E3 Housing Constraints Analysis

Constraints to the development of adequate and affordable housing include market, governmental, infrastructure, and environmental factors. These constraints may result in housing that is not affordable to low- and moderate-income households and may render residential construction economically infeasible for developers. Constraints to housing production significantly impact households with low and moderate incomes and special needs.

According to Government Code Section 65583, local governments are required to analyze governmental and non-governmental constraints to the production, maintenance, and improvement of housing for persons of all income levels and those with special needs and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing as part of the housing element update. Where constraints to housing production are related to the City's regulations or land use controls, the City must identify appropriate programs to mitigate these constraints, particularly ones that impact the production of affordable housing or housing for special needs populations.

The following chapter outlines non-governmental, governmental, environmental and infrastructure constraints and was used in the development of specific policies and actions included in the Housing Plan to remove barriers to housing and to incentivize housing production, specifically targeting housing production at all income levels and housing for persons with special needs.

E3.1 Summary of Local Housing Constraints

- The costs of developing housing, including land costs and construction costs, are rising rapidly. There is a lack of federal, state, and local funding and the funding that is available is increasingly competitive. The time and effort needed to identify, compete for, and layer affordable housing funds is a major constraint to development of affordable housing.
- Loan denial rates in Tulare County were higher for Hispanic/Latino applicants (18 percent) compared to non-Hispanic/Latino applicants (15.5 percent). Although discrimination in mortgage lending is prohibited by the federal Fair Housing Act, other factors may contribute to a potential homebuyer's ability to secure safe financing, such as credit history, savings, and education regarding the home-buying process. The higher denial rate for Hispanic/Latino applicants indicates a financial constraint to purchasing a home due to lower incomes. This puts higher pressure on the rental markets.
- The lack of available single-family housing in Porterville paired with the rising costs and interest rates caused by recent inflation have resulted in additional constraints to homeownership.
- The lack of housing stock also creates a seller's market, where the seller chooses to sell to applicants who can close faster and have cash or conventional loans which require less paperwork, inspections or contingencies therefore excluding lower income families who are less familiar with the buying process and require various funding sources or government backed/assisted loans, which require additional steps to close.
- Although Porterville's development regulations allow for a variety of densities throughout the city, development standards concerning height limits and minimum parking space requirements are not sufficiently flexible and pose a constraint to development.

- Use permit regulations for residential care facilities, emergency shelters, and Single Room Occupancy developments in certain zoning districts pose a constraint on housing access for unsheltered individuals. In addition, zoning code provisions allowing single-family residences by-right in multifamily zones potentially constraints the development of a variety of housing types.
- Recent changes in state legislation, including legislation regarding ADUs and density bonus law incentives are not reflected in the current Porterville Zoning Code, which poses constraints to these types of developments.

E3.2 Non-Governmental Constraints

The availability of housing is affected by a complex set of interrelated market factors, including but not limited to, cost of land, cost of construction, and availability of financing. These factors contribute to determining a new home's sale price or the rents required to make a project feasible. Non-governmental constraints include factors outside of direct governmental control that directly impact housing prices. The cost of construction and the availability of financing contribute to the cost of housing and can hinder the production of affordable housing.

E3.2.1 Land Costs

The cost of land can impede the production of affordable housing. Land costs are influenced by many variables, including land scarcity and developable density (both of which are indirectly controlled through governmental land use regulations), location, site constraints, and the availability of public utilities.

Table E3-1 provides the average price per acre for land listed for sale throughout Porterville in June 2023. The average price per acre for all plots is $222,535. The average price per acre is significantly higher for smaller lots, most of which are in non-agricultural zones. The price per acre is less for larger lots, which average $20,641. Most of these larger properties are in agricultural zones.

Table E3-1 Listed Land Prices – Porterville

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	$424,429.56
10 or more acres	$20,641.33
Average $/acre	$222,535.45

Source: Zillow, Inc., 2023.

Table E3-2 provides the average price per acre for land sold in 2022 in Porterville. The average price per acre for all plots was $63,810 which is lower than the average list price. The average price per acre for larger lots was $24,485, which is lower than the total average per acre price for all sales, but higher than the average price per acre for currently listed properties.

Table E3-2 Sold Land Prices – Porterville

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	$103,135.28
10 or more acres	$24,485.74
Average $/acre	$63,810.51

Source: Zillow, Inc., 2023.

Conclusion

Land costs in Porterville are consistent with neighboring cities and are not considered a constraint to development.

Recommended Action

None required.

E3.2.2 Construction Costs

Construction costs can be broken down into two primary categories: materials and labor. A major component of the cost of housing is the cost of building materials, including wood and wood-based products, cement, asphalt, roofing materials, and pipe. The availability and demand for such materials affect prices for these goods.

Another major cost component of new housing is labor. The cost of labor in Tulare County is comparatively low because the area's cost of living is relatively low compared to other areas in California. However, labor for government subsidized housing work is additionally costly for the Central Valley, as wages are rooted in the required state labor standards based on higher northern and southern California prevailing wages.

Table E3-3 shows the estimated cost of constructing a basic 2,000 square foot single family home in Porterville to be around $237,455. The estimate includes direct and indirect (e.g., insurance, permits, utilities, plans) construction costs, including material, labor, and equipment costs, but does not include the price of land or development impact fees.

Table E3-3 Estimated Construction Cost

Item	Cost
Material	$204,226
Labor	$144,848
Equipment	$4,749
Total	**$237,455**

Source: Promatcher.com, 2023; City of Porterville, 2024.

There is little that municipalities can do to mitigate the impacts of high construction costs except by avoiding local amendments to uniform building codes that unnecessarily increase construction costs without significantly adding to health, safety, or construction quality. Because construction costs are similar across jurisdictions in Tulare County, the cost of construction is not considered a major constraint to housing production.

The City of Porterville works with developers to assist them in learning about available state and local incentive programs such as the state tax credit program for affordable housing, local density bonuses, and the development fee deferral program, where the City loans the developer development fees that are not passthroughs for up to 10 years so they can pay those fees over time.

Conclusion

Although the cost of housing production is not considered a major constraint, based on cost alone, it is appropriate to note that there is a significant need for more housing. More affluent communities typically have higher purchase prices, and are preferred by developers for a better return on

investment. As a result, developers are more incentivized to build in more affluent areas compared to Tulare County.

Recommended Action

No action can be taken by local government. Housing Plan Program 7 directs the City to apply for state and federal funds to facilitate affordable housing development.

E3.2.3 Availability of Financing

Mortgage interest rates have a large influence over housing affordability. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer.

When interest rates rise, the market typically compensates by decreasing housing prices. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market catches up. Lower-income households often find it most difficult to purchase a home during this period.

Where financing is available, construction capital seems to be directed at those with large, established, and well-capitalized sponsors. Given recent trends of increasing interest rates, the availability of financing is likely to be more of a constraint on new housing construction during this Housing Element planning period than it has been in the recent past.

E3.2.3.1 Market-Rate Development Financing

As discussed in Land Costs and Construction Costs, above, market-rate development is generally financed by investors, and the cost to build a project must be recovered by revenue from sales or rents, which drives up the ultimate rent or sales prices of new housing as the component costs increase. A market in which housing supply is limited and demand is high can support higher housing prices, but lower-income segments of the community are priced out. Therefore, it is difficult for the private sector, for-profit developers, and market-rate housing to meet the housing needs of all community members.

E3.2.3.2 Affordable Housing Financing

A description of available funding sources for affordable development is provided in Chapter E2, *Housing Needs Assessment.*

E3.2.3.3 Mortgage and Rehabilitation Financing

The availability of financing affects the ability of residents to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary purpose of reviewing the lending activity is to determine whether home financing is available to City residents. The data presented in this section includes the disposition of loan applications submitted to financial institutions for home mortgages, home improvement, and refinance loans.

Lending activity data provides information regarding home financing availability for City residents. The most recent data set available for the County of Tulare from 2022 shows that 18,154 households applied for a home financing loan which includes loans for home purchase, home improvement, and refinancing. As discussed in Chapter 3, *Regional Housing Constraints*, of the total applications received for home purchase 54 percent of the loans originated while 5.9 percent were denied.

Conventional loans are made by the private sector (banks, mortgage companies, etc.) and are not guaranteed or insured by the U.S. government. Conversely, government-backed loans, such as those issued by the Federal Housing Administration, Department of Veterans Affairs, and the Rural Housing Services/Farm Service Agency, are completely or partially insured by the U.S. government. Within the county, 12,849 of the applications received were for conventional loans and 5,305 were for government backed loans. As discussed in Chapter 3, Regional Housing Constraints, 49 percent of the conventional loans originated, and 18 percent of the applications were denied. Additionally, 43 percent of the government backed loans originated and 10 percent of the applications were denied.

County data shows that the white racial group had the highest number of loans originated with 5,463 applications. Per racial group, white applicants also had the highest percentage of loans originated out of applications received with 56 percent. In terms of ethnicity, Hispanic/Latino applicants comprised 38 percent of the total number of loan applications while non-Hispanic/Latino residents comprised 29 percent. However, of the loan applications made by Hispanic/Latino applicants, only 53 percent of loans originated compared to 56 percent for non-Hispanic/Latino applicants. Hispanic/Latino applicants also had a higher loan denial rate (18 percent) compared to non-Hispanic/Latino applicants (15.5 percent).

The Analysis of Impediments to Fair Housing Choice for the City of Porterville (2016) shows that Black/African American residents were approved for conventional and government-backed loans at a lower rate than other races. The conventional loan approval rate for Black/African American residents was 71 percent while it was 88 percent for Asian-American residents, 74 percent for Hispanic/Latino residents, and 79 percent for white residents. The government-backed loan approval rate for Black/African American residents was 75 percent while it was 90 percent for Asian residents, 91 percent for Hispanic/Latino residents, and 93 percent for white residents.

