

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, AUGUST 7, 2018
6:00 P.M.

Council Chambers, City Hall
212 S. Vanderhurst Avenue, King City, CA

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL:

Planning Commission Members: Oscar Avalos, Ralph Lee, David Mendez,
Domingo Uribe and Chairperson David Nuck

4. PUBLIC COMMENTS

Any person may comment on any item not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Action may not be taken on the topic, unless deemed an urgency matter by a majority vote of the Planning Commission. Topics not considered an urgency matter might be referred to City staff and placed on a future agenda, by a majority vote of the Planning Commission.

5. PRESENTATIONS

None

6. CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and may be approved by one action of the Planning Commission, unless any member of the Planning Commission wishes to remove an item for separate consideration.

- A. Meeting Minutes of July 17, 2018 Planning Commission Meeting
Recommendation: Approve and file.

7. PUBLIC HEARINGS

- A. Project: Establish and Regulate Temporary Use Permits and Special Event Permits by Repealing Chapter 5.32 of title 5, amending Subsection (B) of Section 5.34.010 and Section 5.34.115 of Chapter 5.34, of Title 5, Adopting Section 7.29.015 to Chapter 7.29 of Title 7, Adopting Chapter 7.60 to title 7; Amending Section 13.06.020 of Chapter 13.06, of title 13 and Amending Subsection (3) of Section 17.48.030 of Chapter 17.48, of the City of King Municipal Code

Applicant: City of King

Location: The regulatory ordinance and resolution would be applicable city wide.

Consideration: The project involves amendments to the City of King Municipal Code sections as noted below in order to establish and regulate temporary use permits and special event permits within the city limits.

- Repeals Chapter 5.32 of Title 5;
- Amends subsection (b) of Section 5.34.010 and Section 5.34.115 of Chapter 5.34, of Title 5;
- Adopts Section 7.29.015 of Chapter 7.29, of Title 7;
- Adopts Chapter 7.60, of Title 7;
- Amends Section 13.06.020 of Chapter 13.06, of Title 13; and Amends Subsection (3) of Section 17.48.030 of Chapter 17.48

Recommendation: Planning Commission recommend that the City Council adopt the Ordinance to Establish and Regulate Temporary Use Permits and Special Event Permits.

Environmental Determination: Environmental determination the Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines §15307 there is no possibility that it will have a significant effect on the environment, as well as it is also exempt because it consists of establishing standards for special event and temporary use permits. The project is exempt pursuant to CEQA Guidelines §15307.

8. NON-PUBLIC HEARINGS

None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR’S REPORT

11. WRITTEN CORRESPONDENCE

12. ADJOURNMENT

UPCOMING REGULAR MEETINGS

AUGUST

| | | |
|-------------------------|-----------|----------------------------|
| August 7 th | 6:00 p.m. | Planning Commission |
| August 13 th | 6:00 p.m. | Airport Advisory Committee |
| August 14 th | 6:00 p.m. | City Council |
| August 20 th | 6:00 p.m. | Recreation Commission |
| August 21 st | 6:00 p.m. | Planning Commission |
| August 28 th | 6:00 p.m. | City Council |

SEPTEMBER

| | | |
|----------------------------|-----------|----------------------------|
| September 4 th | 6:00 p.m. | Planning Commission |
| September 10 th | 6:00p.m. | Airport Advisory Committee |
| September 11 th | 6:00p.m. | City Council |
| September 17 th | 6:00 p.m. | Recreation Commission |
| September 18 th | 6:00p.m. | Planning Commission |
| September 25 th | 6:00 p.m. | City Council |

ADT: Average daily trips made by vehicles or persons in a 24-hour period

ALUC: Airport Land Use Commission

AMBAG: The Association of Monterey Bay Area Governments. The AMBAG region includes Monterey, San Benito and Santa Cruz Counties, and serves as both a federally designated Metropolitan Planning Organization and Council of Government. AMBAG manages the region's transportation demand model and prepares regional housing, population and employment forecast that are utilized in a variety of regional plans.

APCD: Air Pollution Control District

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

CC&Rs: Covenants, Conditions, and Restrictions (private agreements among property owners; the City has no authority to enforce these)

CDBG: Community Development Block Grant (a federal grant program designed to benefit low and moderate income persons)

CEQA: California Environmental Quality Act

CFD: Community Facilities District

COG: A council of government, or regional council, is a public organization encompassing a multi-jurisdictional regional community. It serves the local governments by dealing with issues that cross political boundaries.

