

AGENDA
REGULAR MEETING OF THE
CITY OF KING CITY COUNCIL
AND
Sitting as SUCCESSOR AGENCY OF
THE RDA FOR THE CITY OF KING

TUESDAY MAY 22, 2018
6:00 P.M.

CITY HALL
212 S. VANDERHURST AVENUE
KING CITY, CALIFORNIA 93930

**Spanish interpretation services will be available at meeting*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, Please contact the City Clerk's Office (831-386-5925) at least 48 hours prior to the Meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

** Please submit all correspondence for City Council PRIOR to the meeting with a copy to the City Clerk.*

1. **CALL TO ORDER**
2. **ROLL CALL:** Council Members Darlene Acosta, Robert Cullen, Carlos DeLeon, Mayor Pro Tem Carlos Victoria, and Mayor Mike LeBarre
3. **FLAG SALUTE**
4. **CLOSED SESSION ANNOUNCEMENTS**
5. **SPECIAL PRESENTATIONS**
 - A. Voting Changes – Presented by the Monterey County Elections
 - B. Update on Charter Communications System Upgrade and High Speed Internet Services – Presented by Lisa Ludovici
 - C. Proclamation in Recognition of National Public Works Week
6. **PUBLIC COMMENT**

Any member of the public may address the Council for a period not to exceed *three minutes'* total on any item of interest within the jurisdiction of this Council that is not on the agenda. The Council will listen to all communications; however, in compliance with the Brown Act, the Council cannot act on items not on the agenda. Comments should be directed to the Council as a whole and not to any individual Council Member. Slanderous, profane or personal remarks against any Council Member, staff member or member of the audience is not permitted.
7. **COUNCIL COMMUNICATIONS & COMMITTEE REPORTS**

Individual Council Members may comment on Council business, his or her Council activities, City operations, projects or other items of community interest. Council Members may also request staff to report back at a subsequent meeting on any matter or take action to direct staff to prepare a staff report for a future agenda.
8. **STAFF COMMUNICATIONS**

Comments presented by the City Manager, City Attorney or other staff on City business and/or announcements.

- J. Consideration: Appropriation for New Slide Pool Heater Expense
Recommendation: approve by motion appropriating funds for a new pool heater not to exceed \$20,000.

10. PUBLIC HEARINGS

- A. Consideration: Amendment of the General Plan Land Use Element Text and Map, City's Zoning Code Text and Map, and Historic Corridor Revitalization Plan Related to Seasonal Employee Housing
Recommendation: open the public hearing, consider public testimony, adopt two Resolutions, introduce and conduct the first reading of two (2) Ordinances, by titles only and set the second readings and adoptions for the next regularly scheduled Council meeting of June 12, 2018.

11. REGULAR BUSINESS

- A. Consideration: Increase of Maximum Authorized Rate for USA Waste of California (DBA Waste Management) Garbage and Recycling Collection Service Fees for Fiscal Year 2018-19
Recommendation: City Council approve the increase in the maximum authorized fee for Waste Management's garbage and recycling collection rates for Fiscal Year 2018-19 effective July 1, 2018, resulting in an 8.25% increase, which includes:
- 3.08% increase per contractual adjustment for Service and Fuel Fees
 - 0.67% increase per Salinas Valley Solid Waste Authority fee adjustments for AB939 programs fees, organics processing, and transfer costs; and
 - 4.5% increase for the 3rd and last of the three Special retro Transfers fee adjustments.
- B. Consideration: On-Street Parking on River Drive
Recommendation: direct staff to prepare an Ordinance removing parking restrictions on the east side of River Drive.

12. CITY COUNCIL CLOSED SESSION

Announcement(s) of any reportable action(s) taken in Closed Session will be made in open session and repeated at the beginning of the next Regular City Council meeting as this portion of the meeting is not recorded.

13. ADJOURNMENT

City of King

Mayors Proclamation

In

Recognition of National Public Works Week

WHEREAS, public works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of this community; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from State and local units of Government and the private sector, who are responsible for and must plan, design, build, operate, and maintain the transportation, water supply, water treatment and solid waste systems, public buildings and other structures and facilities essential to serve citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in California to gain knowledge of and maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2018 marks the 58th annual National Public Works Week sponsored by the American Public Works Association be it now.

THEREFORE, BE IT PROCLAIMED on behalf of the City Council of the City of King the week May 20-26-, 2018 as National Public Works Week, and the community is urged to join with representatives of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to public works professionals, engineers, managers and employees and to recognize the substantial contributions they have made to our national health, safety, welfare and quality of life.

Mike LeBarre
Mayor

**City Council Meeting
May 08, 2018**

1. CALL TO ORDER:

Regular Meeting called to order at 6:01pm by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by David Phillips

3. ROLL CALL:

City Manager Adams conducted roll call.

City Council: Darlene Acosta, Robert Cullen, Carlos DeLeon, Mayor Michael LeBarre, Mayor Pro Tem Carlos Victoria.

City Staff: City Manager Steven Adams; Asst. City Attorney Roy Santos; Admin. Asst./Deputy City Clerk, Erica Sonne.

4. CLOSED SESSION ANNOUNCEMENTS:

No recordable actions taken at the last meeting.

5. PRESENTATIONS:

- A. Mayor LeBarre presented a commendation to DDS David Phillips for his 40 years of service as a dentist.

6. PUBLIC COMMUNICATIONS:

Maria is here in regards to the place where she lives as she has not been able to find a new place to live. She is supporting the item on the agenda for the moratorium.

Karen Jernigan, updated the Council on three items. She and her husband have completed a walking tour of King City book to go along with the walking tours. Wednesday they were able to install a new microfilm scanning machine at the library to record the history of the city and a dedication ceremony is being done on the 30th of the month on a Wednesday at 2:00p.m. Next Thursday Pinnacle Gateway partners meeting is in San Juan Bautista at the mission and they are going to be discussing concerns about the transportation issues of getting people into the park. King City has a good opportunity to provide the transportation.

7. COUNCIL COMMUNICATIONS:

Council Member Cullen thanked the Mayor for representing him for his District meeting while he was out of town. Schools can apply for the Wally Waste not awards, Salinas Valley Recycles (SVR) has assisted more than 60 schools in our service area in implementing comprehensive school-wide recycling programs. They can get a \$2,000 grant. This year Santa Lucia achieve the grant.

Mayor Pro Tem Victoria stated AMBAG meeting is tomorrow.

Council Member Acosta 4 Cities 4 Peace meeting moved to next month because of the annual law enforcement day.

Council Member DeLeon nothing at this time.

Landscape Requirements, provisions related to landscape and improvements in water quality and adopting by reference the Model Water Efficient Landscape Ordinance of the State of California.

Community Development Director Doreen Liberto, introduced this item.

Council member Cullen asked about the projects that have gone through the CUP process. The City Attorney explained that vested people usually don't have a problem but until you put "cement" in the ground you are subject to new laws.