Other factors that may contribute to a potential homebuyer's ability to secure safe financing include credit history, savings, and education regarding the home-buying process. The higher denial rate for Hispanic/Latino applicants could also be caused by source of income, as many Hispanic/Latino families work in agriculture, which is a lower-income bracket compared to other industries not dominated by this ethnic/race group.

Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area. The City is the center of a large agricultural area especially noted for citrus and livestock.

The lack of available single-family housing stock in Porterville paired with the rising costs and interest rates caused by recent inflation have resulted in creating additional constraints to homeownership in the city. Additionally, difficulties in purchasing a home can put higher pressure on the rental markets.

In addition, the lack of housing stock creates a seller's market, where the seller chooses to sell to the applicants who can close faster and have cash or conventional loans which require less paperwork, inspections, or contingencies. This excludes lower income families from the buying process, as these households typically need various funding sources, or government backed/assisted loans that require additional steps to close. Lenders may also prioritize more savvy buyers over households who are less educated on the homebuying process.

The costs of developing housing, including land costs and construction costs, are rising rapidly. There is a lack of federal, state, and local funding and the funding that is available is increasingly competitive. The time and effort needed to identify, compete for, and layer affordable housing funds is a major constraint to development of affordable housing.

E3.2.3.4 Construction Financing Timing

The timing between project approval and requests for building permits affects project viability. Project delays may result from developers' inability to secure financing for construction. The building process is driven by applicants and the timing greatly differs from one project application to another. If the application satisfies all the applicable development code requirements, then it can be approved within two weeks, but if the application does not fulfill the requirements, then a resubmittal with corrections would be required. A resubmittal for building permit review would restart the two to four-week review process. This process is a major factor in the delay and timelines for building permit approvals and issuance. In Porterville, the average time between project approval and request for building permit is typically one to three months, but varies by type of project. Some projects take years to fulfill all requirements necessary to receive permits ~~pull building permits~~ and secure financing. Single-family homes usually experience the least delay (one to three months). Multifamily housing construction tends to be more complex and usually requires more time between entitlement and building permit issuance (three to six months).

Conclusion

D~~Although d~~iscrimination in mortgage lending is prohibited by the federal Fair Housing Act, other factors may contribute to a potential homebuyer's ability to secure safe financing, such as credit history, savings, and education regarding the home-buying process. Federal Financial Institutions Examination Council (FFIEC) HMDA data does not provide insight into these other factors. Therefore, it is important that the City supports housing opportunities for all residents. Additionally, the construction process can be delayed by applicants not fulfilling the applicable development code requirements.

Recommended Action

Housing Plan Program 11 directs the City to support homeownership opportunities and home-buying education for first-time homebuyers.

E3.2.4 Requests for Lower Development Densities

In Porterville, requests for development at densities below the maximum residential density standards are not common. Typically, developers attempt to maximize the maximum allowed units per net acre for pertinent zone district to fully build out the area while making the project feasible and ensuring that the project complies with all applicable development ordinance requirements. The City has seven residential zone districts in the General Plan with various standards for density and development intensity. Of these seven residential zone districts, only RM-3 (High Density Residential) districts require a minimum density per net acre to be fulfilled.

The development approval of such projects at densities lower than maximum allowed is often driven by market preferences for the inclusion of certain project features and are not necessarily due to any singular code requirement. There is a strong preference for these types of developments to request the approval of smaller lot sizes to accommodate a higher density versus a lower density. The City discusses density bonus, concessions, and incentives with every applicant. When the City receives project requests that fall below the 75% threshold, the only legal basis for denial is non-compliance with the Porterville Development Ordinance (PDO). If a project adheres to the PDO but does not meet the 75 percent~~%~~ threshold, City staff collaborate with applicants to address any constraints related to the property and proposed development. This collaboration may involve assisting applicants in applying for variances, considering less restrictive development code requirements, and exploring other solutions to maximize

density. Additionally, staff emphasizes that increasing the number of units can lead to higher profitability for private developers.

With few exceptions, developers prefer to produce less expensive market-rate housing rather than deed-restricted affordable housing. Although not universal, single-family developers tend to match the density of nearby development even if the City's zoning allows higher-density development. To account for this, the City assumes that the development capacity on each site will be less than the full development capacity allowed by the parcel's zoning or land use designation. On average, the pipeline projects in Porterville, as shown in Table E4-2, achieved an average density of 81 percent of the maximum density allowed on the site based on the site's zoning and development standards. As discussed in Chapter 4, *Regional Housing Resources*, the average achieved density for recently developed projects collectively in the region is 99 percent.

The City will implement Housing Plan Program 2 to monitor the development of residential and mixed-use acreage to ensure an adequate inventory is available to meet RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863. Should an approval of development result in a reduction in capacity below the residential capacity needed to accommodate the remaining need for lower- and moderate-income households, the City will identify and if necessary, rezone sufficient sites to accommodate the shortfall and ensure "no net loss" in the City's capacity to accommodate its share of the RHNA.

E3.3 Governmental Constraints

Although local governments have little influence on market factors such as interest rates, local policies and regulations can impact where, how much, and what type of residential development is built. Land use controls, site improvement requirements, fees and exactions, and permit processing procedures, among other policies and regulations, may constrain the maintenance, development, and improvement of housing.

E3.3.1 Land Use Controls

The City of Porterville uses the Development Ordinance to guide and manage residential development. The permitted and conditionally permitted uses in each district guide new development and provide both developers and the public with an understanding of how vacant land will develop in the future. This includes the density of development that will occur within a particular zone, the compatibility of planned uses in each area, and the range and type of buildings and uses that will be located throughout Porterville.

E3.3.1.1 General Plan

The Porterville 2030 General Plan, adopted in 2008, provides policies and programs to guide development in the city. The City of Porterville has updated the General Plan to comply with Senate Bill (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 unincorporated communities within the City's Sphere of Influence. The City ensures that all goals and policies contained within the Housing Element are consistent with the goals and policies set forth in all other elements of the General Plan.

The Porterville General Plan contains the following residential land use designations:

- Rural Residential: maximum density of 0.2 units per acre
- Resort Residential: maximum density of 5 units per acre
- Very Low Density Residential: maximum density of 2.5 units per acre
- Low Density Residential: maximum density of 6 units per acre
- Low-Medium Residential: maximum density of 9 units per acre
- Medium Density Residential: maximum density of 12 units per acre
- High Density Residential: maximum density of 24 units per acre

Conclusion

The General Plan includes seven residential land use designations with a density range from 0.2 to 24 dwelling units per acre. The density ranges are sufficiently high to allow the development of affordable housing for all income levels.

Recommended Action

None required.

Urban Development Boundary

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 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. The City's Integrated Master Plan (for water, sewer, drainage, recycled water), updated in spring 2024, utilized the UDB to study growth demands through 2040. 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.

Other elements of the General Plan aim to manage growth. The General 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 remains the "heart of the city", and environmental and cultural resources are protected. In recent years, most 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.

Conclusion

The City's growth management policy, as enforced by the UDB, does not constrain the development of housing in the city. The UDB growth strategy is beneficial as it creates a defined boundary during master planning and infrastructure development.

Recommended Action

None required.

E3.3.1.2 Zoning Code

The City regulates the type, location, density, and scale of residential development primarily through the Development Ordinance, as well as specific plan development codes. A zoning district is assigned to every parcel in the city and the Development Ordinance identifies compatible uses. In general, the City's zoning regulations are designed to balance the goal of providing a mix of residential and commercial land use types while protecting the health and safety of residents and preserving the character of existing neighborhoods. Additionally, development standards such as setbacks, height limits, lot coverage, open space requirements, and parking identified for each zoning district. Some zoning districts may allow similar uses but have different development standards. Development standards may be considered a constraint to the development of housing units if they are too restrictive or reduce the development potential on a specific parcel.

The City's Development Ordinance provides for the following residential districts.

- **Agricultural/Rural/Conservation (AC):** The AC district is intended to preserve agricultural and resource conservation areas while providing opportunities for rural living. Further, the AC district is used to preserve agricultural and resource conservation areas. Incidental residential uses with septic systems are allowed. The minimum site area is forty (40) acres for all permitted uses.
- **Rural Residential (RR):** The RR district is intended to provide living areas within the city limited to a very low-density concentration of one-family dwellings. The minimum site area is two and a half (2.5) acres per lot~~a permitted use~~.
- **Very Low Density Residential (RS-1):** The RS-1 district is intended to provide areas for large lot or executive home single-family subdivisions with a maximum residential density is 3.1 units per net acre. This district also allows for limited uses such as day care homes and religious facilities that are appropriate in a very low-density residential environment.
- **Low Density Residential (RS-2):** The RS-2 district is intended to provide areas for attached or detached single family homes with a maximum residential density of 7.5 units per net acre. This district also allows for limited uses such as day care homes, parks, and religious facilities that are appropriate in a low-density residential environment.
- **Low-Medium Density Residential (RM-1):** The RM-1 district is intended to accommodate low-medium densities and more varied forms of residential development, including small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments with a maximum residential density of 11.3 units per net acre This district also allows for limited uses such as day care homes, parks, schools and religious facilities that are appropriate in a low-medium density residential environment. This district provides for a transition from lower-density residential neighborhoods to medium-density multifamily areas.
- **Medium Density Residential (RM-2):** The RM-2 district is intended to accommodate a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments with a maximum residential density of 15.0 units per net acre. This district is intended to be located closer to community and retail services, mixed use areas, parks, and areas where greater access can be provided. In addition to residential uses, this district allows for a variety of public and semi-public uses such as cultural institutions and religious facilities that are appropriate in a medium-density residential environment. This district provides for a

transition from lower-density residential neighborhoods to higher-density multifamily development and commercial areas.

