), or pursuant to the federal Comprehensive Drug Abuse Prevention and Control Act of 1970. A physician and surgeon shall keep records of his or her purchases and disposals of these controlled substances or dangerous drugs, including the date of purchase, the date and records of the sale or disposal of the drugs by the physician and surgeon, the name and address of the person receiving the drugs, and the reason for the disposal or the dispensing of the drugs to the person, and shall otherwise comply with all state recordkeeping requirements for controlled substances.

(6) Writes false or fictitious prescriptions for controlled substances listed in the California Uniform Controlled Substances Act or scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

(7) Prescribes, administers, or dispenses in violation of this chapter, or in violation of Chapter 4 (commencing with Section 11150) or Chapter 5 (commencing with Section 11210) of Division 10 of the Health and Safety Code.

(d) A physician and surgeon shall exercise reasonable care in determining whether a particular patient or condition, or the complexity of a patient's treatment, including, but not limited to, a current or recent pattern of drug abuse, requires consultation with, or referral to, a more qualified specialist.

(e) Nothing in this section shall prohibit the governing body of a hospital from taking disciplinary actions against a physician and surgeon pursuant to Sections 809.05, 809.4, and 809.5.

SEC. 4. Section 2242.1 of the Business and Professions Code is amended to read:

2242.1. (a) No person or entity may prescribe, dispense, or furnish, or cause to be prescribed, dispensed, or furnished, dangerous drugs or dangerous devices, as defined in Section 4022, on the Internet for delivery to any person in this state, without an appropriate prior examination and medical indication, except as authorized by Section 2242.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to either

a fine of up to twenty-five thousand dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-five thousand dollars (\$25,000) per occurrence.

(c) The Attorney General may bring an action to enforce this section and to collect the fines or civil penalties authorized by subdivision (b).

(d) For notifications made on and after January 1, 2002, the Franchise Tax Board, upon notification by the Attorney General or the board of a final judgment in an action brought under this section, shall subtract the amount of the fine or awarded civil penalties from any tax refunds or lottery winnings due to the person who is a defendant in the action using the offset authority under Section 12419.5 of the Government Code, as delegated by the Controller, and the processes as established by the Franchise Tax Board for this purpose. That amount shall be forwarded to the board for deposit in the Contingent Fund of the Medical Board of California.

(e) If the person or entity that is the subject of an action brought pursuant to this section is not a resident of this state, a violation of this section shall, if applicable, be reported to the person's or entity's appropriate professional licensing authority.

(f) Nothing in this section shall prohibit the board from commencing a disciplinary action against a physician and surgeon pursuant to Section 2242 or 2525.3.

SEC. 5. Article 25 (commencing with Section 2525) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 25. Recommending Medical Cannabis

2525. (a) It is unlawful for a physician and surgeon who recommends cannabis to a patient for a medical purpose to accept, solicit, or offer any form of remuneration from or to a facility issued a state license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8, if the physician and surgeon or his or her immediate family have a financial interest in that facility.

(b) For the purposes of this section, "financial interest" shall have the same meaning as in Section 650.01.

(c) A violation of this section shall be a misdemeanor punishable by up to one year in county jail and a fine of up to five thousand dollars (\$5,000) or by civil penalties of up to five thousand dollars (\$5,000) and shall constitute unprofessional conduct.

2525.1. The Medical Board of California shall consult with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, on developing and adopting medical guidelines for the appropriate administration and use of medical cannabis.

2525.2. An individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California shall not recommend medical

cannabis to a patient, unless that person is the patient’s attending physician, as defined by subdivision (a) of Section 11362.7 of the Health and Safety Code.

2525.3. Recommending medical cannabis to a patient for a medical purpose without an appropriate prior examination and a medical indication constitutes unprofessional conduct.

2525.4. It is unprofessional conduct for any attending physician recommending medical cannabis to be employed by, or enter into any other agreement with, any person or entity dispensing medical cannabis.

2525.5. (a) A person shall not distribute any form of advertising for physician recommendations for medical cannabis in California unless the advertisement bears the following notice to consumers:

NOTICE TO CONSUMERS: The Compassionate Use Act of 1996 ensures that seriously ill Californians have the right to obtain and use cannabis for medical purposes where medical use is deemed appropriate and has been recommended by a physician who has determined that the person’s health would benefit from the use of medical cannabis. Recommendations must come from an attending physician as defined in Section 11362.7 of the Health and Safety Code. Cannabis is a Schedule I drug according to the federal Controlled Substances Act. Activity related to cannabis use is subject to federal prosecution, regardless of the protections provided by state law.