Mayor LeBarre opened the public hearing reading the title into the record stating that the first reading is being waived. Seeing no one come forward, Mayor LeBarre closed the public hearing.

Action: Motion to waive first reading of the Ordinance with the reading of title only and approve the introduction of the Ordinance.
by Cullen and seconded by DeLeon.

AYES: Council Members: Mayor LeBarre, Acosta, Cullen, DeLeon, and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

- B. Consideration: Adoption of An Interim Urgency Ordinance Extending A Moratorium on The Issuance of Any New Permit for The Establishment of or Conversion to Seasonal Employee Housing Within the City of King for 10 Months and 15 Days

Community Development Director Doreen Liberto, introduced this item.

Fourth whereas clause add ordinance number 2018-755.

City Attorney Chaffin read into additional language the record "or upon adoption and effectiveness of an ordinance governing seasonal housing by the city council, whichever is first".

Mayor LeBarre opened the public hearing Mayor LeBarre read the title into the record stating that the first reading is being waived, seeing no one come forward, Mayor LeBarre closed the public hearing.

Action: Motion to adopt the proposed interim urgency Ordinance extending the moratorium on the issuance of any new permit for the establishment of or conversion to seasonal employee housing in the City of King ("City") for a period of ten (10) months and fifteen (15) days, and thereafter adopt the proposed ordinance with staff's corrections by Acosta and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Acosta, Cullen, DeLeon, and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

11. REGULAR BUSINESS:

- A. Consideration: Sales Tax Ballot Measure Sunset Clause

City Manager Steven Adams introduced this item.



Item No. 9(B)

REPORT TO THE CITY COUNCIL

DATE: MAY 22, 2018
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: CONSIDERATION OF CITY CHECK REGISTER

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

At least once a month, the City Treasurer shall submit to the City Council, a copy of the check register.

DISCUSSION:

The purpose of this item is to provide the Council an opportunity to review and monitor ongoing expenditures. These documents are attached.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

Check Register Report

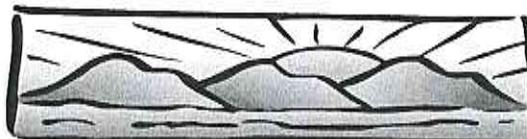
May 4, 2018 (FY 2017-18)

Date: 05/04/2018
Time: 11:53 am
Page: 1

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
60499	05/04/2018	Printed		ATT	AT & T	Monthly Internet -	75.00
60500	05/04/2018	Printed		ADAMSS	STEVEN ADAMS	C M Reimbursement -	115.54
60501	05/04/2018	Printed		KCTVHARD	ALCANTAR HARDWARE INC	Repair Swimming Pool Floor.	420.15
60502	05/04/2018	Printed		ALLIANT	ALLIANT INSURANCE SERVICES INC	Mobile Veh Program AMVP	62.00
60503	05/04/2018	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	June 2018 Computer Support.	3,225.25
60504	05/04/2018	Printed		AREVALO	FRANCISCO AREVALO	Facade Grant Payment 3 for	4,632.64
60505	05/04/2018	Printed		HANNA	ASSOCIATED ENGINEERING-SURVEY	Mills Ranch - Nino Homes	386.25
60506	05/04/2018	Printed		AT & T	AT & T	Sentry Alarm System -	3,434.49
60507	05/04/2018	Printed		AT&T - C	AT&T	911 Line -	39.64
60508	05/04/2018	Printed		CARMEL FIR	ART BLACK	Contract Service - Fire	3,875.00
60509	05/04/2018	Printed		CASEY PRIN	CASEY PRINTING, INC.	Newsletter - Spring	3,342.31
60510	05/04/2018	Printed		COMINFO	COUNTY OF MONTEREY	IT Mo Co Dept	1,132.90
60511	05/04/2018	Printed		CRIMESTAR	CRIMESTAR CORPORATION	Annual Support Fee	1,500.00
60512	05/04/2018	Printed		CSGCON	CSG CONSULTANTS INC	KCB 180-028	15,525.13
60513	05/04/2018	Printed		DEPT CONS	DEPARTMENT OF CONSERVATION	SMIP Fees	205.55
60514	05/04/2018	Printed		DEPT ACCNT	DEPARTMENT OF JUSTICE	Back Ground Check -	32.00
60516	05/04/2018	Printed		EARTH DESI	EARTH DESIGN, INC.	KC Farms LLC	30,670.24
60517	05/04/2018	Printed		POOLSUP	EFBE INC	Replace Swimming Pool	10,388.80
60518	05/04/2018	Printed		EIKHOF	EIKHOF DESIGN GROUP INC	Design Group Services	6,255.00
60519	05/04/2018	Printed		VEVH	EMERGENCY VEHICLE SPECIALISTS	Emergency Lights	50.00
60520	05/04/2018	Printed		GARCIAJ	JOVANY GARCIA	Open Gym - BB	126.50
60521	05/04/2018	Printed		GOGGLE	GOGGLES FOR GUPPIES, INC.	Swimsuits	25.00
60522	05/04/2018	Printed		GIS	GONZALES IRRIGATION SYSTEMS,	Traps for New KC	45.25
60523	05/04/2018	Printed		HDLCO	HDL COREN & CONE	Property Tax Contract Service.	1,250.00
60524	05/04/2018	Printed		HEARNEI	IVY HEARNE	Softball Umpire -	46.75
60525	05/04/2018	Printed		HEARNEM	MACKENZIE HEARNE	Softball Umpire -	46.25
60526	05/04/2018	Printed		HYDRO TURF	HYDRO TURF, INC.	Golf Course Equipment.	1,497.59
60527	05/04/2018	Printed		SCOFIELD	IRMA SCOFIELD	Polo Shirt W/Logo	135.60
60528	05/04/2018	Printed		JOHNSONL	LAUREN JOHNSON	Rec Aide - Softball	126.50
60529	05/04/2018	Printed		KIMLEY-HOR	KIMLEY-HORN & ASSOCIATES, INC.	Airfield Electrical Improve	69,712.83
60530	05/04/2018	Printed		KRKC	KING CITY COMMUNICATIONS CORP	Am & FM Services	50.00
60531	05/04/2018	Printed		KOLELECT	KOL ELECTRIC, INC	Pool temporary heater	1,922.17
60532	05/04/2018	Printed		LCAH	LOS COCHES ANIMAL HOSPITAL	Sick Cat	96.00
60533	05/04/2018	Printed		MCENVIRON	M3 ENVIRONMENTAL	City Hall Asbestos Removal.	4,222.48
60534	05/04/2018	Printed		MERCURIOD	DOMINIC MERCURIO	(6) 2 Liters of Soda for CPA	19.51
60535	05/04/2018	Printed		CYPRESSW	MILES CLIFFORD FARMER	Water Service	21,064.80
60536	05/04/2018	Printed		MOBAYECON	MONTEREY BAY ECONOMIC	MBEP Annual Membership	3,000.00
60537	05/04/2018	Printed		MO BAY SYS	MONTEREY BAY OFFICE PRODUCTS	Contract Service - 22809-04	658.05
60538	05/04/2018	Printed		CO MONTERE	MONTEREY COUNTY DA	Blood Alcohol Fees.	519.01
60539	05/04/2018	Printed		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Shop Supply	51.00
60540	05/04/2018	Printed		OFFICE DEP	OFFICE DEPOT	Office Supplies	162.35
60541	05/04/2018	Printed		PACIFIC CR	PACIFIC CREST ENGINEERING INC.	Landfill Sermi-annual	4,950.00
60542	05/04/2018	Printed		PIT	PITNEY BOWES INC	Ink for Postage Machine.	128.81
60543	05/04/2018	Printed		PURCHASE P	PURCHASE POWER*PITNEY BOWES	Postage Refill	235.75
60544	05/04/2018	Printed		QUILL CORP	QUILL CORPORATION	Supplies	638.44
60545	05/04/2018	Printed		QUINN	QUINN COMPANY	Generator for VWP Storm	1,781.90
60546	05/04/2018	Printed		RAMIRO'S	RAMIRO'S AUTO REPAIR	Ignition Switch.	151.16
60547	05/04/2018	Printed		RED SHIFT	RED SHIFT INTERNET SERVICES	Monthly Internet Service -	30.90
60548	05/04/2018	Printed		REGESTER	JUSTIN REGESTER	WW Book Operation &	66.55
60549	05/04/2018	Printed		WADSW	ROD WADSWORTH CONSRUCTION	Facade Grant Payment No 2	18,232.64
60550	05/04/2018	Printed		ROSE BACK	ROSE BACKFLOW SERVICES		-----