CUP: Conditional Use Permit

EIR: Environmental Impact Report

Ex-Parte: Communication between Planning Commissioners and applicants outside of a public meeting

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

HOME: Home Investment Partnership Act (a federal program to assist housing for low and moderate income households)

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

HUD: U.S. Department of Housing and Urban Development

LAFCO: Local Agency Formation Commission

LID: Low Impact Development (measures to reduce rainwater runoff impacts)

LLA: Landscaping and Lighting District

LOS: Level of Service (a measurement of traffic efficiency used by Caltrans)

MIMTC: A multimodal transit center includes a combination of alternative modes of transportation so people do not have to only rely on vehicles.

MOU: Memorandum of Understanding

MIND: Mitigated Negative Declaration

MPO: A metropolitan planning organization is a federally mandated and federally funded transportation policy-making organization, such as AMBAG, that is made up of representatives from local government to help implement transportation projects and projects.

Neg Dec: Negative Declaration (a CEQA statement that a project will not have a significant effect on the environment)

NEPA: National Environmental Policy Act

SOI: Sphere of Influence.

TAMC: The Transportation Agency for Monterey County develops and maintains a multimodal transportation system for Monterey County. TAMC consists of local officials from each Monterey city (12 cities) and five (5) county supervisorial districts, and ex-officio members from six (6) public agencies.

TOT: Transient Occupancy Tax

Variance: A form of relief from zoning development regulations based on physical constraints of a property that prevents development of the same type of buildings allowed on other properties within the same zone and in the same neighborhood

VMT: Vehicle Miles Traveled

Planning Commission Minutes

July 17, 2018

1. Call to Order

Vice Chairperson Mendez called the regular meeting of the Planning Commission of the City of King to order at 6:03 p.m.

2. Pledge of Allegiance

Vice Chairperson Mendez led the Commission and audience in the Pledge of Allegiance.

3. Roll Call

Chairperson David Nuck A Oscar Avalos X

Ralph Lee X David Mendez X Domingo Uribe X

Commissioner Avalos made a motion to excuse Chair Nuck, seconded by Commissioner Uribe, motion carried 4-0.

Staff present: Community Development, Director Doreen Liberto; Asst. Planner, Maricruz Aguilar; Admin. Asst./Deputy City Clerk, Erica Sonne.

4. Public Comments

None

5. Presentations

6. Consent Calendar

All matters listed on the Consent Calendar are considered routine and may be approved by one action of the Planning Commission, unless any member of the Planning Commission wishes to remove an item for separate consideration.

A. Approval of Minutes: June 19, 2018

Action: Motion made by Commissioner Uribe to approve minutes of June 19, 2018. Seconded by Commissioner Lee. Motion carried 4-0.

7. PUBLIC HEARINGS

- | | | |
|----|------------|--|
| A. | Project: | Conditional Use Permit, Architectural Review, Sign Design Review for The Construction of An Approximate 15,645 Square Foot Project for The Operations and Maintenance Facility for Monterey Salinas Transit (MST) On Approximately 4.8 Acres, Located At 179 E. San Antonio Drive, King City, Ca 93930 |
| | Case No.: | Conditional Use Permit Case No. CUP2018-001 Architectural Review Case No. AR2018-002 Sign Design Review Case No. SN2018-005 |
| | Applicant: | Monterey Salinas Transit (MST) Lisa Rheinheimer, Director of Planning and Marketing |
| | Location: | 179 E. San Antonio Drive, King City, CA 93930 |

Consideration: MST South County Operations and Maintenance Facility Project (CUP Case No. 2018-001, AR Case No. 2018-002, SN Case No. 2018-005)

Recommendation: Planning Commission adopt the attached Resolution approving Conditional Use Permit Case No. CUP2018-001, Architectural Review Case No. AR2018-002, and Sign Design Review Case No. SN2018-005 for Monterey Salinas Transit (MST).

Environmental Determination: MST is the Lead Agency on the project under the CEQA the City of King is a Responsible Agency. MST conducted several technical studies which determined there are no significant adverse environmental impacts from the project. The studies included traffic, noise, air quality and water quality. These studies can be reviewed at City Hall. MST consulted with the City of King, and the City provided comments on **September 28, 2017**. On **October 17, 2017**, in accordance with Article 19, Categorical Exemption of the CEQA Guidelines, MST filed a Class 32 ((Infill Development Project) Categorical Exemption. A Notice of Exemption ("**NOE**") was provided to the City of King on **February 12, 2018**. There has been no challenge to the NOE, and no changes to the Project since the NOE. The City of King agrees with the Categorical Exemption and NOE.