(b) Advertising for attending physician recommendations for medical cannabis shall meet all of the requirements in Section 651. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discounts, premiums, gifts, or statements of a similar nature.

SEC. 6. Section 19302.1 is added to the Business and Professions Code, to read:

19302.1. (a) The Governor shall appoint a chief of the bureau, subject to confirmation by the Senate, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(b) Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to conditions and limitations that the director may prescribe. In addition to every power granted or duty imposed with this chapter, the director shall have all other powers and duties generally applicable in relation to bureaus that are part of the Department of Consumer Affairs.

(c) The director may employ and appoint all employees necessary to properly administer the work of the bureau, in accordance with civil service laws and regulations.

(d) The Department of Consumer Affairs shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the

transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the state and to collect fees in connection with activities the bureau regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter.

(e) The Department of Food and Agriculture shall administer the provisions of this chapter related to and associated with the cultivation of medical cannabis. The Department of Food and Agriculture shall have the authority to create, issue, and suspend or revoke cultivation licenses for violations of this chapter. The State Department of Public Health shall administer the provisions of this chapter related to and associated with the manufacturing and testing of medical cannabis.

SEC. 7. Section 19319 is added to the Business and Professions Code, to read:

19319. (a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this chapter.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this chapter.

SEC. 8. Section 19320 is added to the Business and Professions Code, to read:

19320. (a) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

SEC. 9. Section 19322 is added to the Business and Professions Code, to read:

19322. (a) A person or entity shall not submit an application for a state license issued by the department pursuant to this chapter unless that person or entity has received a license, permit, or authorization by a local jurisdiction. An applicant for any type of state license issued pursuant to this chapter shall do all of the following:

(1) Electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(A) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(B) The licensing authority shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(C) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(2) Provide documentation issued by the local jurisdiction in which the proposed business is operating certifying that the applicant is or will be in compliance with all local ordinances and regulations.

(3) Provide evidence of the legal right to occupy and use the proposed location. For an applicant seeking a cultivator, distributor, manufacturing, or dispensary license, provide a statement from the owner of real property or their agent where the cultivation, distribution, manufacturing, or dispensing commercial medical cannabis activities will occur, as proof to demonstrate the landowner has acknowledged and consented to permit

cultivation, distribution, manufacturing, or dispensary activities to be conducted on the property by the tenant applicant.

(4) If the application is for a cultivator or a dispensary, provide evidence that the proposed location is located beyond at least a 600-foot radius from a school, as required by Section 11362.768 of the Health and Safety Code.

(5) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(6) (A) For an applicant with 20 or more employees, provide a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.

(B) For the purposes of this paragraph, “employee” does not include a supervisor.

(C) For purposes of this paragraph, “supervisor” means an individual having authority, in the interest of the licensee, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(7) Provide the applicant’s seller’s permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller’s permit.

(8) Provide any other information required by the licensing authority.

(9) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an “agricultural employer,” as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.

(10) For an applicant seeking licensure as a testing laboratory, register with the State Department of Public Health and provide any information required by the State Department of Public Health.

(11) Pay all applicable fees required for licensure by the licensing authority.

(b) For applicants seeking licensure to cultivate, distribute, or manufacture medical cannabis, the application shall also include a detailed description of the applicant’s operating procedures for all of the following, as required by the licensing authority:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

SEC. 10. Section 19323 is added to the Business and Professions Code, to read:

19323. (a) The licensing authority shall deny an application if either the applicant or the premises for which a state license is applied do not qualify for licensure under this chapter.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

(1) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, instream flow, and water quality pursuant to subdivision (a) of Section 19332.

(2) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 2 (commencing with Section 480) of Division 1.5.

(3) A local agency has notified the licensing authority that a licensee or applicant within its jurisdiction is in violation of state rules and regulation relating to commercial cannabis activities, and the licensing authority, through an investigation, has determined that the violation is grounds for termination or revocation of the license. The licensing authority shall have the authority to collect reasonable costs, as determined by the licensing authority, for investigation from the licensee or applicant.

(4) The applicant has failed to provide information required by the licensing authority.

(5) The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant or licensee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

(A) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.

(B) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

(C) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.

(D) A felony conviction involving fraud, deceit, or embezzlement.

(6) The applicant, or any of its officers, directors, or owners, is a licensed physician making patient recommendations for medical cannabis pursuant to Section 11362.7 of the Health and Safety Code.

(7) The applicant or any of its officers, directors, or owners has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.