KING CITY
C A L I F O R N I A

Item No. 9(C)

REPORT TO THE CITY COUNCIL

DATE: MAY 22, 2018

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

BY: PATRICIA GRAINGER, ACCOUNTANT

**RE: CONSIDERATION OF MONTHLY TREASURER'S REPORT –
APRIL 2018**

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances."

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds. The City currently invests its funds with the Local Agency Investment Fund (LAIF) Program, administered by the State of California Treasurer's office. The City's housing rehab account is held at 1st Capital Bank, and the City's checking and payroll accounts, as well as developer deposits, are held at Well Fargo Bank, located at 506 Broadway, King City, CA 93930. A summary of investments and returns for the City is provided in the attached report.

COST ANALYSIS:

There is no fiscal impact as a result of this action

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

City of King
Investment Report
Schedule of Cash and Investments
April 30, 2018

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	Investment Type				
State of California LAIF - City	Pooled	1.51%	2,294,319.10	On Demand	N/R
1st Capital Bank	Checking Acct Housing Rehab	-	91,920.07	On Demand	N/R
Wells Fargo Bank	General Checking	-	5,085,558.15	On Demand	N/R
Wells Fargo Bank	Payroll Checking Account	-	17,145.06	On Demand	N/R
Petty Cash-City Hall/Change Fund	Change Cash Drawer	-	500.00	On Demand	N/R
Invested by City Treasurer (Subtotal):			7,489,442.38		
Total Cash and Investments			7,489,442.38		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy. Anticipated approval by the City Council on 05/22/2018. Cash flow liquidity is still limited.

SIGNED: _____


City Treasurer



Item No. 9(D)

REPORT TO THE CITY COUNCIL

DATE: MAY 22, 2018
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: CONSIDERATION OF SUCCESSOR AGENCY MONTHLY
TREASURER'S REPORT – APRIL 2018

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances."

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds, including successor agencies. The Successor Agency invests its bond proceeds in US Treasury obligations. All bond reserve funds are held by one bond trustee, U.S. Bank, and invested in accordance with the trustee agreement. The Successor Agency has three tax allocation bonds (TABs) issued. Yield, maturity and investment amount (proceeds) are itemized on the Successor Agency Schedule of Cash and Investments for the Agency.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

City of King
Investment Report
Schedule of Cash and Investments
April 30, 2018

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	Investment Type				
Wells Fargo Bank	SA Checking Account		789,194.02	On Demand	N/R
Invested by City Treasurer (Subtotal):			789,194.02		
Invested by Trustees (as of April 2018 Statements)					
Bond Reserves (1)					
<u>U.S. Bank - 2011 TARB</u>					
US Bank Money Market Ct	Escrow Fund #5050	0.00%	5,492,887.46	8/1/2034	5,492,887.46
<u>U.S. Bank - 2016 A & B TARB</u>					
US Bank Money Market Ct	Debt Service Fund #5000	0.00%	67.76	3/31/2025	67.76
US Bank Money Market Ct	Interest Account #5001	0.10%	9,245.40	3/31/2025	9,245.40
US Bank Money Market Ct	Cost of Issu Acct. #5009	0.10%	0.00	3/31/2025	0.00
<u>U.S. Bank - 2016 TARB</u>					
US Bank Money Market Ct	Debt Service Fund #6000	0.10%	73.70	3/31/2025	73.70
US Bank Money Market Ct	Interest Account #6001	0.00%	843.45	9/30/2016	843.45
US Bank Money Market Ct	Sinking Account #6003	0.00%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Reserve Account #6005	0.10%	319,603.35	3/31/2025	319,603.35
US Bank Money Market Ct	Cost of Issu Fund #6009	0.10%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Escrow Fund #6050	0.39%	0.00	9/30/2016	0.00
<u>Market Value Provided by U.S. Bank, Trustee</u>					
Invested by Trustees (Subtotal):			5,822,721.12		
Total Cash and Investments			6,611,915.14		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy. Anticipated approval by the City Council on 05/22/2018. Cash flow liquidity is still limited.

SIGNED: _____

City Treasurer

Note:
(1) Bonds



Item No. 9(E)

REPORT TO THE PUBLIC FINANCING AUTHORITY

DATE: MAY 22, 2018
TO: HONORABLE CHAIR AND MEMBERS OF THE AUTHORITY
FROM: STEVEN ADAMS, SECRETARY
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: CONSIDERATION OF MONTHLY TREASURER'S REPORT –
APRIL 2018

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances." The Public Finance Authority was used for the issuance of the Sewer Enterprise Bonds.

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds. The Authority currently invests its funds with the Local Agency Investment Fund (LAIF) Program, administered by the State of California Treasurer's office, as well as bank CD's and instruments issued by agencies of the United States Government. A summary of investments and returns for the Financing Authority is provided in the attached report.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

City of King
Investment Report
Schedule of Cash and Investments
April 30, 2018

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
	Investment Type				
Wells Fargo Bank	Fin Auth Checking Account		1,270.73	On Demand	N/R
State of California LAIF- Financing Authority	Pooled	1.51%	8.56	On Demand	N/R
Invested by City Treasurer (Subtotal):			1,279.29		
Total Cash and Investments			1,279.29		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy. Anticipated approval by the City Council on 05/22/2018. Cash flow liquidity is still limited.