- **High Density Residential (RM-3):** The RM-3 district is intended to accommodate attached homes, two- to four-plexes, and apartment buildings with a maximum residential density of 30.0 units per net acre. This district allows for a variety of public and semi-public uses such as clubs and lodges, cultural institutions, and religious facilities that are appropriate in a high-density residential environment.
- **Downtown Medium Density Residential (DRM-2):** The DRM-2 district is intended to encourage a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments with a maximum residential density of 16.5 units per acre in the Downtown area. Encourage housing in Downtown to provide opportunities for residents to live in close proximity to community services and retail establishments, and to help support the vitality of Downtown businesses. Maintain the existing character of buildings that front the street, landscaped front yards, and street trees.
- **Downtown High Density Residential (DRM-3):** The DRM-3 district is intended to facilitate the development of attached homes, two- to four-plexes, and apartment or condominium buildings with a maximum residential density of 33.0 units per acre in Downtown, to create a more vibrant community and offer additional opportunities for housing for residents requiring convenient access to community services and less dependency on auto transportation. Maintain the existing character of buildings that front the street, landscaped front yards, and street trees.
- **Downtown Mixed-Use (D-MX):** The D-MX district is intended to create a mixed-use area that attracts businesses and residents to locate Downtown and provides a transition area between commercial areas and residential neighborhoods. Allow a mix of commercial, service, office, and residential uses that do not adversely impact one another in a significant way. Create an attractive streetscape of buildings that line the street, with landscaping and trees tailored to the width and the existing design character of the street.

Residential uses are also permitted in the Commercial Mixed-Use (CMX) district, which provides provide areas for either horizontal or vertical mixed-use development consisting of commercial, service, office, and residential uses. Buildings with more than one story are strongly encouraged. The maximum FAR is 2.0 and the maximum residential density is 30.0 units per acre.

Table E3-4 provides the minimum lot area per dwelling unit standard by zoning district.

Table E3-4 Site Area Per Dwelling Unit (RM)

District	Lot Area
AC	40 acres (0.02 units per gross acre)
RR	2.5 acres (0.25 units per gross acre)
RS-1	12,500 square feet (3.1 units per gross acre)
RS-2	6000 square feet (7.5 units per gross acre)
RM-1	6000 square feet (11.3 units per gross acre)
RM-2	6000 square feet (15 units per gross acre)
RM-3	6000 square feet (30 units per gross acre)
DRM-2	6,000 square feet (16.5 units per gross acre)
DRM-3	6,000 square feet (33 units per gross acre)
D-MX	No minimum lot area (41 units per gross acre)

Source: Porterville Development Ordinance, Adopted November 2022.

Conclusion

The City's Development Ordinance provides for a range of densities that are consistent with the General Plan land use designations. The densities in the Development Ordinance are calculated per net acre and the General Plan's calculations are per gross acreage.

Recommended Action

None required.

E3.3.2 Residential Development Standards

Table E3-5 shows the development standards for residential zones. The minimum parcel area for residential zones ranges from 6,000 square feet to 40 acres. Maximum site coverage ranges from five percent to 60 percent of the lot area.

The front setback requirement is 30 feet for AC and RR districts; 15 feet for all RS, RM districts, and the DRM-3 district; 20 feet for DRM-2; and zero to 10 feet for D-MX. The side setback requirement is 30 feet for AC and RR districts, 15 feet for RS and RM districts, five to 10 for DRM districts, and zero for the D-MX district. Rear setback requirement is 30 feet for AC and RR districts, five feet for RS-2 and RM-1, 10 feet for RS-1 and, RM, and DRM districts; and zero to 10 feet for D-MX.

Maximum height requirements are 35 feet for AC, RR, RS, and RM-1 districts. Requirement for RM-2 and RM-3 is 50 feet. DRM-2 requires 30 feet maximum height, DRM-3 requires 40 feet (inner lot) or 50 feet (corner lot), and D-MX requires 40. Maximum density ranges from 0.02 units per acre in the AC district to 41 units per gross acre in the D-MX districts. The Development Ordinance states that accessory dwelling unit (ADU) development standards shall comply with the standards set out in the zoning district but does not provide specific height requirements.

Table E3-5 Residential Development Standards

Zoning District	Minimum Parcel Area	Minimum Setback (in feet)			Maximum Height (feet)	Maximum Site Coverage (Percent of Lot)	Maximum Density (du/acre)
		Front (feet)	Side (feet)	Rear (feet)			
AC	40	30	30	30	35	5	0.02
RR	2.5	30	30	30	35	10	0.25
RS-1	12,500 sq. ft.	15	5	10	35	30	3.1
RS-2	6,000 sq. ft.	15	5	5	35	45	7.5
RM-1	6,000 sq. ft.	15	5	5	35	45	11.3
RM-2	6,000 sq. ft.	15	5	10	50	50	15
RM-3	6,000 sq. ft.	15	5	10	50	60	30
DRM-2	6,000 sq. ft.	20	5 to 10	10	30	50	16.5
DRM-3	6,000 sq. ft.	15	5 to 10	10	40 to 50	60	33
D-MX	–	0 to 10	0	0 to 10	40 to 50	–	41

Notes:
In zones DRM-2 and DRM-3 side setback shall be 5 feet for 1-2 stories and 10 feet for 3 or more stories.
In zone DRM-3 maximum building height shall be 40 feet, or 50 feet if located on a corner lot.
In zone DM-X front setback shall be 0 feet, or 10 feet if located on a main street or if ground floor is residential.
In zone DM-X rear setback shall be 0 feet, or 10 feet if located on a main street or if ground floor is residential.
In zone DM-X a height of 50 feet is permitted through a Conditional Use Permit
Source: Porterville Development Ordinance, Adopted November 2022.

Conclusion

Development standards related to parcel area, setbacks, height of primary structures, site coverage, and density do not constrain residential development. Limiting maximum height to thirty feet in multifamily zones is a potential constraint to affordable housing development. Additionally, while the D-MX zone has a higher maximum density than the DRM-3 zone, it has a lower height limit. The height limit and requirement of a Conditional Use Permit (CUP) for a height increase to 50 feet is a constraint to the development of multifamily housing in the D-MX zone.

Recommended Action

Revise the Development Ordinance to allow a maximum height of 50 feet without a CUP in the D-MX zone. Evaluate and revise height requirements for accessory structures for consistency with state law. The City will implement Housing Plan Program 6 to allow a maximum height of 50 feet without a CUP in the D-MX zone and to evaluate and revise height requirements for accessory structures.

E3.3.2.1 Parking

According to the Terner Center for Housing Innovation at UC Berkeley, parking can cost $25,000 to $75,000 per space to construct. However, given the age of data and the increased cost of land and construction costs discussed above, the costs per parking space are likely much higher.[1] Parking provided in underground or structured parking facilities, or if required to be covered or enclosed, can significantly increase the cost of housing and could affect the feasibility of various housing projects in the city. In addition, requirements for parking space locations and maximum distances from dwelling units may also increase the cost of housing and affect the feasibility of housing projects. Requiring less parking not only reduces the project budget but can allow for more space to build additional housing units.

Table E3-6 provides the residential parking requirements in Porterville.

Table E3-6 Residential Parking Requirements

Residential Use		Required Parking Spaces
Single-family units		2 per unit
Multifamily units	Studio	1 per unit
	1 Bedroom	1.5 per unit
	2 or more Bedrooms	2.0 per unit
Senior residential units		1 per 2 beds

Multifamily units require one guest parking space per five dwelling units.
Source: Porterville Development Ordinance, Adopted September 2022.

Conclusion

Residential parking requirements for one-bedroom units pose a potential constraint to housing development due to the requirement of more than one parking space per unit, which can be cost prohibitive to the development of such units.

Recommended Action

The City will implement Housing Plan Program 6 to revise parking requirements for one-bedroom units to no more than one space per unit.

[1] Terner Center for Housing Innovation at UC Berkeley, 2016. Available at: http://ternercenter2.berkeley.edu/proforma/

E3.3.2.2 Open Space and Park Requirements

The Zoning Code Section 201.03 establishes open space requirements for the R-1, RM-2, and RM-3 zones. Single-family residential development for open space (front and rear yard) are dependent on the design of the projects and multifamily residential development requirements for open space are determined by zoning district. The Development Ordinance includes minimum open space that includes private and common open space or park requirements, as shown in Table E3-7. Housing development in multifamily zones are required to provide a minimum of 50 to 200 square feet of private open space per unit depending on the zone. Common open space is required in the RM-2 and RM-3 zones at 100 square feet per unit. Section 201.04 of the Zoning Code further outlines open space requirements, including minimum dimensions and access.

Table E3-7 Open Space Requirements

	RM-1	RM-2	MR-3
Private Open Space	200 sq. ft. per unit	75 sq. ft. per unit	50 sq. ft. per unit
Common Open Space	N/A	100 sq. ft. per unit	100 sq. ft. per unit

Source: Porterville Zoning Code, Adopted November 2022.

Conclusion

The park and open space requirements are not a constraint to housing development.

Recommended Action

None required.

E3.3.2.3 Density Bonus

Chapter 302 of the Porterville Municipal Code establishes the City's density bonus policy. Pursuant to Government Code Section 65915, the City shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by the Ordinance and the General Plan, and one or more additional concessions or incentives, consistent with Government Code Section 65915 and 302.03 of the Development Ordinance, if the applicant applies for and proposes to construct any one of the following:

- **Lower Income Units.** A density bonus of twenty (20) percent if ten (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.
- **Very Low-Income Units.** A density bonus of twenty (20) percent if five (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.
- **Senior Citizen Housing Development.** A density bonus of twenty (20) percent if a housing development qualifies as a Senior Citizen Housing Development, as defined in Section 51.3 of the Civil Code.
- **Moderate Income Units in Condominium and Planned Use Developments.** A density bonus of five (5) percent if ten (10) percent of the total dwelling units in a condominium project, as defined in Subdivision (f) of, or in a Planned Development, as defined in Subdivision (k) of Section 1351 of the Civil Code, are affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

The number of units to which the applicant is entitled may exceed the percentage specified in Subsection (a) under the following provisions:

- **Lower Income Dwellings.** For each additional one 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.
- **Very Low-Income Dwellings.** For each additional one percent increase above five 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.
- **Condominium and Planned Development Units.** For each additional one percent increase above 10 percent units affordable to moderate income households, the density bonus shall be increased by one percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.