(8) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unlicensed commercial medical cannabis activities or has had a license revoked under this chapter in the three years immediately preceding the date the application is filed with the licensing authority.

(9) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

SEC. 11. Section 19324 is added to the Business and Professions Code, to read:

19324. Upon the denial of any application for a license, the licensing authority shall notify the applicant in writing. Within 30 days of service of the notice, the applicant may file a written petition for a license with the licensing authority. Upon receipt of a timely filed petition, the licensing authority shall set the petition for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

SEC. 12. Section 19325 is added to the Business and Professions Code, to read:

19325. An applicant shall not be denied a state license if the denial is based solely on any of the following:

(a) A conviction or act that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made for which the applicant or licensee has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(b) A conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

SEC. 13. Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 6. Licensed Cultivation Sites

19331. The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis

cultivation sites are actually safe for use on cannabis intended for human consumption.

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

19332.5. (a) Not later than January 1, 2020, the Department of Food and Agriculture in conjunction with the bureau, shall make available a certified organic designation and organic certification program for medical marijuana, if permitted under federal law and the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(b) The bureau may establish appellations of origin for marijuana grown in California.

(c) It is unlawful for medical marijuana to be marketed, labeled, or sold as grown in a California county when the medical marijuana was not grown in that county.

(d) It is unlawful to use the name of a California county in the labeling, marketing, or packaging of medical marijuana products unless the product was grown in that county.

19333. An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

SEC. 14. Article 7.5 (commencing with Section 19335) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 7.5. Unique Identifier and Track and Trace Program

19335. (a) The Department of Food and Agriculture, in consultation with the bureau, shall establish a track and trace program for reporting the movement of medical marijuana items throughout the distribution chain that utilizes a unique identifier pursuant to Section 11362.777 of the Health and Safety Code and secure packaging and is capable of providing information that captures, at a minimum, all of the following:

(1) The licensee receiving the product.

(2) The transaction date.

(3) The cultivator from which the product originates, including the associated unique identifier, pursuant to Section 11362.777 of the Health and Safety Code.

(b) (1) The Department of Food and Agriculture shall create an electronic database containing the electronic shipping manifests which shall include, but not be limited to, the following information:

(A) The quantity, or weight, and variety of products shipped.

(B) The estimated times of departure and arrival.

(C) The quantity, or weight, and variety of products received.

(D) The actual time of departure and arrival.

(E) A categorization of the product.

(F) The license number and the unique identifier pursuant to Section 11362.777 of the Health and Safety Code issued by the licensing authority for all licensees involved in the shipping process, including cultivators, transporters, distributors, and dispensaries.

(2) (A) The database shall be designed to flag irregularities for all licensing authorities in this chapter to investigate. All licensing authorities pursuant to this chapter may access the database and share information related to licensees under this chapter, including social security and individual taxpayer identifications notwithstanding Section 30.

(B) The Department of Food and Agriculture shall immediately inform the bureau upon the finding of an irregularity or suspicious finding related to a licensee, applicant, or commercial cannabis activity for investigatory purposes.

(3) Licensing authorities and state and local agencies may, at any time, inspect shipments and request documentation for current inventory.

(4) The bureau shall have 24-hour access to the electronic database administered by the Department of Food and Agriculture.

(5) The Department of Food and Agriculture shall be authorized to enter into memoranda of understandings with licensing authorities for data sharing purposes, as deemed necessary by the Department of Food and Agriculture.

(6) Information received and contained in records kept by the Department of Food and Agriculture or licensing authorities for the purposes of administering this section are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter or a local ordinance.

(7) Upon the request of a state or local law enforcement agency, licensing authorities shall allow access to or provide information contained within the database to assist law enforcement in their duties and responsibilities pursuant to this chapter.

19336. (a) Chapter 4 (commencing with Section 55121) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the bureau's collection of the fees, civil fines, and penalties imposed pursuant to this chapter.

(b) Chapter 8 (commencing with Section 55381) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the disclosure of information under this chapter.

SEC. 15. Article 8 (commencing with Section 19337) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 8. Licensed Transporters

19337. (a) A licensee authorized to transport medical cannabis and medical cannabis products between licenses shall do so only as set forth in this chapter.

(b) Prior to transporting medical cannabis or medical cannabis products, a licensed transporter of medical cannabis or medical cannabis products shall do both of the following:

(1) Complete an electronic shipping manifest as prescribed by the licensing authority. The shipping manifest must include the unique identifier, pursuant to Section 11362.777 of the Health and Safety Code, issued by the Department of Food and Agriculture for the original cannabis product.