Community Development Director Liberto introduced this item.
Assistant Planner Maricruz Aguilar went over the sign plan for the project.

Hunter Horvath, Assistant Administrator did a brief over view of the project. Goal to start construction after the holidays. This project will provide jobs for King City. It will be a complete facility with garages and staff to services buses.

Vice Chair Mendez opened the public hearing, seeing none,

Vice Chair Mendez closed the public hearing.

Commissioner Lee adopt the attached Resolution (2018-232) approving Conditional Use Permit Case No. CUP2018-001, Architectural Review Case No. AR2018-002, and Sign Design Review Case No. SN2018-005 for Monterey Salinas Transit (MST) seconded by Commissioner Uribe. Approved 4-0.

B. Project: Elite Molecular, LLC, Conditional Use Permit Amendment

Case No.: CUP 2017-009(c)18

Applicant: Elite Molecular: David Bonvillain

Location: 101 Airport Drive, King City, CA. 93930

Consideration: CUP Amendment 2017-009(C)18: Parking Lot Revisions; Change in Use (Remove Cultivation (Ca Type 3a) And Nursery (Ca Type 4). Eliminate Phase 1 Concept: Location 101 Airport Drive, City of King. APN 026-351- 023. (Elite Molecular)

Recommendation: Staff recommends that Planning Commission 1) review request for Conditional Use Permit, 2) receive public comment; 3) adopt the attached Resolution approving Conditional Use Permit Case No .2017-009(c).

Environmental Determination: The project qualifies as a Class 32 Categorical Exemption per

CEQA Guidelines §15332 (Infill Projects), being surrounded by urban uses and not having significant impacts to traffic, noise, air quality or water quality.

Principal Planner Scott Bruce introduced this item. Parking Lot Revisions; Change in Use (Remove Cultivation (Ca Type 3a) And Nursery (Ca Type 4). Eliminate Phase 1 Concept.

Conditions of Approval had an additional condition add just prior to the meeting. New COA's were provided for the Commission and the public. The applicant has indicated that the "skin" of the structure will be replace on the south and east sides of the structure. The entire structure will be repainted with colors as previously approved / to approval of Community Development Director/designee.

Vice Chair Mendez opened the public hearing, seeing no one come forward,

Vice Chair Mendez closed the public hearing.

Commissioner Lee made to adopt the Resolution 2018-233 approving Conditional Use Permit Case No .2017-009(c) with the changes to "Skin" around the entire building seconded by Commissioner Avalos Approved 4-0.

- C. Project: MGP, LLC, Conditional Use Permit Addition
- Case No.: CUP 2017 – 008(b) 18
- Applicant: MGP, LLC Michael Pren
- Location: 991 Industrial Way., King City, CA. 93930
- Consideration: Amendment to Conditional Use Permit 2017-008 (CUP 2017-008(b)18) to amend a previous approval to add Medical Cannabis Distribution (CA TYPE 11) as allowed use: APN 026-351-024.
- Recommendation: Staff recommends the Planning Commission 1) review Conditional Use Permit Application, 2) receive public comment; and 3) adopt the attached Resolution approving Conditional Use Permit Case No .2017-008(b)18.
- Environmental Determination: King City previously prepared and certified (September 2016) a Mitigated Negative Declaration (MND) for the amendment of the City's Zoning Ordinance and the amendment of the East Ranch Business Park Specific Plan (ERBP Specific Plan) (Ordinances 2016-728, 2016-729 and 2016-730, amended August 2017, Ordinances 2017-245 and 246) to allow new land uses in the Manufacturing Districts (M-1, M-2, M-3) and in the ERBP Specific Plan.
During the processing of CUP 2017-008 the City conducted an initial study. At that time, it was determined that the project as proposed was fully within the scope of the prior analysis by the MND. The Planning Commission adopted a Finding of Consistency per CEQA Guidelines Section 15162.
The proposed amendment is within the scope of the previous Initial Study and it wholly contained within an existing structure. Therefore, it is Categorically Exempt (CEQA Class 1)

Principal Planner Scott Bruce introduced this item.

Vice Chair Mendez opened the public hearing, Michael Brannon the applicant introduced himself

Vice Chair Mendez closed the public hearing.