SIGNED: 
Secretary



Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: MAY 22, 2018

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT
DIRECTOR AND OCTAVIO HURTADO, CITY ENGINEER

RE: CONSIDERATION OF THE AN ORDINANCE REPEALING
CHAPTER 15.50 OF THE KING CITY MUNICIPAL CODE AND
ADOPTING NEW CHAPTER 15.50 REGARDING WATER
EFFICIENT LANDSCAPING

RECOMMENDATION:

Conduct the second reading, by title only, and adopt Ordinance No. 2018-757 to repeal Municipal Code Chapter 15.50 and adopt a new Chapter 15.50 regarding water efficient landscaping.

BACKGROUND:

On May 8, 2018, the City Council (Council) approved the first reading of, and introduced Ordinance No. 2018-757 regarding water efficient landscape, as required by the State. The Council requested staff provide information on projects currently being processed or were approved that will need to meet the updated standards.

DISCUSSION:

Analysis

In 2006, the State adopted vegetation and watering standards for landscaping plants. Subsequently, the State updated its Model Water Efficient Ordinance (CA MWELo) with more stringent standards which must be implemented by local government. Additionally, the City's Phase II Small MS4 General Permit (Permit) with the State Regional Water Quality Control Board (Water Board) requires the City to adopt the most recent water efficient landscaping standards. If the ordinance is not adopted, the City is not in compliance with the approved Regional Board permit.

CITY COUNCIL

CONSIDERATION OF THE AN ORDINANCE REPEALING CHAPTER 15.50 OF THE KING CITY MUNICIPAL CODE AND ADOPTING NEW CHAPTER 15.50 REGARDING WATER EFFICIENT LANDSCAPING

MAY 22, 2018

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Municipal Code Chapter 15.50 – Water Efficient Landscape - will be repealed and replaced with an updated Chapter 15.50, which includes the regulations required by the Water Board and updated requirements of CA MWELO. The attached Ordinance meets the requirements of the updated CA MWELO and Water Board permit.

The City Council requested staff identify types of projects being processed that will now need to meet the updated standards. Ordinance Section 15.50.015 identifies the type of projects that need to comply with the updated standards. The primary sections applicable to the City are:

- **New construction** projects with a **landscape area greater than 500 square feet** requiring a **building or landscape permit, plan check or design review.**
- **Rehabilitated landscape projects** with an **aggregated landscape area equal to or greater than 2,500 square feet** requiring a **building or landscape permit, plan check or design review.**

Following are a few definitions in the Ordinance (Section 15.50.020):

- **“New construction”** is defined as a new building with a landscape or other new landscape, such as a park, playground or greenbelt without an associated building.
- **“Rehabilitated landscape”** means any re-landscaping project that requires landscape plan approval, meets the requirements of Section 15.50.015, and the modified landscape area is greater than 2,500 square feet.
- **“Landscaped area”** means the entire parcel less the building footprint, driveways, non-irrigated portions of parking hardscapes, such as decks and patios, and other nonporous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.

Based on the Ordinance, discretionary permits such as conditional use permits (CUP) that have not received building permits need to adhere to the new landscaping standards. For example, if a CUP was approved in December 2017 and has not received a building permit, the project needs to adhere to the new standards if the landscape area is greater than 500 square feet. Another

**CITY COUNCIL
 CONSIDERATION OF THE AN ORDINANCE REPEALING CHAPTER 15.50
 OF THE KING CITY MUNICIPAL CODE AND ADOPTING NEW CHAPTER
 15.50 REGARDING WATER EFFICIENT LANDSCAPING
 MAY 22, 2018
 PAGE 3 OF 5**

example is re-landscaping of 2,500 square feet or greater of an existing house site with an approved landscape plan.

There are two projects that are close to obtaining building permits that could be impacted by the new Ordinance, which includes the Sun Street Centers project and the Santa Maria Seeds project. However, staff believes it is feasible to approve building permits for both projects prior to the Ordinance taking effect.

Other projects that have obtained a CUP and have submitted building permit applications that are not yet issued include the following:

CUP 2016-008	Boutique Unlimited 151 Airport Drive
CUP 2016-010	The Tribe 150 Don Bates Way
CUP 2016-011	Golden State Science 190 San Antonio Dr. 026-521-039
CUP 2017-009	Elite Molecular 101 Airport Drive
CUP 2017-016	Sun Street Center 641 Broadway Street
CUP 2017-005	Santa Maria Seeds 111 E. San Antonio Drive

These projects may be impacted, but are still revising plans to address other issues that have been identified that are in most cases more significant than the landscaping changes. Therefore, staff does not recommend delaying the Ordinance for issuance of their building permits.

Other projects that have obtained their CUP, but have not yet submitted building permit applications include the following:

CUP 2016-009	King City Cultivation & The Tribe 1071 Industrial Way 026-351-036
CUP 2016-012	King City Cultivation 135 San Antonio Drive 026-521-040 and 026-521-008
CUP 2016-014	Boutique Unlimited 161 Airport Drive
CUP 2017-008	Elite Molecular 991 Industrial Way
CUP 2017-010	King City Farms 325 Airport Drive
CUP 2017-011	Tom Willoughby 740 S. First Street
CUP 2016-011	Golden State Science (Phase 2) 190 San Antonio Dr. 026-521-039

**CITY COUNCIL
CONSIDERATION OF THE AN ORDINANCE REPEALING CHAPTER 15.50
OF THE KING CITY MUNICIPAL CODE AND ADOPTING NEW CHAPTER
15.50 REGARDING WATER EFFICIENT LANDSCAPING
MAY 22, 2018
PAGE 4 OF 5**

Since they have not submitted building, they are able to address these requirements in their plans prior to submittal.

Advantages

Adopting the Ordinance would have the following advantages:

1. Allows compliance with the Water Board Permit. If said Ordinance is not adopted by June 30, 2018, the City is subject to fines and penalties.
2. Reduces municipal water usage for the City.
3. Allows the City to follow State landscaping and water use standards.

Disadvantages

1. The size of landscapes subject to the Ordinance has been lowered from 2,500 square feet to 500 square feet for projects requiring a permit, plan check or design review. Therefore, a greater number of applicants will be subject to new regulations, which will add costs to the overall project (e.g., separate irrigation meters, pressure regulators, master shut-off valves, high efficiency sprinklers, flow sensors).

Public Notification and Input

Notification of the Ordinance has been at least seventy-two (72) hours before the City Council meeting. No public input has been received.

COST ANALYSIS:

The Ordinance was prepared using a grant from the Central Coast Regional Water Quality Control Board. Cost of review and processing the amendment is through the general fund.

ENVIRONMENTAL REVIEW:

The Ordinance has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15307 of the State CEQA Guidelines for actions by regulatory agencies for protection of natural resources. The Landscape and Water Use Regulations addresses the protection of statewide water resources by requiring certain landscaping standards. There is no evidence that the proposed project may have a potential significant effect on the environment.