(2) Securely transmit the manifest to the bureau and the licensee that will receive the medical cannabis product. The bureau shall inform the Department of Food and Agriculture of information pertaining to commercial cannabis activity for the purpose of the track and trace program identified in Section 19335.

(c) During transportation, the licensed transporter shall maintain a physical copy of the shipping manifest and make it available upon request to agents of the Department of Consumer Affairs and law enforcement officers.

(d) The licensee receiving the shipment shall maintain each electronic shipping manifest and shall make it available upon request to the Department of Consumer Affairs and any law enforcement officers.

(e) Upon receipt of the transported shipment, the licensee receiving the shipment shall submit to the licensing agency a record verifying receipt of the shipment and the details of the shipment.

(f) Transporting, or arranging for or facilitating the transport of, medical cannabis or medical cannabis products in violation of this chapter is grounds for disciplinary action against the license.

19338. (a) This chapter shall not be construed to authorize or permit a licensee to transport or cause to be transported cannabis or cannabis products outside the state, unless authorized by federal law.

(b) A local jurisdiction shall not prevent transportation of medical cannabis or medical cannabis products on public roads by a licensee transporting medical cannabis or medical cannabis products in compliance with this chapter.

SEC. 16. Article 11 (commencing with Section 19348) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 11. Taxation

19348. (a) (1) A county may impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by a licensee operating pursuant to this chapter.

(2) The board of supervisors shall specify in the ordinance proposing the tax the activities subject to the tax, the applicable rate or rates, the method of apportionment, if necessary, and the manner of collection of the tax. The tax may be imposed for general governmental purposes or for purposes specified in the ordinance by the board of supervisors.

(3) In addition to any other method of collection authorized by law, the board of supervisors may provide for the collection of the tax imposed pursuant to this section in the same manner, and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by the county. A tax imposed pursuant to this section is a tax and not a fee or special assessment. The board of supervisors shall specify whether the tax applies throughout the entire county or within the unincorporated area of the county.

(4) The tax authorized by this section may be imposed upon any or all of the activities set forth in paragraph (1), as specified in the ordinance, regardless of whether the activity is undertaken individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous, as determined by the board of supervisors.

(b) A tax imposed pursuant to this section shall be subject to applicable voter approval requirements imposed by law.

(c) This section is declaratory of existing law and does not limit or prohibit the levy or collection of any other fee, charge, or tax, or a license or service fee or charge upon, or related to, the activities set forth in subdivision (a) as otherwise provided by law. This section shall not be construed as a limitation upon the taxing authority of a county as provided by law.

(d) This section shall not be construed to authorize a county to impose a sales or use tax in addition to the sales and use tax imposed under an ordinance conforming to the provisions of Sections 7202 and 7203 of the Revenue and Taxation Code.

SEC. 17. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 18. The Legislature finds and declares that Section 14 of this act, which adds Section 19335 to the Business and Professions Code, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code).

SEC. 19. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 20. This act shall become operative only if Assembly Bill 266 and Assembly Bill 243 of the 2015–16 Session are enacted and take effect on or before January 1, 2016.

ORDINANCE NO. 1817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I, SECTION 15-5.1 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING REFUSAL TO ISSUE LICENSES, REPEALING ARTICLE VII, SECTIONS 15-85 THROUGH 15-105, OF CHAPTER 15, AND ADDING SECTION 301.23 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING MEDICAL MARIJUANA CULTIVATION

WHEREAS, in November 2007, and in response to the implementation by the State of the Compassionate Use Act of 1996, the Medical Marijuana Program Act (2003) and subsequent case law, the City Council of the City of Porterville adopted Ordinance No. 1734, which amended the City's regulations concerning medical marijuana dispensaries, prohibiting the issuance of business licenses for the purpose of operating medical marijuana dispensaries, but allowing for their regulation in the event federal law changed; and

WHEREAS, the City Council of the City of Porterville, based on recent and ongoing problems related to the local cultivation of medical cannabis, hereby finds that the cultivation, preparation and distribution of medical cannabis in the city has caused and is causing ongoing impacts to the community. These impacts are intensified by the activities of those who are abusing the current State statutory provisions for the cultivation, processing and distribution of cannabis for nonmedical, improper and illegal purposes. These impacts include increased crime related to outdoor cultivation occurring on residential lots, damage to buildings containing indoor grows, increases in home invasion robberies and related crimes, and increases in response costs, including code enforcement, building, land use, fire, and police staff time and expenses; and

WHEREAS, the City finds that it is in the best interest of the community to regulate the use of land within the city limits for the purposes of collectively cultivating, preparing, or dispensing medical cannabis, and to continue to deny business licenses to applicants desiring to open a medical marijuana dispensary within city limits; and