Assembly Bill 1287 Additional Density Bonus for Very Low- to Moderate-income Units

California Assembly Bill 1287, signed into law on June 21, 2023, requires that a city, county, or city and county grant an additional density bonus. Additional density bonuses are to be administered when housing development conforms to specified requirements and provides 24 percent of the total units to lower income households, conforms to specified requirements and provides 15 percent of the total units to very low-income households, or conforms to specified requirements and provides 44 percent of the total units to moderate-income units.

The Density Bonus Law prohibits a local government from conditioning the submission, review, or approval of an application pursuant to the Density Bonus Law on the preparation of an additional report or study that is not otherwise required by state law, but provides that this provision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, as specified.

Conclusion

Recently passed state legislation includes new updates for density bonuses. Assembly Bill (AB) 571 prohibits local governments from charging affordable housing impact fees, including inclusionary zoning fees, public benefit fees, and in-lieu fees on deed-restricted affordable units that are part of a project eligible for a density bonus under State Density Bonus Law. AB 491 requires common entrances to amenities for affordable housing units and market-rate housing units in mixed income multifamily structures. AB 2345 amended the State Density Bonus Law to increase the maximum density bonus from 35 percent to 50 percent and the levels of bonus density between 35 percent and 50 percent are granted on a sliding scale. AB 1287 requires additional density bonuses to be administered when housing development conforms to specified requirements. The City of Porterville is not in compliance with AB 1287 as it does not provide additional density bonuses for compliance with the criteria set forth by the bill.

Recommended Action

Revise the Development Ordinance to provide additional density bonuses under the criteria set forth by AB 1287. The City will implement Housing Plan Program 7 to revise the Density Bonus Ordinance to comply with state law.

E3.3.2.4 On- and Off-Site Improvement Standards

The typical improvements required by the City for development of property include curb, gutter, sidewalk, and street improvements. Extension of necessary utilities is also generally required as new subdivisions are developed. As stated in HUD's study of Subdivision Requirements as a Regulatory Barrier, such requirements can reasonably be considered regulatory barriers to affordable housing if Porterville determines that the requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.[2]

The City's General Plan requires that all local residential streets maintain a minimum of 47-foot right-of-way, including a 30-foot road, two four-foot sidewalks, and two four and one half-foot planter strips. The City's improvement standards further refined these street standards to consist of 56-foot right of way, 36-foot roadway width, two five-foot sidewalks, and two four and one half-foot planter strips to accommodate specific City needs.

Public improvement standards and approximate values are listed below.

- **Local Street** – 56-foot right-of-way, including 36 feet of pavement with two travel lanes and two parking lanes. Minimum 2.5 inches asphalt concrete over seven inches aggregate base. Value: range between $4.00 to $6.00/sf.
- **Curb and Gutter** – 31 inches from edge of gutter to back of curb, six inches of concrete over compacted native soil (depending on expansive index). Value: $40 to $60 per linear foot, dependent upon method of construction.
- **Sidewalk** – Minimum of 60-inch from back of planter strip to edge of right of way, four inches thick concrete over compacted native soil (dependent on expansive index). Value: range between $7.00 to $10.00/sf.
- **Sewer Lateral** – Minimum four-inch PVC (dependent upon depth) with minimum slope of ¼-inch per foot. Value: range between $3,000 to $5,000/ea.
- **Water Service** – Minimum one-inch polyethylene (PE) pipe, radio-read meter, meter box with fibrelyte lid, with stainless steel saddles, straps, and bolts. Value: range between $3,000 to $5,000/ea.

Total costs for on and off-site improvements vary by project depending on the size, location, and project need. Typically, infill projects require little or no off-site improvements. Large greenfield developments may require trunk utilities and major street improvements. Based on a review of recent developments, off-site improvement costs typically total $8,000 to 12,000 per lot for a single-family subdivision in Porterville. Comparatively, the costs for single-family development in Tulare County range from $2,500 to $30,000 per unit for development in an existing service district.[3] For a standard (small) subdivision with 28 lots, the estimated total amount for off-site improvement costs would be $250,000. For a medium subdivision with 80 lots, the estimated total would be $900,000. For a large subdivision with

[2] U.S. HUD. 2007. Study of Subdivision Requirements as a Regulatory Barrier. https://www.huduser.gov/portal/publications/commdevl/subdiv_report.html
[3] County of Tulare. 2023. Tulare County Housing Element. https://tularecounty.ca.gov/rma/planning-building/tulare-county-housing-element/tulare-county-housing-element-2023-2031-update/

229 lots, the estimated total would be $2.3 million. For multifamily housing, off-site improvement costs are typically $4,000 to 6,000 per unit in Porterville.

Conclusion

On/off site improvement standards in the City of Porterville are typical of small cities and comparable to, or less than those of surrounding jurisdictions. The City does not consider the requirements to be greater than those necessary to achieve health and safety requirements. It should be noted that once the improvements are completed, the street and water service are typically granted to the City who is then responsible for operating, maintaining, repairing, and replacing the improvements in perpetuity. The property owner is responsible for maintaining, repairing, and replacing concrete improvements and their sewer lateral when they are in disrepair.

Recommended Action

None required.

E3.3.2.5 Provision of a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites that are zoned to encourage the development of a variety of housing types available to all economic segments of the population. Persons and households of different types, ages~~, types~~, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This includes single-family homes, multifamily housing, accessory dwelling units, mobile homes, agricultural employee housing, homeless shelters, and transitional housing, among others. Table E3-8 summarizes the housing types permitted and conditionally permitted for the City of Porterville.

Table E3-8 Residential Use Matrix

Residential Use	AC	RR	RS-1	RS-2	RM-1	RM-2	RM-3	DRM-2	DRM-3	D-MX
Single-family										
Attached	–	–	–	P	P	P	P	P	P	-
Detached	P	P	P	P	P	P	P	–	–	–
Multifamily residential	–	–	–	–	P	P	P	P	P	P
Group Residential	-	P	P[2]	P[1]	P[1]	P	P	P	P	P[1]
Mobile Home Parks	–	–	–	–	C[2]	C[2]	C[2]	–	–	–
Residential Care Facilities, Limited[4]	P	P	P	P	P	P	P	P	P	P
Single room occupancy	–	–	–	–	–	–	–	–	–	C3

P = permitted; C= Conditional Use Permit

Notes:

(1) Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.

(2) Limited to sites with a minimum gross site area of 10 acres.

(3) Residential units allowed only on upper floors unless approved with a Conditional Use Permit, common ancillary areas are allowed on the ground floor except on Main Street.

(4) This category includes transitional housing, foster family homes, community service facilities, and any facilities supervised by or under contract with the State Department of Corrections.

Source: Porterville Development Ordinance, Adopted November 2022.

Manufactured Housing

Manufactured homes are permitted in any residential zone where a conventional single-family detached dwelling is permitted and are~~is~~ subject to the same ~~restrictions on density and to the same property development regulations~~development standards.

Manufactured homes shall be designed and operated in compliance with the following standards:

- **General Requirements.** Manufactured homes may be used for residential purposes. Manufactured homes may also be used for temporary uses subject to the approval of a T~~t~~emporary Use Permit.
- **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
  - **Foundation.** A manufactured home shall be built on a permanent foundation system approved by the Building Official.
  - **Date of Construction.** Each manufactured home shall have been manufactured within ten (10) years of the date of issuance of a permit to install the manufactured home and shall be certified under the National Manufactured Home Construction and Safety Act of 1974.
  - **Skirting.** The unit's skirting shall extend to the finished grade. (Ord. 1866, 11-19-2019)

Conclusion

Manufactured housing requirements do not constrain development of this housing type.

Recommended Action

None required.

Accessory Dwelling Units

The City permits the development of ADUs in any residential district in areas zoned to allow single-family or multifamily dwelling residential use. An ADU shall be located, developed, and operated in compliance with Section 301.01(b) Residential Accessory Structures and the following standards:

- **Location.** ADUs may be established on any lot 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 an ADU. Only one ADU is permitted per primary single-family dwelling on the same lot. The primary unit shall meet all City codes including density the height, setback, lot coverage, and other zoning requirements. Any nonconforming structures shall be converted into an ADU shall be brought into conformance prior to construction of the ADU.
- **Development Standards.** Accessory Dwelling Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the following development standards, other requirements of the Development Ordinance, and other applicable City codes. Applications for an ADU shall include: (1) location map and site plan drawn to scale showing existing and proposed structures and additions, orientation and dimension of lot and structure(s) on the lot, and adjacent streets, access and parking and (2) a floor plan of existing and proposed structures.
  - **Type of Unit.** The ADU shall provide separate, independent living quarters for one (1) family. The ADU may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this section. An existing single-family dwelling may be converted into two (2) dwelling units.

- **Maximum Floor Area.** The total area of floor space of a detached ADU shall not exceed twelve hundred (1,200) square feet. The floor area of an Attached ADU shall not exceed thirty (30) percent of the living area, or the minimum area of an efficiency unit as described in Section 17958.1 of the California Health and Safety Code, whichever is greater.
- **Architectural Compatibility.** The entrance to an Attached ADU shall be separate from the entrance to the first unit and shall be installed in a manner as to negate an obvious indication of two (2) units in the same structure. An ADU shall be designed and constructed to blend with and complement the existing single-family unit in terms of height, roofing, siding materials and color.
- **Parking.** In accordance with state law, no additional parking is required for ADUs. Any parking that the owner chooses to include must be developed to City standards, including a paved driveway in compliance with City codes.