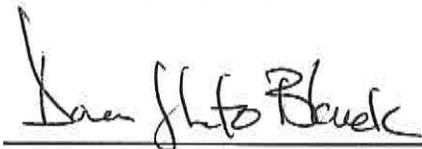
**CITY COUNCIL
CONSIDERATION OF THE AN ORDINANCE REPEALING CHAPTER 15.50
OF THE KING CITY MUNICIPAL CODE AND ADOPTING NEW CHAPTER
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MAY 22, 2018
PAGE 5 OF 5**

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

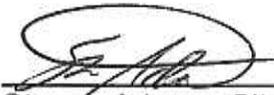
1. Conduct the second reading of Ordinance No. 2018-757, which repeals existing Chapter 15.50 and adopts new Chapter 15.50 - Water Efficient Landscape;
2. Direct staff to make changes to Ordinance No. 2018-757 and conduct second reading at the next meeting;
3. Do not conduct the second reading of Ordinance No. 2018-757 and request changes for re-introduction;
4. Delay consideration of the adoption; or
5. Provide other direction to staff.

Submitted by:



Doreen Liberto-Blanck, AICP, Community Development Director

Approved by:



Steven Adams, City Manager



ORDINANCE NO. 2018-757

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING
REPEALING MUNICIPAL CODE CHAPTER 15.50 AND REPLACING IT WITH
AMENDED CHAPTER 15.50 WHICH INCORPORATES LANDSCAPING AND
WATER USE REGULATIONS**

WHEREAS, stormwater from the City enters San Lorenzo Creek and the Salinas River and the State of California Water Resources Control Board requires that each city adopt an ordinance that conserves water used in landscaping irrigation and protects the water quality that runs off landscape areas and urban areas;

WHEREAS, in 2013, the Central Coast Regional Water Quality Control Board (Water Board) issued the City its most recent Phase II Small MS4 General Permit (Permit), authorizing the City to drain its storm water into the Salinas River and San Lorenzo Creek;

WHEREAS, certain Permit requirements must be met to continue draining its storm water in the Salinas River and San Lorenzo Creek without risk of penalty, including fines;

WHEREAS, one of the requirements is that the City must implement a landscape design and maintenance program to reduce the amount of water, pesticides, herbicides and fertilizers used by the City;

WHEREAS, on July 15, 2015 the new Model Efficient Landscape Ordinance was adopted by the California Water Commission, and State law requires that all land-use agencies adopt a water-efficient landscape ordinance that is at least as efficient as the Model Ordinance prepared by the Department of Water Resources (DWR);

WHEREAS, the repeal of Municipal Code Chapter 15.50 and adoption of new Chapter 15.50 (Water Efficient Landscape) meets the requirements of the Permit with the Water Board and the DWR Model Ordinance;

WHEREAS, the Ordinance provides for a landscape design and maintenance program to reduce the amount of water, pesticides, herbicides and fertilizers used by the City;

WHEREAS, the Ordinance has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with §15307 of the State CEQA Guidelines for actions by regulatory agencies for protection of natural resources; and

WHEREAS, at its meeting of May 8, 2018, the City Council of the City of King conducted a duly noticed meeting to repeal and replace Chapter 15.50 of the Municipal Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF KING AS FOLLOWS:

Section 1: The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (CEQA) in accordance with §15307 of the State CEQA Guidelines for actions by regulatory agencies for protection of natural resources.

Section 2: Chapter 15.50 of the City of King Municipal Code is hereby repealed and replaced in its entirety to read as follows.

Chapter 15.50 Water Efficient Landscapes

15.50.010 Purpose.

15.50.015 Applicability.

15.50.020 Definitions.

15.50.030 Provisions for new or rehabilitated landscapes.

15.50.040 Provisions for existing landscapes.

15.50.050 Effective precipitation.

15.50.060 Reference evapotranspiration.

15.50.070 Stormwater Management.

15.50.010 Purpose.

(a) The State Legislature has found:

- (1) That the limited supply of state waters is subject to ever increasing demands;
- (2) That California's economic prosperity depends on adequate supplies of water;
- (3) That state policy promotes conservation and efficient use of water;
- (4) That landscapes provide recreation areas, clean the air and water, prevent erosion, offer fire protection and replace ecosystems displaced by development; and
- (5) That landscape design, installation and maintenance can and should be water efficient.

(b) Consistent with the legislative findings, the purpose of this chapter is to:

- (1) Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) Establish a structure for designing, installing and maintaining water efficient landscapes in new projects; and
- (3) Establish provisions for water management practices and water waste prevention for established landscapes. (Ord. 559 § 1(Exh. A), 1993)

15.50.015 - Applicability

(a) This chapter shall apply to all of the following landscape projects:

- (1) New construction projects with a landscape area greater than 500 square feet requiring a building or landscape permit, plan check or design review;
 - (2) Rehabilitated landscape projects with an aggregated landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
 - (3) Existing landscapes limited to Sections 493, 493.1 and 493.2 of the State Model Water Efficient Landscape Ordinance; and
 - (4) Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2 of the State Model Water Efficient Landscape Ordinance.
- (b) This ordinance does not apply to:
- (1) Registered local, state or federal historical sites;
 - (2) Ecological restoration projects that do not require a permanent irrigation system;
 - (3) Mined-land reclamation projects that do not require a permanent irrigation system; or
 - (4) Existing plant collections, as part of botanical gardens and arboretums open to the public.

15.50.020 Definitions.

The words used in this chapter have the meaning set forth below:

"Anti-drain valve" or "check valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.

"Application rate" means the depth of water applied to a given area, usually measured in inches per hour.

"Applied water" means the portion of water supplied by the irrigation system to the landscape.

"Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data. "Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

"Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection

Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

"Check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

"Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per California Civil Code Section 1351.

"Conversion factor (0.62)" means a number that converts the maximum applied water allowance from acre-inches per acre per year to gallons per square foot per year. The conversion factor is calculated as follows:

$$(325,851 \text{ gallons}/43,560 \text{ square feet})/12 \text{ inches} = (0.62)$$

325,851 gallons = one-acre foot

43,560 square feet = one acre

12 inches = one foot

To convert gallons per year to 100-cubic-feet per year, another common billing unit for water, divide gallons per year by 748.

(748 gallons = 100 cubic feet)

"Drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.

"Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil. "Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

"Establishment period" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

"Estimated applied water use" means the portion of the estimated total water use that is derived from applied water. The estimated applied water use shall not exceed the maximum applied water allowance. The estimated applied water use may be the sum of the water recommended through the irrigation schedule, as referenced in Section 15.50.030(b)(3).

"Estimated total water use" (ETWU) means the annual total amount of water estimated to be needed to keep the plants in the landscaped area healthy. It is based upon such factors as the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system, as described in Section 15.50.030(b)(4).

"ET adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

"Evapotranspiration" means the quantity of water evaporated from adjacent soil surfaces and other surfaces and transpired by plants during a specific time.

"Flow rate" means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

"Hardscapes" means any durable material (pervious and non-pervious).