WHEREAS, legislation and case law confirms that the City has the power to regulate individual cultivation and restrict and even prohibit dispensing of medical cannabis, as well as regulate the collective cultivation and preparation of medical cannabis.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN as follows:

SECTION 1. The Porterville Municipal Code, Chapter 15, Article I, Section 15-5.1 is hereby amended as follows:

15-5.1: REFUSAL TO ISSUE LICENSE

- A. Nothing in this Section shall be deemed to prevent the City Council from refusing to grant to any person a license to carry on and conduct any business in the city, when it shall appear to

the City Council that such business is, or is reasonably certain to be, carried on in such manner as to be unlawful, immoral or a menace to the health, safety, peace or general welfare of the people of the city, or that the applicant is not a fit or proper person to carry on such business, or of such character and reputation as to render it reasonably certain that such business will be carried on by the applicant in an illegal or immoral manner, or in such manner as to constitute a menace to the health, safety, morals, peace or general welfare of the people of the city, or that the applicant has theretofore been convicted of any crime in connection with, or while engaged in the operation of a similar business in the city, or has been convicted of any crime affecting the moral character of such applicant.

- B. The City Council shall refuse to issue a business license to any applicant where it is apparent that the issuance of such license would allow for the practice, operation or carrying out of any activity that conflicts with any local, state or federal law.

SECTION 2. Chapter 15, Article VII, Sections 15-85 through 15-105, is hereby repealed.

SECTION 3. Series 300: Additional Use and Development Regulations

301 Standards for Specific Uses and Activities

- 301.01 Accessory Uses and Structures
- 301.02 Alcoholic Beverage Sales
- 301.03 Animal Keeping
- 301.04 Automobile Vehicle Service and Repair, Major and Minor
- 301.05 Auto Service Stations and Car Washing
- 301.06 Crop Cultivation
- 301.07 Family Day Care Home, Large
- 301.08 Hazardous Waste Management Facilities
- 301.09 Home Occupations
- 301.10 Manufactured Homes
- 301.11 Mobile Home Parks
- 301.12 Outdoor Retail Sales
- 301.13 Personal Storage Facilities
- 301.14 Recycling Facilities
- 301.15 Residential Care Facilities, General
- 301.16 Second Dwelling Units
- 301.17 Sexually Oriented Facilities
- 301.18 Single Room Occupancy Hotels
- 301.19 Social Service Facilities
- 301.20 Telecommunication Facilities
- 301.21 Temporary Uses
- 301.22 Transitional and Supportive Housing
- 301.23 Medical Cannabis Cultivation

SECTION 4. Section 301.23 is hereby added to Article 21 (Porterville Development Ordinance) as follows:

A. Purpose and Intent

1. The City Council of the City of Porterville, based on evidence presented to it in the proceedings leading to the adoption of this chapter, hereby finds that the cultivation, preparation, and distribution of medical cannabis in the city has caused and is causing ongoing impacts to the community. These impacts are intensified by the activities of those who are abusing the current State statutory provisions for the cultivation, processing and distribution of cannabis for nonmedical, improper and illegal purposes. These impacts include increases in various types of crime due to outdoor grows, damage to buildings containing indoor grows, including improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, increased frequency of home-invasion robberies and related crimes. Many of these impacts have fallen disproportionately on residential neighborhoods, but nonetheless also negatively impact properties in the commercial districts. These impacts have also created an increase in response costs, including code enforcement, building, land use, fire, and police staff time and expenses.
2. The City Council also acknowledges that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of medical cannabis for medical purposes under the Compassionate Use Act, but that the Compassionate Use Act does not address land use or building code impacts or issues arising from the resulting increase in cannabis cultivation within the city.
3. The purpose and intent of this chapter is to regulate the cultivation, preparation and distribution of medical cannabis in a manner that protects the public health, safety, and welfare of the community and mitigates for the cost to the community of the oversight of these activities.

B. Interpretation and Applicability

1. No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state, federal law, statute, rule or regulation. The cultivation, preparation, and distribution of medical cannabis in the city is controlled by the provisions of this chapter of the Porterville Development Ordinance.
2. Nothing in this chapter is intended to, nor shall it be construed to, preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants.
3. Nothing in this chapter is intended to, nor shall it be construed to, burden any defense to criminal prosecution otherwise afforded by California law.