- **Use Limitation.** No use limitations exist. Either the primary or secondary unit (or both) may be for rental purposes although neither unit may be sold separately.
- **Deed Restrictions ~~for Junior Accessory Dwelling Unit (JADU)~~.** Before obtaining a building permit, the property owner shall file with the County Recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:
  - The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling is occupied by the owner of the property.
  - The second dwelling cannot be sold separately.
  - The restrictions shall be binding upon any successor in ownership of the property, the City may enforce these provisions at the cost of the owner, and enforcement may include legal action against the property owner.
- ~~Before obtaining a building permit for a JADU, the property owner shall file with the County Recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:~~
- ~~Sale of the junior accessory dwelling unit separate from the sale of the single-family residence, is prohibited.~~
- ~~The size and attributes of the Junior Dwelling Unit, and any subsequent modifications, shall conform to California Government Code 65852.22, as may be amended and/or renamed or renumbered.~~
- ~~This Declaration of Restrictions shall be enforceable against future purchasers or owners of the property. This covenant and agreement shall run with the land and be binding upon any future owners, heirs or assigns until such time as an instrument executed by the current Property Owner and the City of Porterville is recorded, agreeing to any change in the covenants in whole or in part.~~
- ~~Enforcement will be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violations or to recover damages, as permitted by law.~~
- ~~Invalidation of any one of the aforesaid covenants by judgment or court order will not affect any of the other provisions, which will remain in full force and effect.~~
- **Conversion of an Existing House to an Accessory Dwelling Unit.** In cases where an existing single-family residence is twelve hundred (1,200) square feet or less, the Zoning Administrator may approve the construction of one (1) additional residence which is intended to be the primary

residence on the property. The existing residence, which is intended to become the lawful ADU, shall comply with all the requirements of this Ordinance, including the ADU size limitations. The primary residence shall be constructed in accordance with the provisions of the applicable zoning district and other requirements of this Ordinance. (Ord. 1866, 11-19-2019)

Conclusion

State law governing ADUs and JADUs has changed over the past eight years. State law supersedes local ordinances and while some jurisdictions adopt local ordinances making provisions for ADUs and JADUs, rapid changes mean that local ordinances become out of date. Several of the City's ADU development standards and requirements are prohibitive and are not consistent with current state law. For example, AB 587 and AB 345 allow ADUs to be sold or conveyed separately under limited circumstances. Additionally, owner-occupancy of the primary unit or ADU is no longer required.

Recommended Action

Revise the Development Ordinance to allow the development of ADUs in all residential and mixed-use zones, in compliance with state law. Additionally, ADU and JADU development standards and regulations will be updated to comply with all current state law. The City will implement Housing Plan Program 5 to update the Development Ordinance to encourage the development of ADUs.

Multifamily Housing

Multifamily housing is permitted by-right in the RM-1, RM-2 and RM-3, DRM-2, DRM-3, and D-MX zones. However, single-family dwellings are also permitted by right in these zones except D-MX. In addition, RM-3 has a minimum of 10 units required per net acre, which will be updated with the Development Ordinance update to 20 units per net acre.

Conclusion

Allowing single-family residences by right in multifamily zones potentially constrains the development of multifamily housing.

Recommended Action

Revise the Development Ordinance ~~provisions for RM-3 district~~ to prohibit single-family uses in the RM-3 zone. Update RM-1 and RM-2 zones to allow ~~except for~~ small-lot single-family subdivisions developed at the density for the applicable zone as the only permitted single-family use in those zones. Small-lot subdivisions require a tentative map and discretionary review by the City Council.~~The provision to allow small-lot subdivisions ensures that any single-family development on RM-1 and RM-2 zoned sites would achieve density consistent with typical multifamily residential development and would provide flexibility for developers. Small-lot subdivisions requiring a tentative map would continue to require discretionary review by City Council.(consistent with State law) by City Council.~~ The City will implement Housing Plan Program 6 to revise the Development Ordinance ~~provisions~~ for RM districts.

Group Residential, Residential Care Facilities (Limited) and Residential Care Facilities (General)

The current Development Ordinance was amended in 2015 to comply with the Lanterman Act and to expressly permit Residential Care Facilities serving six or fewer persons in all residential zones. Group Residential or Residential Care Facilities of six or fewer persons are considered a residential use under

the use classifications and are permitted by-right in all residential districts, in accordance with state law. The City's Development Ordinance permits Residential Care Facilities (General) serving more than six persons in the RM-1, RM-2, RM-3, DRM-2, and DRM-3 districts with a CUP. In the RS-1, RS-2, RM-1, and D-MX districts, Group Residential are limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.

Conclusion

The CUP requirement for Residential Care Facilities (General) of more than six residents is a constraint to the development of this use. Additionally, the requirements for Group Residential in certain districts that limit the number of residents, rooms, and meals constrain the development of this use.

Recommended Action

The City will implement Housing Plan Program 6 to amend the Development Ordinance to conditionally permit large residential care facilities (for seven or more) in all zones that permit residential uses subject only to the requirements of residential uses of similar type and form. Findings for approval will be objective to provide certainty in outcomes.

Emergency Shelters

The City of Porterville permits Social Service Facilities, such as homeless shelters and emergency shelters, in the RM-3, CMX, D-MX, DRM-2, and DRM-3 zoning districts with a CUP. Social Service Facilities are allowed by-right in the CR and CG zone districts except on Main Street.

Additionally, the City requires Social Service Facilities to provide the following:

- Adequate and accessible sanitary facilities, including lavatories, rest rooms and refuse containers;
- Sufficient patron seating facilities for dining, whether indoor or outdoor;
- Effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas;
- A plan of operation, including but not limited to, patron access requirements, hours of operation, security measures, litter control, and noise attenuation;
- One parking space per 200 square feet of floor area.

The parking requirement for emergency shelters is not compliant with AB 2339, which requires cities to only require sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

Evidence of compliance with all Building and Fire Safety regulations and any other measures determined by the City Council to be necessary and appropriate to ensure compatibility of the proposed use or uses with the surrounding area shall be provided with permit applications.

In 2019, AB 101 was passed requiring that a Low Barrier Navigation Center development be a use by right in mixed-use zones and nonresidential zones permitting multifamily uses. A Low Barrier Navigation Center is a low barrier, temporary, service-enriched shelter that helps homeless individuals and families obtain permanent housing. The City will need to amend its Development Ordinance to explicitly allow the development of Low-Barrier Navigation Centers, by right, in residential use and mixed-use zones, as well as nonresidential zones permitting multifamily uses.

AB 2339 was passed in 2022 and went into effect January 1, 2023. AB 2339 requires that jurisdictions identify zoning designations where emergency shelters are allowed to include sites that meet at least one of the following:

- Vacant and zoned for residential use;
- Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals;
- Nonvacant and is suitable for use as a shelter in the current planning period.

Zoning designations identified to allow emergency shelters as a permitted use without a Conditional Use or other discretionary permit must allow residential uses. The City permits emergency shelters in the RM-3, CMX, D-MX, DRM-2, and DRM-3 zoning districts through a CUP, which does not comply with the requirements of AB 2339.

Identified sites that permit emergency shelters by-right must also have a minimum area of 200 square feet per unsheltered person to accommodate the number of people experiencing homelessness and the zoning designations identified to allow emergency shelters as a permitted use without a discretionary permit must allow residential uses. Additionally, AB 2339 requires that emergency shelters can only be subject to parking requirements such that the jurisdiction can require sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

The Kings/Tulare County Point-in-time count estimated that 1,053 people experienced homelessness in Tulare County in 2023, including 299 in Porterville. To meet the requirements of AB 2339, 200 square feet per person, equal to 1.37 acres of appropriately zoned land, would be needed. The City must permit emergency shelters in at least one zone by right that has at least 59,800 square feet, or 1.37 acres of land that meets the requirements of AB 2339.

As shown on Table E3-9, the RM-3 zone has potential capacity for more than 1,941 individuals in emergency shelters, which is more than the 299 individuals counted in 2023. There are sufficient parcels that could provide space for potential emergency shelters to meet the requirements of AB 2339.

Table E3-9 Emergency Shelter Capacity Analysis

APN	Acreage	Realistic Capacity (beds)	Vacant/Non-Vacant
252-240-005, -021	1.18	257	Vacant
251-180-007, -025	1.41	307	Vacant
251-180-011, -012	1.41	150	Vacant
247-160-049, -50, -037, -047, -048	2.10	457	Vacant
251-180-013	2.34	509	Vacant
251-180-015, -016	1.89	411	Vacant
Total for vacant sites	**8.92**	**1,941**	

Source: City of Porterville and Tulare County, 2023

Conclusion

Emergency shelters require a CUP in the RM-3, CMX, D-MX, DRM-2, and DRM-3 zoning districts. The CR and CG zone districts, where social services are permitted by-right, do not meet the requirements of AB 2339 as these zoning districts do not permit residential development. The parking requirement of one space per 200 square feet does not comply with AB 2339. Additionally, the requirement that emergency

shelters are to ensure compatibility with the surrounding area is subjective and poses a constraint to development.

Recommended Action

The City will implement Housing Plan Program 6 to revise the Development Ordinance to permit emergency shelters and low-barrier navigation centers in zones that allow residential uses; allow the development of emergency shelters by right in the RM-3, CMX, D-MX, DRM-2, and DRM-3 zoning districts or permit residential development in the CR and CG zone districts, in such a way that meets the requirements of AB 2339; expand the definition of emergency shelters to include interim housing options such as navigation centers, bridge housing, and respite and recuperative care; revise the parking standards for emergency shelters to be complaint with AB 2339; and ensure that requirements for emergency shelters are objective.