"Homeowner-provided landscaping" means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

"Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

"Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

"Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiencies for the

purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

"Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

"Landscape architect" means a person who holds a license to practice landscape architecture in the state of California.

"Landscaped area" means the entire parcel less the building footprint, driveways, non-irrigated portions of parking hardscapes, such as decks and patios, and other nonporous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.

"Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape irrigation audit" means a process to perform site inspections, evaluate irrigation systems and develop efficient irrigation schedules.

"Landscape plan" means the documents required under §15.50.030(b)(6).

"Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under §15.50.015.

"Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

"Local water purveyor" means the California Water Service Company.

"Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

"Maximum applied water allowance" (MAWA) means, for design purposes, the upper limit of annual applied water for the established landscaped area as specified in Section 15.50.030(b)(2). It is based upon the area's reference evapotranspiration, the ET adjustment factor and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. $MAWA = (ET_o)(0.62)[(ETAF \times LA) + ((1-ETAF) \times SLA)]$.

"Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

"Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"Mulch" means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

"New construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

"Operating pressure" means the pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.

"Overhead sprinkler irrigation systems" means those with high flow rates (pop-ups, impulse sprinklers, rotors, etc.)

"Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.

"Permit" means an authorizing document issued by King City for new construction or rehabilitated landscapes.

"Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

"Plant factor" or "plant water use factor" means a factor that when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of this chapter, the plant factor range for very low water use plants is 0 to 0.1, the plant factor of low water using plants ranges from 0 to 0.3, for average water using plants the range is 0.4 to 0.6, and for high water using plants the range is 0.7 to 1.0.

"Precipitation rate" means the rate of application of water measured in inches per hour.

"Project applicant" means the individual or entity submitting a landscape plan required under §15.50.030(a) to request a permit, plan check, or design review from the City. A project applicant may be the property owner or his or her designee.

"Rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains. "Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

“Recreational area” means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

“Recycled water,” “reclaimed water,” or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation; not intended for human consumption.

“Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per day, month, or year as represented in §15.50.050, and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances so that regional differences in climate can be accommodated.

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
MONTEREY King City	1.7	2.0	3.4	4.4	4.4	5.6	6.1	6.7	6.5	5.2	2.2	1.3	49.6

* The values in this table were derived from:

- 1) California Irrigation Management Information System (CIMIS).
- 2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999.
- 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922.
- 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426.

“Rehabilitated landscape” means any re-landscaping project that requires landscape plan approval, meets the requirements of Section 15.50.015, and the modified landscape area is equal to or greater than 2,500 square feet.

“Run off” means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

“Soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

“Soil texture” means the classification of soil based on the percentage of sand, silt and clay in the soil.

“Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, recreation areas, areas irrigated with recycled water, or water features using recycled water.

“Sprinkler head” means a device which sprays water through a nozzle.

“Static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

“Station” means an area served by one valve or by a set of valves that operate simultaneously.

“Turf” means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore paspalum, St. Augustine grass, Osiers and Buffalo grass are warm-season grasses.

“Valve” means a device used to control the flow of water in the irrigation system.

“Water conservation concept statement” means a one-page checklist and a narrative summary of the project as shown in Section 15.50.030(b)(1).

“Water conserving plant species” means a plant species identified as having a low plant factor.

“Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high-water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

“WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, and the Department of Water Resources. (Ord. 559 § 1(Exh. A), 1993)

15.50.030 Provisions for new or rehabilitated landscapes.

(a) Landscape Documentation Package.

- (1) A copy of the landscape documentation package conforming to this chapter shall be submitted to the city. No permit shall be issued until the city reviews and approves the landscape documentation package.
- (2) A copy of the approved landscape documentation package shall be provided to the property owner or site manager along with the record drawings and any other information normally forwarded to the power owner or site manager.
- (3) A copy of the water conservation concept statement and the certificate of substantial completion shall be sent by the project manager to the local retail water purveyor.
- (4) Each landscape documentation package shall include the following elements, which are described in subsection (b) of this section:

- (A) Water conservation concept statement;
- (B) Calculation of the maximum applied water allowance;
- (C) Calculation of the estimated applied water use;
- (D) Calculation of the estimated total water use;
- (E) Landscape design plan;
- (F) Irrigation design plan;
- (G) Irrigation schedules;
- (H) Maintenance schedule;
- (I) Landscape irrigation audit schedule;
- (J) Pesticides, herbicides and fertilizers;
- (K) Grading design plan;
- (L) Soil preparation, mulch and amendments; and
- (M) Certificate of substantial completion (to be submitted after installation of the project).

- (5) If effective precipitation is included in the calculation of the estimated total water use, then an effective precipitation disclosure statement from the landscape professional and the property owner shall be submitted with the landscape documentation package.

(b) Elements of Landscape Documentation Package.

- (1) Water Conservation Concept Statement. Each landscape documentation package shall include a cover sheet, referred to as the water conservation concept statement. An example of said statement is on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours. It serves as a checklist to verify that the elements of the landscape documentation package have been completed and has a narrative summary of the project.
- (2) The Maximum Applied Water Allowance.
 - (A) The formula for calculating the maximum applied water allowance and examples of calculations are on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and are open to inspection by the public during regular business hours.
 - (B) Portions of landscaped areas in public and private projects such as parks, playgrounds, sports fields, golf courses, or school yards where turf provides a playing surface or serves other recreational purposes are considered recreational areas and may require water in addition to the maximum applied water allowance. A statement

shall be included with the landscape design plan designating recreational areas to be used for such purposes and specifying any needed amount of additional water above the maximum applied water allowance.

(3) Estimated Applied Water Use.

(A) The estimated applied water use shall not exceed the maximum applied water allowance.

(B) A calculation of the estimated applied water use shall be submitted with the landscape documentation package. It may be calculated by summing the amount of water recommended in the irrigation schedule.

(4) Estimated Total Water Use.

(A) A calculation of the estimated total water use shall be submitted with the landscape documentation package. The estimated total water use may be calculated by summing the amount of water recommended in the irrigation schedule and adding any amount of water expected from effective precipitation (not to exceed twenty-five percent of the local annual mean precipitation) or may be calculated from a formula such as the following:

The estimated total water use for the entire landscaped area equals the sum of the estimated water use of all hydrozones in that landscaped area.

$$EWU(\text{hydrozone}) = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

EWU (hydrozone) = Estimated water use (gallons per year)

ETo = Reference evapotranspiration (inches per year)

PF = Plant factor

HA = Hydrozone area (square feet)

(.62) = Conversion factor

SLA = Special landscape area (square feet)

IE = Irrigation efficiency

(B) If the estimated total water use is greater than the estimated applied water use due to precipitation being included as a source of water, an effective precipitation disclosure statement such as the one in Section 15.50.040 shall be included in the landscape documentation package.

(5) Landscape Design Plan. A landscape design plan meeting the following requirements shall be submitted as part of the landscape documentation package.

(A) Plant Selection and Grouping.