4. Nothing in this chapter is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.
 5. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.
 6. All cultivation, preparation and distribution of medical cannabis within city limits shall be subject to the provisions of this chapter and other applicable provisions of this Code, regardless of whether cultivation, preparation, or distribution existed or occurred prior to adoption of this chapter.
- C. Definitions: For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
1. Accessory Structure. A residential accessory structure shall include any uses that are customarily related to a residence, including garages, greenhouses, storage sheds, studios, and workshops. Any accessory structure must be compliant with Section 301.01 and any other applicable provisions of the Municipal Code.
 2. Dwelling Unit. A room or suite of rooms including one (1) and only one (1) kitchen, and designed or occupied as separate living quarters for one (1) family.
 3. Medical Cannabis (also known as medical marijuana). Cannabis, including constituents of cannabis, THC and other cannabinoids, used as a physician-recommended form of medicine or herbal therapy.
 4. Medical Cannabis Cooperative or Collective. Any person, association, cooperative, affiliation, or collective of persons who provide education, referral, or network services, and/or facilitation or assistance in the cultivation, preparation or distribution of medical cannabis.
 5. Medical Cannabis Cultivation Area. The area allowed for the growing and preparation of medical cannabis.
 6. Medical Cannabis Cultivation Facility. A facility at which medical cannabis is grown and harvested for supply to a medical cannabis preparation facility and/or a medical cannabis distribution facility.
 7. Medical Cannabis Distribution. The supply to a qualified patient by any person, including a primary caregiver, cooperative or collective, of medical cannabis that is not grown in the qualified patient's residence.
 8. Medical Cannabis Distribution Facility/Dispensary. Any facility or location where the primary purpose is to distribute medical cannabis as a medication upon recommendation by a physician and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with

the Compassionate Use Act of 1996 (Cal. Health and Safety Code §§ 11362.5 et seq.).

9. Medical Cannabis Preparation. Includes, but is not limited to: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, rolling.
 10. Medical Cannabis Preparation Facility. A facility at which medical cannabis is processed for supply to a medical cannabis distribution facility.
 11. Qualified Patient. As defined in Cal. Health and Safety Code §§ 11362.7 et seq., and as it may be amended from time to time.
 12. Residence. A legal dwelling unit.
- D. Severability: If any part of this chapter is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.
- E. Cultivation Generally: A qualified patient shall be allowed to cultivate medical cannabis for their own personal use. Cultivation of medical cannabis for said use shall be in conformance with the following standards:
1. No more than one medical cannabis cultivation area shall be permitted on a legal parcel, regardless of the number of dwelling units on the parcel;
 2. No medical cannabis cultivation site shall be located within 100 feet of a sensitive use “use, sensitive” as defined in Chapter 700;
 3. The residence shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis cultivation shall remain at all times accessory to the residential use of the property;
 4. The qualified patient shall reside at the residence where the medical cannabis cultivation occurs;
 5. Cultivation of medical cannabis for personal use shall occur only on the parcel occupied by a qualified patient and shall be for the exclusive use of the qualified patient and otherwise in conformance with this chapter (i.e. no collectives or cooperatives);
 6. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code;
 7. Qualified patients shall have no more than the number of plants the patient is permitted under State law to have, provided that in no case shall any parcel/dwelling have more than 20 plants; with not more than 20 cultivated outdoors and/or 20 cultivated indoors within an Accessory Structure;
 8. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis cultivation is prohibited;
 9. There shall be no exterior evidence of medical cannabis cultivation occurring at the property, from a public right-of-way;
 10. Medical cannabis cultivation is prohibited as a home occupation;

11. No distribution of medical cannabis cultivated for personal use shall be allowed other than as otherwise authorized by this Code;
12. Medical cannabis cultivation shall be an accessory use to a primary residential use on a property within the RS-1 and RS-2 zones, or at a single-family residence within the RM-1, RM-2 or RM-3 zones. Medical cannabis cultivation is not allowed in multi-family developments or in mobile home parks;
13. The cultivation of medical cannabis shall not adversely affect the health or safety of the residents of the property on which it is cultivated, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 Performance Standards of this Code;
14. Medical cannabis cultivation lighting shall not exceed 1,200 watts;
15. The Accessory Structure(s) shall at all times meet the requirements of the latest adopted version of the California Building, Fire, Mechanical, Electrical and Plumbing Codes (collectively California Codes);
16. All electrical equipment used in the cultivation of medical cannabis, (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired and permits obtained pursuant to the California Building, Electrical, Mechanical, Plumbing or other state or local laws rules and regulations;
17. Prior to performing any work on electrical wiring/rewiring the applicant shall first obtain a building, mechanical and/or electrical permit from the Building Division;
18. If required by California Building or Fire Code, the wall(s) adjacent to the cultivation area shall be constructed with 5/8-inch Type X moisture-resistant drywall;
19. The growing of medical cannabis outdoors shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property;
20. Medical Cannabis plants shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates, and shall not exceed a maximum height of five (5) feet for properties with a six (6) foot tall fence. In the alternative, plants may grow to a maximum height of seven (7) feet if the area is fenced and screened to eight (8) feet in compliance with applicable Development Ordinance and California Building Code standards; and
21. Areas for cultivation of medical cannabis shall be secured, locked, and fully enclosed and rendered inaccessible to minors.