Transitional and Supportive Housing

"Transitional housing" is defined as buildings configured as rental housing operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

"Supportive housing" is defined as housing with no limit on length of stay that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining permanent housing, health services, and employment, as needed. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. AB 2162, which went into effect on January 1, 2019, requires that cities allow supportive housing with up to 50 units by-right in multifamily and mixed-use zones and precludes cities from imposing parking requirements on supportive housing developments located within 0.5-mile of a public transit stop.

Porterville permits transitional and supportive housing in all zoning districts that allow residential uses, subject to the restrictions that would apply to a residential use of the same type.

Conclusion

The City does not impose additional requirements on transitional and supportive housing types. The City complies with AB 2126.

Recommended Action

None required.

Farmworker Housing/Employee Housing

The Employee Housing Act (Health & Safety Code Section 17021.6) requires that any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that is not

required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

In Porterville, housing for employees or farmworkers is not currently defined in the existing Development Ordinance. Agricultural uses are allowed in the AC, RR, RS-1, RS-2, RM-1, RM-2, and RM-3 zones. Group residential uses are permitted in the RR, RS-1, RS-2, RM-1, RM-2, RM-3 zones and are limited to no more than two rooms in a rented dwelling with no more than four people total. Caretaker units for agricultural employees are permitted in the AC zone, when located on farms or ranches containing more than 10 acres. The Development Ordinance is not in compliance with state law regarding employee housing for farmworkers.

Conclusion

The City's Zoning Code does not comply with state law regarding employee or agricultural employee housing.

Recommended Action

The City will implement Housing Plan Program 6 to review and revise the Development Ordinance to ensure compliance with the Employee Housing Act (H&S Code Section 17021.6 and Section 17021.5).

Single-Room Occupancy Units

SROs are defined as a living or efficiency unit by California Health and Safety Code section 17958.1, intended or designed to be used as a primary residence by not more than two persons for a period of more than 30 consecutive days and having either individual bathrooms and kitchens or shared bathrooms and/or kitchens. Single-room occupancy (SRO) units are permitted with a CUP in the D-MX district. SRO units must be between 150 and 400 square feet and accommodate a maximum of two persons.

Conclusion

Permitting SROs only in one zone with a CUP constrains the development of SRO units.

Recommended Action

The City will implement Housing Plan Program 6 to amend the Development Ordinance to define SRO housing and establish SRO as a conditionally permitted use in zones where multifamily and mixed-use residential developments are permitted.

E3.3.3 Housing for Persons with Disabilities

California Government Code Section 65583 requires local jurisdictions to analyze potential and actual government constraints on the maintenance, improvement, and development of housing for people with disabilities. This is to ensure that persons with either physical or mental disabilities are provided reasonable accommodation for access to and the enjoyment of all facilities, including housing. Government Code Section 65583(c)(3) also requires housing elements to provide a program to "…address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities."

This section analyzes if the zoning policies and permitting procedures in Porterville impose any constraints on persons with disabilities accessing appropriate and adequate housing in the city.

E3.3.3.1 Definition of Family

The City of Porterville's definition of family is as follows:

> "One 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."

Conclusion

The City's definition of "family" is not restrictive.

Recommended Action

None required.

E3.3.3.2 Reasonable Accommodation Procedures

The federal Fair Housing Act and the California Fair Employment and Housing Act require that cities and counties provide reasonable accommodation where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. Cities and counties must also consider requests for accommodations related to housing for people with disabilities and provide the accommodation when it is determined to be "reasonable" based on fair housing laws and the case law interpreting the statutes.

Reasonable accommodation is one of the tools intended to further housing opportunities for people with disabilities. These accommodations require that local jurisdictions make modifications or exceptions in their zoning laws and other land-use regulations when accommodations are necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents with mobility impairments.

Reasonable accommodation enables developers and providers of housing for people with disabilities a means of requesting from the local government flexibility in the application of land use and zoning regulations or, in some instances, even a waiver of certain restrictions or requirements because it is necessary to achieve equal access to housing.

In August 2012, the City adopted its current reasonable accommodation process. The ordinance can be found in Chapter 610, titled "Adjustments." Chapter 610 authorizes staff to work with a developer to accommodate specific concessions to achieve reasonable accommodation adjustments protected by state or federal law. The zoning administrator may grant relief for the following:

- Setbacks: Front and rear yard setback adjustments not exceeding two feet (2'). Side yard setback adjustments not exceeding one foot (1').
- Building Site Coverage: Building site coverage adjustments not exceeding five percent (5%).
- Height: Maximum building height or other height limitations not exceeding five feet (5').

The applicant for reasonable accommodation must file their application with the zoning administrator. The application must state the reason for the request and how the findings listed in section 610.03 are satisfied. The required findings include the following:

- The adjustment is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;
- The granting of the requested adjustment would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this chapter;
- The granting of the adjustment will substantially meet or advance the intent and purpose of the zoning district in which the subject property is located;
- If the adjustment requested is to provide reasonable accommodation pursuant to federal or state statute, the responsible decision maker must find that denial of the requested adjustment would impose a substantial burden on religious exercise or would conflict with any federal or state statute requiring reasonable accommodation of persons with disabilities.

Conclusion

The City of Porterville's reasonable accommodation procedure is inconsistent with fair housing laws. Additional information regarding the procedure or additional assistance is not posted on the City's website.

Recommended Action

The City will implement Housing Plan Program 6 to revise its reasonable accommodation procedure and findings consistent to be consistent with fair housing laws and provide additional information regarding the reasonable accommodation procedure and additional assistance on the City's website.

E3.3.4 Planning and Development Fees

The City charges various fees and assessments to cover the cost of processing permits and providing certain services and utilities.

Table E3-10 describes the residential development planning fees for both single- and multifamily development. The City of Porterville has lower planning application fees than the City of Tulare, which is similar in size. A CUP in Porterville costs $1,164, while costs range from $2,536 and $5,133 for a CUP in City of Tulare. A Tentative Parcel Map is $1,500 in Porterville, while costs range from $2,639 to $6,613 for a Tentative Parcel Map in City of Tulare.

Table E3-10 Residential Development Planning Fees

Fee Title	City of Portville Amount
Annexation Process	
Major	$3,670
Minor	$1,835
Tentative Subdivision Map Review	$3004 + $39 per lot
Final Subdivision Map Review	$1672 + $40 per lot
Tentative Parcel Map	$1500
Final Parcel Map	$955
Project Review Committee	$250-750
General Plan Amendment	$1,599

Fee Title	City of Portville Amount
Zone Change	$1,105
Negative Declaration, Finding of No Significant Impact, EIR or EIS	Actual consultant cost, plus 10% contingency and 10% administrative cost
Notice of Exemption	$79
Conditional Use Permit	$1,164

Source: City of Porterville Master Fee Schedule, Effective 2022.

Development projects in the city are typically required to pay a range of development fees, including a 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 multifamily project. Multifamily residential development impact fees range from $12,000 to $14,500 per unit, assuming that an average of four to five units per multifamily development. This accounts for approximately 21 percent of the cost of development. The costs for service and infrastructure are nearly three times as much for multifamily projects because in most cases they require larger/increased capacity that involves higher costs associated with the project. However, when looking at the costs of service and infrastructure for multifamily projects on a per unit basis, the cost is less per unit than for a single-family home. 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.

Table E3-11 Residential Development Fees

Impact Fee	Single Family (R-1)	Duplex (R-2)	Multifamily (R-3 & R-4)	Mobile Homes
Water Acreage Fee/Acre	$4,517	$11,308	$26,400	$0
Sewer Acreage Fee/Acre	$2,761	$6,411	$14,957	$0
Storm Drain Fee/Acre	$7,441	$9,925	$14,891	$0
Transportation Fee/Unit	$1,489	$1,006	$1,006	$0
Park Impact Fee/Unit	$988	$767	$767	$555

Source: City of Porterville, 2023.

Development impact fees in Porterville are reasonable in comparison to other jurisdictions in the state and region. According to a 2019 National Impact Fees Survey of 37 jurisdictions in California, the average impact fees are $37,471 per single-family unit and $21,703 per multifamily unit[4].

Single-family development fees in Porterville are comparable to similarly sized cities in the same county. Fees for a single-family unit range from $17,000 to $20,000 in Porterville and are $18,677 in Tulare. Fees for a multifamily unit are less than those in similarly sized cities in the county. Fees for a single multifamily unit range from $12,000 to $14,500 in Porterville and are $17,781 per unit in Tulare. Table E3-12 below shows a comparison of development fees in other Tulare County jurisdictions.

[4] National Impact Fee Survey, 2019. Available at http://www.impactfees.com/publications%20pdf/2019survey.pdf

Table E3-12 Residential Development Fee Comparison

Jurisdiction	Total Cost Per Unit	
	Multifamily	Single-Family
Dinuba	$32,796 to $33,962	$37,059 to $38,888
Exeter	$10,495.25	$16,482
Farmersville	$16,400.00	$19,269
Lindsay	$40,342.88	$12,009
Porterville	$12,000 to $14,500	$17,000 to $20,000
Tulare	$17,781	$18,677
Woodlake	$11,478	$14,607

Conclusion

Planning and development fees are less than other cities in the region and are not considered a constraint to development.

Recommended Action

None required.

E3.3.5 Permit Types

The City of Porterville provides the full range of services relating to the development of property within its city boundaries. Annexations, subdivision maps, parcel maps, conditional use permits, and building plans are all processed by the City.

The development review process is intended to regulate all projects. It is used to limit the height, number of stories, and size of buildings and other structures designed, erected, or altered. Through this process, residential yard size and other open space uses are determined, which in turn control population density for conformance with the General Plan. Regulation is necessary to conserve and stabilize property values, provide adequate open space, diminish street congestion; facilitate adequate community utilities such as transportation, water, sewage, schools, parks, and other public facility requirements; and to safeguard public health, safety, and general welfare.