Commissioner Avalos made a motion to adopt the Resolution 2018-234 approving Conditional Use Permit Case No .2017-008(b)18, seconded by Commissioner Lee. Approved 4-0.

8. NON- PUBLIC HEARINGS –

A . None

9. Regular Business- None

10. Planning Commission Report –

11. Director Reports- Mixed use items commercial and residential with 3 stories. Amherst and San Antonio and next to the clinic on San Antonio across from Mills Ranch. Ordinance for Temporary Uses coming next month. Amendment to the DTA Specific Plan moving some property out of zoning to designating for Seasonal Employee housing by the end of the year.

12. Written Correspondence– None

13. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 6:42 p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



REPORT TO THE PLANNING COMMISSION

DATE: AUGUST 7, 2018

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR, SHANNON CHAFFIN, CITY ATTORNEY

RE: RECOMMEND THE CITY COUNCIL ADOPT THE TEMPORARY USE PERMIT/SPECIAL EVENT PERMIT ORDINANCE

RECOMMENDATION:

The Planning Commission adopt Resolution No. 2018-235, recommending the City Council adopt a Temporary Use Permit/Special Event Permit Ordinance. *(Reference Exhibit 2.)*

BACKGROUND:

Currently, the Municipal Code does not provide for temporary use permits and it has been determined that the special event permit process is in need of an update. Temporary use permits (TUP) and special event permits (SEP) allow activities that would not otherwise comply with zoning requirements on a temporary basis. TUP and SEP expands zoning flexibility and allow uses that might otherwise not be identified as permitted uses. Both permits allow for short-term placement of activities with appropriate regulations to address health and safety, traffic, neighborhood compatibility and other issues. City staff has been working on a TUP/SEP Ordinance since 2017, working with the City's Code Enforcement Committee and Project Review Committee.

DISCUSSION

Jurisdictions tailor the activities that require a TUP and SEP. The Ordinance comprehensively addresses short-term placement of activities and repeals scattered sections of the Municipal Code addressing specific activities, such as itinerant vendor. The purpose for this is to put all the related requirements in one Municipal Code chapter. The Ordinance identifies the type of activities needing either a TUP or SEP and which City department has jurisdiction for review and approval. There are limitations on the number of times certain activities can occur within a time period and conditions to reduce potential health and safety, traffic, neighborhood compatibility and other issues. By providing these restrictions, it enables the City to establish more exemptions so activities can take place without a permit as long as they comply with the restrictions. This reduces staff workload and makes the process more user friendly.

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Temporary Use Permit (TUP)

A TUP is needed for certain temporary uses. A temporary use means temporary use of property for a limited time that is not otherwise permitted by the Municipal Code. TUP activities are reviewed and approved by the community development director or designee. The proposed Ordinance requires a TUP for temporary assembly (e.g., circuses, carnivals, rodeos, open air market). Temporary accessibility is limited to not more than fifteen (15) days, or three (3) weekends, in any one-hundred-eight (180) day period. Issues that will be considered when reviewing the TUP include parking, pedestrian safety, noise, traffic, light and other incompatible impacts on residential neighborhoods. **(Reference Section 7.60.040.)**

There are several exemptions to TUP requirements. These include, but are not limited to, parking lot sales and displays on public and private property, promotional or seasonal sales, arts and crafts shows, temporary portable storage containers, and bounce houses. **(Reference Section 7.60.050.)**

Special Event Permit (SEP)

A special event means an activity sponsored by a person, entity, business or group located within a venue or public right-of-way and open to the public. SEP activities are reviewed and approved by the police chief, or designee. The proposed Ordinance requires a SEP for parades, event within a public park or public facility, event at which there are one-hundred (100) or more participants, entertainment event where there is an admission charge, sidewalk sales, rallies, and block parties. **(Reference Section 7.60.080.)**

Exemptions from the SEP requirement include, but are not limited to, events in private residences, a members only facility, and County fairground events (unless traffic control is needed). **(Reference Section 7.60.090.)**

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA), and pursuant to both CEQA Guideline Sections 15378 and 15061(3), this activity is not a "project" subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment.

PUBLIC NOTICE AND INPUT:

The Ordinance was noticed on July 25th, 2018 in The Rustler Newspaper. There has been no comments provided by the public.