F. Preparation

A qualified patient shall be allowed to prepare for personal use medical cannabis cultivated on the property or within his or her private residence or accessory structure. Preparation of medical cannabis cultivated at the residence shall be in conformance with the following standards:

1. Only medical cannabis cultivated at the residence in conformance with this chapter shall be allowed to be prepared for use at the residence;
2. The primary use of a dwelling unit shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis preparation shall remain at all times accessory to the residential use of the property;
3. The medical cannabis preparation shall be in compliance with the current adopted edition of the California Codes;
4. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis preparation is prohibited;
5. The preparation of medical cannabis shall not adversely affect the health or safety of the residents, residence or accessory building in which it is processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 Performance Standards of this Code; and
6. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code.

G. Medical cannabis preparation is prohibited as a home occupation.

H. No sale or distributing of medical cannabis processed for personal use shall be allowed.

I. Individual Distribution Prohibited. Medical cannabis cultivated or processed for personal use as provided for in this chapter shall not be distributed to any person, cooperative or collective, unless as otherwise proscribed by this Article.

J. Cultivation Permit:

1. Prior to commencing any medical cannabis cultivation, the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where medical cannabis cultivation is proposed to occur must obtain a medical cannabis cultivation permit from the Community Development Director or his or her designee. The following information will be required with the initial permit application and subsequent permit extensions:
 - a. A notarized signature from the owner of the property consenting to the cultivation of cannabis at the premises on a form acceptable to the City.
 - b. The name of each person owning, leasing, occupying, of having charge of any legal parcel or premises where medical cannabis will be cultivated.
 - c. The name of each qualified patient or primary caregiver who participates in the medical cannabis cultivation.
 - d. A copy of the a current valid medical recommendation or county-issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver.

- e. The physical site address of where the marijuana will be cultivated.
 - f. A signed consent form, acceptable to the City, authorizing City staff, including the Police Department authority, to conduct an inspection of the cultivation area without notice.
 - g. Proof that the applicant and any resident has had no drug related felony convictions within the past seven (7) years.
 - 2. The initial permit shall be valid for no more than two (2) years and may be extended in increments of two (2) years.
 - 3. To the extent permitted by law, any personal or medical information submitted with a medical cannabis cultivation permit application or permit extension shall be kept confidential and shall only be used for purposes of administering this chapter.
 - 4. The Zoning Administrator may, in his or her discretion, deny any application for a medical cannabis cultivation permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The Zoning Administrator shall deny any application for a medical cannabis permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this chapter. Failure to comply with requirements twice within a permitting period constitutes grounds for permit revocation and serves as a basis for denial of any new application or extension. The denial of any permit application, or permit extension, shall be subject to appeal pursuant to Section 601.11 Appeals.
 - 5. The City may establish a fee or fees required to be paid upon filing of any application for permit(s) as provided by this Chapter, which fees shall not exceed the reasonable cost of administering this chapter, including but not limited to review of applications for permits, monitoring and inspections, and enforcement costs. Said fee or fees shall be established by Resolution of the City Council.
- K. Medical Cannabis Cultivation or Distribution Facility/Dispensary. Medical cannabis distributing facilities or dispensaries are not a permitted use and are prohibited in any and all zoning designations or districts within the city limits.
- L. Enforcement. Any violation of this chapter is subject to any and all penalties as prescribed in the Porterville Municipal Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This chapter is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations.
- M. Appeals. With the exception of the appeal process set forth in subsection (J)(4) for consideration of applications for permits, any other decisions made by the Zoning Administrator related to the application and enforcement of this Section including, but

not limited to decisions to suspend, revoke or modify a permit, shall be subject to the appeal provisions set forth in Chapter 612 Appeals of the Porterville Development Code.