E3.3.5.1 Project Review

The Project Review Committee is a process that is intended to provide information on relevant General or Specific Plan policies, zoning and subdivision regulations, and procedures related to projects pursuant to the City's Development Ordinance. The Project Review Committee consists of the Zoning Administrator, City Planner, City Engineer, Chief Building Official, and Fire Chief or their designees. The Project Review Committee reviews development proposals for the following residential or mixed-use projects through the PRC process:

- Multifamily residential developments of four or more units or consisting of two or more structures
- A change in occupancy or where the new occupant is in a different use classification than the former occupant
- Any project that requires a discretionary approval, including but not limited to, CUP, Variances, zoning change, general plan amendment, subdivision, and annexation Preliminary Review of a Map Application

E3.3.5.2 Conditional Use Permits

CUPs are required for certain uses to ensure the design, location and operation will not interfere with the use and enjoyment of surrounding properties. CUPS are required for SROs and Emergency shelters. CUP applications are reviewed by the Project Review Committee. Once reviewed, the Committee prepares a report and bases its recommendation to the City Council, which reviews the application in public hearing. Approval is based on the following findings:

- Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted; and
- The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, Development Ordinance, and with any other applicable plan adopted by the City Council.

E3.3.5.3 Variances

An applicant can request a variance when seeking relief from the strict application of the Development Ordinance, where strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions. Variances may be granted with respect to dimensional and performance standards, but variances from the use regulations of the Development Ordinance are not allowed. Variance applications are reviewed by the Project Review Committee and require discretionary approval from City Council.

E3.3.5.4 General Plan Amendment and Zone Change

Projects that are not consistent with the General Plan or the Development Ordinance may require approval of a General Plan Amendment or a Zone Change and are reviewed by the Project Review Committee and require discretionary approval from City Council.

Conclusion

The development review process is not considered a constraint to development.

Recommended Action

None required.

E3.3.6 Permit Procedures and Processing Times

Depending on the magnitude and complexity of the development proposal, the time 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).

The most common housing applications and permit processing times are listed in Table E3-13. Processing time may also depend on the level of environmental review required.

Porterville imposes minimal standards for hearings and findings for residential development in any zone intended for residential use.

Single-family development applications that are consistent with the General Plan and Development Ordinance (and do not require a subdivision, CUP, variance, or land use or zoning change) only require

staff-level review for conformity with objective single-family development standards. The review takes about two to three weeks, with multiple departments reviewing the proposal concurrently. No public hearing is required if the project does not involve a subdivision, and no findings are required for approval. Attached single-family residential is allowed in the DRM-2 and DRM-3 Downtown zones. Small-lot development can be allowed in single-family residential zones with a CUP. The CUP is considered at the same hearing as the subdivision map.

Small ~~Single-family and~~ multi-family development applications (fewer than four units and one structure) that are consistent with the General Plan and Development Ordinance (and ~~that~~ do not require a subdivision, ~~conditional use permit~~CUP ~~(CUP)~~, variance, or ~~General Plan~~land use or zoning change) only require staff-level review for conformity with objective standards. The review takes about two to three weeks, with multiple departments reviewing the proposal concurrently. Once approved, applicants can apply for construction permits. No hearing is required if the project does not involve a subdivision, and no findings are required for approval. ~~Attached single-family residential is allowed in two Downtown zones (DRM-2 and DRM-3).~~ Small-lot development can be allowed in single-family residential zones with a CUP. The CUP is considered at the same hearing as the subdivision map.

Multifamily development is allowed by right in the Downtown Mixed-Use Zone as well as in other non-residential Downtown zones, provided housing is not on the ground floor. Ground-floor multifamily development is allowed in those zones with a CUP, for which a public hearing would be required.

If a hearing is required, the City has no Planning Commission, and one public hearing is held with City Council. If that hearing is continued (none have been during the last several years), the City is still bound by the hearings limitations of the Housing Crisis Act.

The Zoning Administrator (the Community Development Director or designated appointee) can make an approval determination for single-family development applications and multifamily applications with one structure consisting of three or fewer units. The Zoning Administrator determines whether an application is complete within 30 days of the date the application is filed with the required fee. Prior to obtaining a building permit, subdivision approval, or lot line adjustment, the applicant shall request the Zoning Administrator to determine whether the use, building, or change in lot configuration complies with all provisions of the City's Development Ordinance, or any CUP or variance approval issued pursuant to the Ordinance's requirements, and that all conditions of such permits and approvals have been satisfied. The Zoning Administrator shall determine whether the Development Ordinance allows the proposed uses or structures by right through a process called Zoning Conformance Review.

For multifamily projects with four or more units or consisting of two or more structures, and for projects that require discretionary approval (e.g., CUPs, variances, planned developments, mixed-use projects, zoning changes, general plan amendments, subdivisions, and annexations), the application must be reviewed by the Project Review Committee which will make general recommendations to the applicant—the Project R~~r~~eview C~~c~~ommittee does not approve projects, nor does it make recommendations to any approving body. The Project Review Committee comprises representatives from each City department and meets weekly to review certain projects prior to formal submittal. The Zoning Administrator can make the final approval determination for applications reviewed by the Project Review Committee unless the project requires discretionary approval.

For projects requiring a development agreement, the Zoning Administrator shall initiate and notice a public hearing and the City Council must make the following findings to approve the project:

- The project is consistent with the General Plan and any applicable specific plan.

- The project is authorized by the Ordinance as it relates to use and development standard regulations.
- The project will not be detrimental to the public health, safety and general welfare.
- The project will provide sufficient benefit to the city to justify entering into the development agreement.
- The project will not have a significant impact on the environment.

Subdivision maps for Minor Subdivisions (i.e., parcel maps) are reviewed by the Parcel Map Committee. The Parcel Map Committee can make an approval determination unless other related discretionary permits require approval by the City Council. If that is the case, the Parcel Map Committee provides a recommendation to City Council. The City Council also decides appeals from decisions made by the Zoning Administrator and the Parcel Map Committee. All subdivisions follow the statutory requirements of the Subdivision Map Act as set forth in the Porterville Development Ordinance, including findings prescribed under Government Code Section 66474. Processing of single-family home building permits between issuance of permits and final may take between two and four weeks while the construction on average may take up to six months. Multifamily developments require only staff-level reviews (when constructed in zones where they are permitted by-right), with total permit processing time averaging between four and six months. Other cities such as the City of Tulare have shorter average processing times with an average of two months to process multifamily developments. The average number of days from entitlement to building permit is 185 days, based on a review of projects from the past 18 months. The average number of days from time of application to permit issuance for residential projects specifically is 63.8 days, based on a review of residential projects from the past 18 months.

Table E3-13 Timelines for Permit Procedures

Type of Approval or Permit	Typical Processing Time
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

Source: Porterville Zoning Code, Adopted September 2022.

Table E3-14 shows the typical processing procedures by project type for Porterville. Porterville's permit processing times are generally consistent with typical permit processing times for cities in Tulare County, although slightly longer for multifamily applications.

Table E3-14 Typical Processing Procedures by Project Type

	One Single-Family Unit	Subdivision	Multifamily Units	Planned Unit Development
Project Review		X	X	X
Conditional Use Permit		X		
Tentative Map		X		
Environmental Assessment		X	X	X
Estimated Processing Time	2 weeks	2 - 3 months	4-6 months	3 - 4 months

Source: Porterville Zoning Code

E3.3.6.1 Building Permits

Building permit review timelines for all projects depend on the complexity and scope of work. In Porterville, the typical timeframe for building permit review is between 21 to 28 business days. This timeframe assumes that all necessary documents and applicant information are approved by all applicable departments. Resubmittals may require up to another 21 to 28 business days for review; however, the review process timeline depends on the number of comments and corrections required to be made by the applicant. Applicants with fewer comments and corrections are more likely to have a shorter resubmittal review period.

Conclusion

Permit procedures and processing times for multifamily units are not considered a constraint to development. Other cities in the county have similar permit processing times for multifamily developments, some have shorter permit processing times. The processing time in Tulare is also four to six months. The permit process is not considered a constraint to development.

Recommended Action

None required.

E3.3.6.2 State Streamlining (SB 35)

Under the 5th Cycle Housing Element reporting period (2015-2023), the City of Porterville has made insufficient progress toward its Above Moderate income RHNA and is subject to SB 35 streamlining provisions for projects that include at least 10 percent affordability. SB 35 requires that eligible projects be reviewed for compliance and consistency with the City's objective standards and are not subject to discretionary processes, such as CEQA environmental review and public hearings. Eligible projects with 150 units or fewer must be approved within 90 days and projects with more than 150 units must be approved within 180 days.

Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. A local government that has been designated as subject to the Streamlined Ministerial Approval Process by the Department shall provide information, in a manner readily accessible to the public, about the locality's process for applying and receiving ministerial approval, materials required for an application and relevant objective standards to be used to evaluate the application. A local government cannot impose application requirements that are more stringent than required for a final multifamily entitlement or standard design review in its jurisdiction.

The City does not have written procedures for SB 35 Streamlined Ministerial Approval Process. No projects have been approved through SB 35 ministerial approval. In addition, AB 1397 requires that 5th cycle opportunity sites re-used in the 6th cycle and identified to accommodate lower income units (Very Low-Income and Low-Income) be subject to by-right approval if projects include 20 percent affordable units for lower income households on-site.

Conclusion

The City should amend the Zoning Code to address updates to SB 35 and SB 330 and create written procedures for the Streamlined Ministerial Approval Process.

Recommended Action

The City will implement Housing Plan Program 6 to comply with state law and establish written procedures for the processing of SB 35 and SB 330 projects pursuant to state law. The City will implement Housing Plan Program 4 to amend the Development Ordinance to address the replacement housing requirements, according to AB 1397.