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COST ANALYSIS:

A fee will be paid by applicants to process applications. Additionally, the applicant is responsible for paying the cost of extra police officers, other public safety personnel and traffic control, if needed. No significant cost impact is anticipated.

ALTERNATIVES:

The following alternatives are provided for Planning Commission consideration:

1. Adopt Resolution No. 2018-235 recommending the City Council adopt a Temporary Use Permit/Special Event Permit Ordinance; or
2. Request modifications in the Ordinance; or
3. Make a tentative motion to recommend the City Council deny the Ordinance. If the Planning Commission chooses this alternative, the reasons should be specified and the item continued to a future hearing so the appropriate findings of fact and a new Resolution can be prepared by staff; or
4. Provide other direction to staff.

Exhibits:

1. Exhibit 1 – City Council Temporary Use Permit/Special Event Permit Ordinance
2. Exhibit 2 – Planning Commission Resolution

Approved by: Lucas Liberto
Doreen Liberto, AICP, Community Development Director

**PLANNING COMMISSION (PUBLIC HEARING)
TEMPORARY USE PERMIT/SPECIAL EVENT PERMIT ORDINANCE
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**EXHIBIT 1
ORDINANCE NO. ____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING TO ESTABLISH AND REGULATE TEMPORARY USE PERMITS AND SPECIAL EVENT PERMITS BY REPEALING CHAPTER 5.32 OF TITLE 5, AMENDING SUBSECTION (B) OF SECTION 5.34.010 AND SECTION 5.34.115 OF CHAPTER 5.34, OF TITLE 5, ADOPTING SECTION 7.29.015 TO CHAPTER 7.29, OF TITLE 7, ADOPTING CHAPTER 7.60 TO TITLE 7; AMENDING SECTION 13.06.020 OF CHAPTER 13.06, OF TITLE 13, AND AMENDING SUBSECTION (3) OF SECTION 17.48.030 OF CHAPTER 17.48, OF THE KING MUNICIPAL CODE

WHEREAS, the City Council of the City of King ("Council") initiated an amendment of the King City Municipal Code to establish and regulate certain temporary use and special event permits on _____, 2018 ; and

WHEREAS, on August 7, 2018, the City of King Planning Commission ("Commission") conducted a public hearing to consider both the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to support the applications, the Commission recommended the Council [deny/approve] the proposed ordinance; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), and pursuant to both CEQA Guideline Sections 15378 and 15061(3), this activity is not a "project" subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment; and

WHEREAS, on August 28, 2018, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

NOW THEREFORE, the people of the chartered City of King City do ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that is consistent with the General Plan and all applicable Specific Plans.

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SECTION 3. The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of City residents, including protections against nuisances.

SECTION 4. The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines ("CEQA Guidelines"), and the environmental regulations of the City. The City Council finds and determines that the proposed ordinance is not a "project" for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it merely establishes or updates an existing administrative process and will not result in direct or indirect physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if the proposed ordinance were a project for the purposes of CEQA, there is no possibility that this project may have a significant effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

SECTION 5. The King City Municipal Code is hereby amended to read as set forth in the attached Exhibit "A" and incorporated in full by reference, which:

- Repeals Chapter 5.32 of Title 5;
- Amends subsection (b) of Section 5.34.010 and Section 5.34.115 of Chapter 5.34, of Title 5;
- Adopts Section 7.29.015 of Chapter 7.29, of Title 7;
- Adopts Chapter 7.60, of Title 7;
- Amends Section 13.06.020 of Chapter 13.06, of Title 13; and
- Amends Subsection (3) of Section 17.48.030 of Chapter 17.48.

SECTION 6. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 7: This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 28th day of August, 2018, and adopted the Ordinance after the second reading at a regular meeting held on the 11th day of September, 2018, by the following roll call vote:

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AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

Attachment: Exhibit "A"

I, _____, City Clerk of the City of King, California, DO
HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance
passed and adopted by the City Council of the City of King on the date and by the vote
indicated herein.

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EXHIBIT "A"

SECTION 1. Chapter 5.32 (Parades and Assemblies), of Title 5, of the King Municipal Code is repealed in its entirety.