(i) Any plants may be used in the landscape, providing the estimated applied water use recommended does not exceed the maximum applied water allowance and that the plants meet the

specifications set forth in subsection (b)(5)(A)(ii)—(iv) of this section. To encourage the efficient use of water, the following is recommended:

- (I) Protection and preservation of native species and natural vegetation;
- (II) Selection of water-conserving plant and turf species;
- (III) Selection of plants based on disease and pest resistance;
- (ii) Plants having similar water use shall be grouped together in distinct hydrozones.
- (iii) Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this chapter.
- (iv) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).
- (v) Fire prevention needs shall be addressed in areas that are fire prone. Information about fire prone areas and appropriate landscaping for fire safety is available from local fire departments or the California Department of Forestry.
- (vi) The use of invasive and/or noxious plant species is strongly discouraged.
- (vii) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(B) Water Features.

- (i) Recirculating water shall be used for decorative water features.
- (ii) Where available, recycled water shall be used as a source for decorative water features.
- (iii) Surface area of a water feature shall be included in the high-water use hydrozone area of the water budget calculation.
- (iv) Pool and spa covers are encouraged.

(C) Landscape Design Plan Specifications. The landscape design plan shall be drawn on project base sheets at a scale that accurately and clearly identifies:

- (i) Designation of hydrozones by number, letter, or other method;
- (ii) Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (iii) Landscape materials, trees, shrubs, groundcover, turf and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing and quantities of each group of plants indicated;
- (iv) Property lines and street names;
- (v) Streets, driveways, walkways and other paved areas;
- (vi) Pools, ponds, water features, fences and retaining walls;
- (vii) Existing and proposed buildings and structures, including elevation, if applicable;
- (viii) Natural features including, but not limited to, rock outcroppings, existing trees, shrubs that will remain;
- (ix) Tree staking, plant installation, soil preparation details and any other applicable planting and installation details;
- (x) A calculation of the total landscaped area;
- (xi) Designation of recreational areas;
- (xii) Identify areas permanently and solely dedicated to edible plants;
- (xiii) Identify areas irrigated with recycled water;
- (xiv) Identify type of mulch and application depth;
- (xv) Identify soil amendments, type, and quantity;
- (xvi) Identify type and surface area of water features;
- (xvii) Identify hardscapes (pervious and non-pervious);
- (xviii) Identify location and installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:

- (I) Infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (II) Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (III) Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff;
 - (xix) Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
 - (xx) Include the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
 - (xxi) Bear the signature of the person authorized to design a landscape.
- (6) Irrigation Design Plan. An irrigation design plan meeting the following conditions shall be submitted as part of the landscape documentation package.

(A) Irrigation Design Criteria.

- (i) Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten feet, and in median strips.

No overhead sprinkler irrigation systems shall be installed in median strips less than ten feet wide.

- (ii) Irrigation Efficiency. For the purpose of determining the Estimated Total Water Use, irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drop system devices.

(iii) Equipment.

- (I) Water Meters. Separate landscape water meters shall be installed for all projects except for single-family homes or any project with a landscaped area of less than five thousand square feet.

- (II) Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
- (III) Valves. Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent lowhead drainage.
- (IV) Sprinkler Heads. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability and ease of maintenance.
- (V) Rain Sensing Override Devices. Rain sensing override devices shall be required on all irrigation systems.
- (VI) Soil Moisture Sensing Devices. It is recommended that soil moisture sensing devices be considered where appropriate.

(B) Recycled Water.

- (i) The installation of recycled water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of recycled water, unless a written exemption has been granted as described in the following paragraph (B)(ii) of this subdivision.
- (ii) Irrigation systems shall make use of recycled water unless a written exemption has been granted by the local water agency, stating that recycled water meeting all health standards is not available and will not be available in the foreseeable future.
- (iii) The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.

(C) Irrigation Design Plan Specifications. Irrigation systems shall be designed to be consistent with hydrozones.

The irrigation design plan shall be drawn on project base sheets. It shall be separate from, but use the same format as, the landscape design plan. The scale shall be the same as that used for the landscape design plan described in subsection (b)(5)(C) of this section.

The irrigation design plan shall accurately and clearly identify:

- (i) Location and size of separate water meters for the landscape.

- (ii) Location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers and backflow prevention devices.
 - (iii) Static water pressure at the point of connection to the public water supply.
 - (iv) Flow rate (gallons per minute), application rate (inches per hour) and design operating pressure (psi) for each station.
 - (v) Recycled water irrigation systems as specified in subsection (b)(6)(B) of this section.
- (7) Irrigation Schedules. Irrigation schedules satisfying the following conditions shall be submitted as part of the landscape documentation package.
- (A) An annual irrigation program with monthly irrigation schedules shall be required for the plant establishment period, for the established landscape and for any temporarily irrigated areas.
 - (B) The irrigation schedule shall:
 - (i) Include run time (in minutes per cycle), suggested number of cycles per day and frequency of irrigation for each station; and
 - (ii) Provide the amount of applied water (in hundred cubic feet, gallons, or in whatever billing units the local water supplier uses) recommended on a monthly and annual basis.
 - (C) The total amount of water for the project shall include water designated in the estimated total water use calculation plus water needed for any water features, which shall be considered as a high water using hydrozone.
 - (D) Recreational areas designated in the landscape design plan shall be highlighted and the irrigation schedule shall indicate if any additional water is needed above the maximum applied water allowance because of high plant factors (but not due to irrigation inefficiency).
 - (E) Whenever possible, irrigation scheduling shall incorporate the use of evapotranspiration data such as those from the California Irrigation Management Information System (CIMIS) weather stations to apply the appropriate levels of water for different climates.
 - (F) Whenever possible, landscape irrigation shall be scheduled between two a.m. and ten a.m. to avoid irrigating during times of high wind or high temperature.

- (8) Maintenance Schedules. A regular maintenance schedule satisfying the following conditions shall be submitted as part of the landscape documentation package:
- (A) Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but, not be limited to, checking, adjusting and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning and weeding in all landscaped areas. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
 - (B) Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.
 - (C) Irrigation systems shall be properly maintained to prevent water waste from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Repair of all irrigation equipment shall be done with the originally installed components or equivalents.
- (9) Landscape Irrigation Audit Schedules. A schedule of landscape irrigation audits, for all but single-family residences, satisfying the following conditions shall be submitted to the city or county as part of the landscape documentation package.
- (A) At a minimum, audits shall be in accordance with the State of California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, the entire document, which is hereby incorporated by reference. (See Landscape Irrigation Auditor Handbook (June, 1990) Version 5.5 [formerly Master Auditor Training]).
 - (B) The schedule shall provide for landscape irrigation audits to be conducted by certified landscape irrigation auditors at least once every five years.
- (10) Pesticides, Herbicides and Fertilizers. Provisions shall be made to reduce the discharge of pesticides, herbicides and fertilizers.
- (A) No application of pesticides, herbicides or fertilizers shall occur during irrigation or within 48 hours of predicted rainfall with greater than 50 percent probability as predicted by the National Oceanic and Atmospheric Administration (NOAA).
 - (B) Application of pesticide and herbicide should be limited to the least amount feasible, and manual weed and insect removal methods should be employed where practicable.