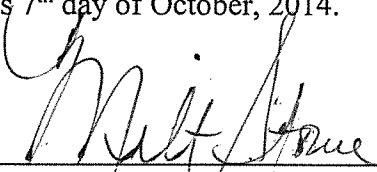
SECTION 5. Series 700: General Terms, Chapter 700.02 is hereby amended to add in alphabetical order "Use, Sensitive" to definitions to read as follows:

Use, Sensitive. Any cemetery/religious institution; school; public building regularly frequented by children; public park; or boys' and girls' club, or similar youth organizations.

SECTION 6: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this 7th day of October, 2014.

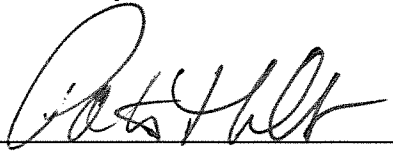
By:


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By:


Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) (SS)
COUNTY OF TULARE)

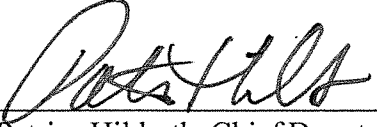
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1817, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 7th day of October, 2014, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective November 6, 2014, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 15, 2015

SUBJECT: Status and Review of Declaration of Local Drought Emergency

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board is directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems. On November 13th, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016 if drought conditions persist through January.

At its last meeting on December 1st, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency, due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Approximately twenty-five (25) residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the coming months. City staff has submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry. As previously reported, City staff has resubmitted the E. Vandalia water connection project to the State for grant-funding consideration. Given staff's perception that the State is not inclined to provide funding for this water connection project, staff conducted an outreach meeting with the affected area residents on Thursday, September 10th, to begin discussions regarding the formation of a water utility district. Another meeting with the affected residents will soon be scheduled.

Also at the Council's December 1st meeting, Mr. Fred Beltran from the Porterville Area Coordinating Council (PACC) addressed the City Council, during which he indicated that PACC would soon be ceasing its household tank water program, which Mr. Beltran subsequently confirmed to the City in

writing. The City has continued to fill fifteen (15) of the smaller household tanks by Mutual Aid Request with Tulare County OES, which given the recent notice by PACC, City staff has consulted with Tulare County OES in terminating the Mutual Aid Request. PACC has committed to continue to help those in need of assistance in filling their tanks if necessary, and with that commitment from PACC, Tulare County OES is agreeable to terminating the Mutual Aid Request to fill household tanks placed by PACC.

RECOMMENDATION: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
2. Authorize the termination of the Mutual Aid Request with Tulare County Office of Emergency Services in the filling of household tanks placed by the Porterville Area Coordinating Council.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor's Executive Order
3. TCOES Mutual Aid Request for PACC Tanks

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

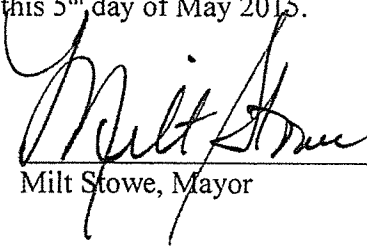
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

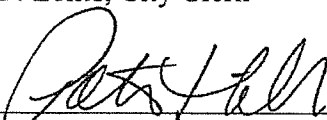
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
Great Seal of the State of California to
be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277
(559) 624-7495 Telephone (559) 737-4692 Facsimile

TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST **XTU-2015-LG-001**

To: **City of Porterville**

Date: **1/10/15**

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

TASK(S) TO BE PERFORMED:

1. **As of January 10, 2015:** Renew request XTU-2014-LG-001 to continue utilizing City of Porterville water, personnel, and equipment to fill existing non-potable water tanks placed at individual homes by the Porterville Area Coordinating Council in the unincorporated area east of and immediately adjacent to the City of Porterville, commonly referred to as "East Porterville" or "Doyle Colony," for those homes where a signed waiver of liability has been obtained from the occupant by the City of Porterville.

DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: **120 days**

County endeavours to replace the existing tanks with larger, potable water tanks, to be filled by commercial water haulers, prior to the end of the 120 day period of this request. Should such transition be incomplete at that time, this request may be renewed. Similarly, this request may be terminated prior to expiration should such transition be completed prior to expiration, and/or if the need has abated. Should the request be terminated prior to expiration, such termination shall occur at a time mutually agreed upon.

Should City of Porterville wish to cease performing the requested task, at least 15 days prior notice is requested.



Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277
(559) 624-7495 Telephone (559) 737-4692 Facsimile

XTU-2015-LG-001

COMPENSATION:

The **County of Tulare** shall reimburse the **City of Porterville** for **100%** of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The **County of Tulare** shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman
Emergency Services Manager
County of Tulare, Office of Emergency Services