SECTION 2. Subsection (b) of Section 5.34.010 of Chapter 5.34, of Title 5, of the King Municipal Code is amended in its entirety to read as follows:

5.34.010 Definitions.

- (b) "Itinerant vendor" means any person who sets up a temporary stand or place or uses a portable cart or motor vehicle as defined in the California Vehicle Code for the purpose of selling any goods, wares, merchandise, fruits or vegetables, or one who solicits orders for the sale of such goods, wares, merchandise, fruits or vegetables to be delivered at some future time or date. Itinerant vendor does not include a merchant having a fixed place of business within the city, or his or her employee, who sells or solicits orders for the sale of goods, wares, merchandise, services, fruits or vegetables, after a prior approval, either oral or written, from the vendee. Itinerant vendor does not include a merchant who sets up a temporary stand or place as part of an approved farmers market. Itinerant vendors who set up on private property must secure written permission from the property owner or person having control of said property and said written permission must be in the possession of the vendor.

SECTION 3. Section 5.34.115 of Chapter 5.34, of Title 5, of the King Municipal Code is amended in its entirety to read as follows:

5.34.115 Regulations concerning itinerant vendors.

The following regulations shall apply to itinerant vendors as defined in Section 5.34.010:

- (a) No itinerant vendor shall park or stand on a public sidewalk.
- (b) Itinerant vendors shall not stand or park in any parking lot of any public park or within three-hundred feet (300') feet of any public park within the City of King except as follows:
- (1) Obtain a park vendor permit, including payment an annual permit fee as established by resolution. The city manager, or designee, may limit the number of park vendor permits, and may establish a procedure for determining and issuing of the same.

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- (2) Vendors with a park vendor permit shall only park adjacent to a public park in spaces designated by signage. The designations shall be made and posted from time to time by the city manager or designee, who may limit the number of spaces for itinerant vendors.
- (3) Vendors with a park vendor permit shall be limited to six (6) hours a day no more than two (2) days a week for all parks except San Lorenzo Park. A vendor with a park vendor permit at San Lorenzo Park shall only stand or park adjacent to the San Lorenzo Park for no more than six (6) hours a day on Saturdays and Sundays only.
- (4) No chairs or tables are allowed to be placed on the sidewalk.
- (5) Vendors operating with a park vendor permit shall remove any debris from the sales, ensure a receptacle is available for the disposal of debris, and make sure that the area is kept clean.
- (c) School zones. No itinerant vendor shall stand or park within three hundred (300') feet of any school zone weekdays, Monday through Friday, from eight a.m. (8 a.m.) to four p.m. (4 p.m.) except for holidays and when school is not in session.
- (d) Public streets. Consistent with Section 10.22.050, no itinerant vendor shall stand or park on any street in a commercial zone any truck, trailer, wagon or push cart from which fruit, vegetables, ice cream or any other type of food or food product is sold or offered for sale, within three hundred feet (300') of any grocery store, convenience store, delicatessen, restaurant, or lunch counter.
- (e) Private property. Itinerant vendors shall be permitted on developed private property only in commercial, industrial and open space zoning districts. The area occupied by each itinerant vendor on private property shall not exceed nine hundred (900) square feet and shall be located on hard surface paving. Itinerant vendors are prohibited in residential zoning districts.

SECTION 4. Chapter 7.29, of Title 7, of the King Municipal Code amended to adopt Section 7.29.015 in its entirety to read as follows:

7.29.015 Interference with Demonstration, Rally, Picket Line, Parade or Assembly.

No person shall knowingly join or participate in any demonstration, rally, picket line, parade or assembly conducted under permit from the city, in violation of any of the terms of said permit, nor knowingly join or participate in any permitted demonstration, rally, picket line, parade or assembly without the consent of the permittee, nor in any manner interfere with its progress or orderly conduct.

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SECTION 5. Chapter 7.60, of Title 7, of the King Municipal Code is adopted in its entirety to read as follows:

Chapter 7.60

TEMPORARY USE AND SPECIAL EVENT PERMITS

Section 7.60.010 Purpose and Intent.

The purpose of a Temporary Use Permit (TUP) or a Special Event Permit (SEP) is to regulate those uses and activities of a temporary nature that may affect the public peace, health, safety, and general welfare. Further, it is the purpose and intent of this Chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the City by regulating temporary uses and special events.

Section 7.60.020 Definitions.