E3.3.6.3 Permit Streamlining Act

The Permit Streamlining Act sets forth various time limits within which state and local government agencies must either approve or disapprove permits and provides that these time limits may be extended once by agreement between the parties. The City currently meets the timelines below and complies with the Permit Streamlining Act including streamlining determinate with 30-day CEQA determination:

- 30 days to deem application complete/incomplete
- 30-day period restarts with each resubmittal on an incomplete application.
- 30 days to make environmental determination after an application is deemed complete, including whether the project is subject to CEQA streamlining
- 60 days after the environmental determination, including a finding that the project is exempt from CEQA, the City must take action to approve or disapprove the project. Applicants can agree to an additional 90 days to take action.

Conclusion

The City complies with the Permit Streamlining Act.

Recommended Action

None required.

E3.3.7 Short-Term Housing Rentals

The City of Porterville does not regulate short-term rental housing. As of July 2023, there were 45 active VRBO and Airbnb rentals in the city. There were 39 listings that rented the entire house and six listings that rented a private room within a housing unit. Short-term rentals can be found throughout the city but are mostly in the Downtown area and northwest area of the city. The low number of short-term rentals in the city indicates short-term rentals are not a constraint to long-term rental housing supply.

Conclusion

Short-term rentals are not considered a constraint to development.

Recommended Action

None required.

E3.3.8 Code Enforcement

The City of Porterville implements the Porterville Development Ordinance Adopted in 2010 and as amended, 2022 Edition of California Building Code (CBC), the 2022 Edition of California Fire Code. The 2022 California Building Code is set forth to regulate and govern the conditions and maintenance of all

property, buildings, and structures within the city by providing the standards for supplied utilities and facilities and other physical items and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use while providing for the condemnation and demolition of buildings and structures that are unfit for human occupancy and use. The City has not adopted local amendments to the building code.

The City has the power to inspect and declare unsafe any structure or piece of equipment, be it existing or under construction, that does not meet specific Municipal Code standards. These include, but are not limited to, structures with insufficient modes of egress; structures that are unsafe or that have been made structurally unsound due to fire, earthquake, or other natural disaster; buildings that are deemed a public nuisance, non-permitted construction; and buildings that have been constructed or maintained in violation of local or state law. Once a building has been declared unsafe, the building official may issue a Notice and Orders that the structure be repaired, vacated, or demolished within a reasonable amount of time and with the appropriate permits.

The enforcement of building codes in the city is centered on the inspection of new construction and remodels or renovations requiring building permits. However, for existing structures, City staff prioritizes code enforcement complaints according to the severity of the violation on the community and individuals. Situations that appear to pose a serious risk to health and safety are given top priority; others are pursued in the order in which they are received, as resources are available. In most cases for non-emergency complaints, a warning letter or courtesy notice is sent to the alleged violator to verify the status of the potential complaint and to obtain compliance and is given a timeframe to resolve the issue. Violators are typically given a few days to contact the City to outline the violation. The timeframe given to resolve violations can be anywhere from one week to several months, depending on the severity of the violation. For example, an immediate hazard such as sewage issues or non-permitted electrical violations are considered high-priority and are given a shorter timeline to remediate (typically only a few days). Additional time may be given on the condition that the individual is in contact and updating City staff to resolve the violation. For example, instances where a draftsman is needed to provide building plans, staff is able to work with the individuals and grant additional time.

For violations related to the Porterville Development Ordinance, the Planning Division documents the violation in the complaint system, verifies the violation is present, and captures the violation with photographs. A Code Violation letter is sent to the property address and to the property owner's mailing address with a response due date of two weeks. Staff will work with the individual to address the violation and if additional time is needed, staff may allow for extensions, depending on the circumstances of the violation. Whenever the violation is not remediated within the time given, staff will escalate the violation to Code Enforcement Division (Fire Department) for enforcement.

Code Enforcement under the prevention division of the Fire Department enforces provisions of all applicable state and City codes including, but not limited to, the Porterville Municipal Code, the California Health and Safety Code, business and professions code, labor code, uniform fire code, uniform building code, uniform housing code and uniform code for abatement of dangerous buildings, as said codes may from time to time be amended. The Code Enforcement officer works closely with members of other departments, including Public Works, Community Development, Parks and Leisure Services, Finance, and Police. The Code Enforcement officer works closely with other local, state, or federal agencies as needed. Code Enforcement officers make reasonable attempts to work with property owners/residents to obtain voluntary compliance. However, the officer also has the authority to issue citations and pursue other legal remedies as necessary and as authorized by local or state law. The time given to correct violations can greatly vary from a few days to several months depending on the nature and type of violation. Violations can derive from noncompliance with the Porterville Municipal Code,

Development Ordinance, or state statute, or if it is an immediate life and safety concern. In addition, the drivers of a resolution, such as proper noticing timelines as well as the extent of state court system processes are also major factors in timelines that are provided in order remediate violations; therefore, they can greatly vary, depending on the nature of the violation. The City has also adopted a Receivership Program to supplement and further code enforcement efforts on homes and other structures that create blight in neighborhoods. An ordinance to update and strengthen the existing nuisance abatement codes was adopted in 2016.

Building and safety codes are adopted to preserve public health and safety and ensure the construction of safe and decent housing. Compliance with these regulations may increase the cost of housing construction as well as the cost of rehabilitating older units, which may be required to comply with current codes. However, the enforcement of these codes is necessary for public health, and the requirements is not at the discretion of the City but is mandated under federal law.

Conclusion

The City's code enforcement policies are not a constraint.

Recommended Action

None required. The City will implement Housing Plan Program 9 to advertise the City's Housing Rehabilitation and Public Utilities Loan Program and Self-Help Enterprises' Housing Rehabilitation Program, and assist property owners with home repairs.

E3.3.9 Transparency in the Development Process

To increase transparency in the development process, the City publishes resources on its website (https://www.ci.porterville.ca.us/departments/community_development/planning.php) that help developers and homeowners navigate the residential development and home improvement processes. Specifically, the Planning Division webpage provides a zoning map, information on permit applications and process, staff contacts, the public hearing calendar, and planning and building permit resources. The Development Ordinance and zoning map, plan review procedures, forms and handouts, and fee schedule among other documents are available online. The Finance Webpage has additional information such as the previous annual finance reports for the past 22 years.

Conclusion

The City provides general information and handouts regarding the development process on the City website. Additional information may be provided on the City website to facilitate and further assist residents and developers.

Recommended Action

The City will evaluate its compliance with the new transparency requirements per Government Code Section 65940.1(a)(1) and make changes as necessary. The City will implement Housing Plan Program 7 to ensure compliance with state transparency requirements, including publishing resources relating to the City's development process on the City's website.

E3.3.10 Cumulative Impact of Development Standards

The Housing Element must analyze the cumulative effect of development standards on the development of housing and/or achieving densities after considering how all standards and/or ordinances relate to each other. In Porterville, maximum height requirements, overly restrictive parking requirements, paired with the lack of streamlining approval standards, may constrain development of multifamily housing.

E3.4 Environmental 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 environmental constraints to housing development in the city.

E3.4.1 Floodplains

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 number of impervious surfaces, surface run-off and therefore storm drainage must be managed.

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 in the city. 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 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 Elevation Certificate and appropriately raised floor plates for any development proposed in an identified hazardous flood zone. The Flood Elevation Certificate is prepared by a certified engineer, state-licensed surveyor or a certified architect and each individual sets their own rates. The cost of the Flood Elevation Certificate may also vary depending on other factors such as the building's structural details, building location, occupancy type, and requested turnaround time. The Flood Elevation Certificate may increase the cost of development, but this cost may be offset if the certificate allows for a reduction in price for the flood insurance.

E3.4.2 Seismic Zones

While Porterville is in proximity to major California fault lines, there is no specific threat or hazard from seismic ground shaking to residential development within the county and all new construction must comply with current state building code requirements related to seismic retrofitting. Between the minimal historical hazard of earthquakes in the city and the use of the most current building codes and construction techniques, earthquakes do not pose a significant danger to residential development.

E3.4.3 Wildland/Urban Fire Hazards

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

Due to the wooded nature of the Sierra Nevada foothills and hot summers, land located in the northeast portion of the city near Lake Success is considered to have a high to very high risk of wildfire. Forty-three percent of the city is considered to have a moderate fire hazard. All areas within city limits are not in a Fire Hazard Severity Zone; however, directly east and outside of the city limits are areas designated moderate and high severity zones.

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.

E3.4.4 Steep Slopes

The majority of the urban area is at elevations between 400 and 800 feet. However, the eastern portion of the city and surrounding area is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level. The Hillside Zone (HZ) Overlay District was established to achieve the City's objective to facilitate and permit the orderly development of property within the hillside areas through a set of hillside development standards. The HZ Overlay District applies to all properties within the incorporated boundaries of the city that are designated hillside development zone on the Porterville 2030 General Plan land use diagram and that have an average slope equal to or greater than six percent. While development within the HZ Overlay District is more expensive due to increased development standards, the HZ ordinance is required because it is necessary for building safety.

E3.4.5 Soil Contamination

Agricultural uses may contaminate sites due to the use of pesticides and other chemicals. Soil contamination may be a concern if a Phase One Environmental Site Assessment determines there is a potential for soil contamination and contamination is substantiated by a Phase Two study. The City ensures that the necessary steps are taken to clean up residual hazardous wastes on any contaminated sites proposed for redevelopment or reuse. Soil evaluations are required as needed to ensure that risks are assessed, and appropriate remediation is provided. Developing housing on these sites can involve

costs to remediate contaminated soil or groundwater. The remediation cost would typically be on the developer to address the clean-up and potential site contamination is not considered a constraint.

Conclusion

Environmental conditions in Porterville are not considered a constraint to development.

Recommended Action

None required.

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