- (11) Grading Design Plan. Grading design plans satisfying the following conditions shall be submitted as part of the landscape documentation package.
 - (A) A grading design plan shall be drawn on project base sheets. It shall be separate from, but use the same format as, the landscape design plan.
 - (B) The grading design plan shall indicate finished configurations and elevations of the landscaped area, including the height of graded slopes, drainage patterns, pad elevations and finish grade.
- (12) Soil Preparation, Mulch and Amendments.
 - (A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition.
 - (B) Soil amendments shall be incorporated according to the recommendations of the soil management report in subsection (C) of this section and what is appropriate for the plants selected.
 - (C) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:
 - (I) A soil analysis satisfying the following conditions shall be submitted as part of the landscape documentation package.
 - (II) Determination of soil texture, indicating the percentage of organic matter;
 - (III) An approximate soil infiltration rate (either measured or derived from soil texture/infiltration rate tables). A range of infiltration rates shall be noted where appropriate;
 - (IV) Measure of pH, and total soluble salts;
 - (V) Recommendations.
 - (D) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area (unless contradicted by soil test) shall be incorporated to a depth of six inches into the soil. Soils with greater than 25 percent organic matter in the top 6 inches of soil are exempt from adding compost.
 - (E) A mulch of at least three inches shall be applied to all planting areas except turf.
 - (F) Organic mulch materials should take precedence over inorganic materials in instances where it is suitable, ecologically possible, and the material does not pose a fire hazard. Composted organic material, in particular that which includes post-consumer material, should be considered over more compacted products such as bark, wood chips, etc.
- (13) Certification.
 - (A) Upon completing the installation of the landscaping and the irrigation system, an irrigation audit shall be conducted by a certified landscape irrigation auditor prior to the final field observation. (See Landscape

Irrigation Auditor Handbook as referenced in subsection (b)(9)(A) of this section.)

- (B) A licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field shall conduct a final field observation and shall provide a certificate of substantial completion to the city. The certificate shall specifically indicate that plants were installed as specified, that the irrigation system was installed as designed, and that an irrigation audit has been performed, along with a list of any observed deficiencies.
 - (C) Certification shall be accomplished by completing a certificate of substantial completion and delivering it to the city, to the retail water supplier, and to the owner of record. A sample of such a form is on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours.
- (c) Public Education.
- (1) Publications.
 - (A) Local agencies shall provide information to owners of all new, single-family residential homes regarding the design, installation and maintenance of water efficient landscapes.
 - (B) Information about the efficient use of landscape water shall be provided to water users throughout the community.
 - (2) Model Homes. At least one model home that is landscaped in each project consisting of eight or more homes shall demonstrate via signs and information the principles of water efficient landscapes described in this chapter.
 - (A) Signs shall be used to identify the model as an example of a water efficient landscape and featuring elements such as hydrozones, irrigation equipment and others which contribute to the overall water efficient theme.
 - (B) Information shall be provided about designing, installing and maintaining water efficient landscapes. (Ord. 559 § 1(Ex. A), 1993)

15.50.040 Provisions for existing landscapes.

- (a) Water Management. All existing landscaped areas to which the city or county provides water that are one acre or more, including golf courses, green belts, common areas, multifamily housing, schools, businesses, parks, cemeteries, and publicly owned landscapes shall have a landscape irrigation audit at least every five years. At a minimum, the audit shall be in accordance with the California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, the entire document which is hereby incorporated by reference. (See Landscape Irrigation Audit Handbook, as referenced in Section 15.50.030(b)(9)(A)).
 - (1) If the project's water bills indicate that they are using less than or equal to the maximum applied water allowance for that project site, an audit shall not be required.

- (2) Recognition of projects that stay within the maximum applied water allowance is encouraged.
- (b) Water Waste Prevention. Cities shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Penalties for violation of these prohibitions shall be established locally. (Ord. 559 § 1(Exh. A), 1993)

15.50.050 Effective precipitation.

If effective precipitation is included in the calculation of the estimated total water use, an effective precipitation disclosure statement shall be completed, signed and submitted with the landscape documentation package. No more than twenty-five percent of the local annual mean precipitation shall be considered effective precipitation in the calculation of the estimated total water use. A sample of the precipitation disclosure statement is on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours. (Ord. 559 § 1(Exh. A), 1993)

15.50.060 Reference evapotranspiration.

The schedule showing the evapotranspiration for the counties situated in the state of California is on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours. (Ord. 559 § 1(Exh. A), 1993)

15.50.070 Stormwater management.

Landscape-related stormwater management practices can reduce runoff and improve water quality when properly designed and constructed. The following standards apply to the design of landscape areas used as bioretention facilities:

- (a) Facility Sizing. Bioretention facilities shall be designed to manage stormwater from the drainage management area. Sizing shall be in accordance with the City's stormwater permit and as codified elsewhere in the King City Municipal Code.
- (b) Plant Selection. Plants used in bioretention facilities shall be selected for tolerance to both periodic inundation, as well as prolonged dry periods. Plants shall be non-invasive and should be native to the region whenever possible, so as to reduce the demand for excessive irrigation and pesticide/herbicide application. A list of suitable plant species is on file with the King City Community Development Department. Plants shall be selected according to the surface grade and the incidence of periodic surface water inundation. Plants selected for Zone A should tolerate periodic surface water inundation as well as seasonal dry periods. Plants selected for Zone B should tolerate the planting on side slopes and surface water runoff.
- (c) Hydrozone Grouping and Irrigation. Installed plants within rain gardens and other bioretention facilities shall be grouped into hydrozones based on similar water usage. During plant establishment, temporary irrigation shall use separate valves for each hydrozone. All irrigation shall be removed or disconnected from the bioretention facility at the end of plant establishment.
- (d) Planter Edge and Curb Design. Bioretention facilities are intended to receive and treat stormwater runoff. Edge treatments shall be designed not to impede sheet

flow from surrounding areas. See standard design details contained in the King City Standard Drawings.

- (e) Compost. Compost application, quantity, and composition for bioretention facilities shall be as specified in the design details contained in the King City Standard Drawings.

Section 2. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (CEQA) in accordance with §15307 of the State CEQA Guidelines for actions by regulatory agencies for protection of natural resources. There is no evidence that the proposed project may have a potentially significant effect on the environment. As such, the project qualifies for exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 3. If any section, subsection, subdivision, paragraph, sentence or clause of the Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

Section 4. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of King at least five (5) days prior to the City Council meeting at which the proposed Ordinance is adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

Section 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty (30th) day after its final passage.

PASSED ADOPTED AND APPROVED THIS _____ day of _____, 2018.

Mayor Mike LeBarre, City of King

ATTEST:

City Clerk of the Council of the
City of King