The following definitions shall apply to this chapter:

- (a) **“Applicant”** means any person, firm, association, corporation, organization, club or ad hoc committee who or which seeks a temporary use permit from the City through the community development director, or a special event permit from the City, through the chief of police, to conduct or sponsor events governed by this chapter. An applicant must be eighteen (18) years of age or older. The applicant shall be the individual who is directly responsible for organizing and/or conducting the temporary use or special event and/or the facility manager.
- (b) **“Assembly”** mean any meeting, demonstration, picket line, rally, gathering, or group of one hundred (100) or more persons, animals, or vehicles, or a combination thereof, having a common purpose, design, or goal, upon any public street, sidewalk, alley, park, or other public place, which assembly substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area, other than a parade, as defined in subsection (b) of this section.
- (c) **“Bounce House”** means temporary inflatable structures, buildings and similar items, such as inflatable trampolines, inflatable waterslides, bouncy houses, bouncy castles, moon bounce, and moonwalks.
- (d) **“Chief Building Official”** means the building and safety director or designee.
- (e) **“Chief of Police”** means the police chief or designee.

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- (f) **“City Clerk”** means the city clerk of the city or designee.
- (g) **“City Manager”** means the city manager of the city or authorized deputy or designee.
- (h) **“Circus”** means any transient, travelling, or transportable show or exhibition where a variety of performances by acrobats, clowns, and/or trained animals and restricted animals is a substantial attraction or principle business.
- (i) **“Community Development Director”** means the community development director or designee.
- (j) **“Entertainment”** means providing to the public food and/or beverages; live or recorded music; dancing; mechanical, animal or carnival rides; games of chance; performances and/or plays; animal or restricted animal performances; audiovisual presentations; amplified sound; competitive or sporting events; and/or promotional events.
- (k) **“Event”** means uses subject to either a temporary use permit or special event permit.
- (l) **“Event Sponsor”** means any person, entity, business, or group who operates or conducts, or shares in the revenue of, an event subject to this chapter.
- (m) **“Extraordinary Police Services”** means responsive police services which are in addition to and in excess of the normal police services provided to the facility or off-site as a direct result of the event at the facility.
- (n) **“Facility”** means the building, room, location or place where the special event is to take place.
- (o) **“Farmers Market”** or **“Seasonal Sale of Agricultural Goods”** means certified farmers’ markets as California agricultural point of sale locations for the purposes of California Food and Agricultural Code 47004(a) as may be amended. Generally, this is a multi-stall market location where certified California farmers sell fresh products that they have grown and harvested themselves directly to consumers who intend to consume the products. It may also include meat and dairy products.
- (p) **“Food Cart”** means a mobile kitchen that is set up on the street to facilitate the sale and marketing of street *food* to people from local pedestrian traffic.

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- (q) **“Manufactured Home”** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.
- (r) **“Open Air Market”** means any outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The “open air market” is interchangeable with and applicable to: swap meet, flea markets, auctions, or other similarly named or labeled activities; but the term does not include farmers markets, supermarket or department store retail operations.
- (s) **“Open to the Public”** means an event not limited to invitees and otherwise open to any member of the public with or without an admission fee or charge.
- (t) **“Parade”** means any march, demonstration, procession, motorcade, or promenade consisting of persons, animals, or vehicles, or a combination thereof, having a common purpose, design, destination, or goal, upon any public place, which parade, march, demonstration, procession, motorcade, or promenade does not comply with normal and usual traffic regulations or control.
- (u) **“Fee”** means the nonrefundable fee to be paid by the permit applicant at the time the application is filed for a temporary use permit or special event permit per a fee schedule approved by the City Council addressing the actual costs of processing the applications.
- (v) **“Public Benefit”** means if the non-profit provides a benefit to the public generally, or a sufficient section of the public, of a type acceptable to the City to promote public health, safety or welfare.
- (w) **“Push Cart”** means any of the various types of wheeled light cart to be pushed by hand, as one used by street vendors.
- (x) **“Recreational Vehicle”** means a vehicle which is: (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light-duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (y) **“Responsible Party”** means, for the purpose of determining liability for damage to City or public facilities as a result of a special event and liability for the cost of extraordinary police services, any person or entity (including

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those who caused the damage, as well as those acting in a supervisory capacity or hosting the event including applicant(s), event sponsor(s), and/or promoter(s) and/or facility operator(s) and their respective designees) responsible for creating, causing, committing, or contributing to said damage.

- (z) **“Restricted Animal”** shall mean those animals listed in Fish and Game Code Section 2119 and Title 14, California Code of Regulations Section 671 et seq.
- (aa) **“Security Officer”** means a state-licensed uniform security guard, or off-duty law enforcement.
- (bb) **“Sidewalk Sales”** means a retail event in which a group of four (4) or more merchants within a defined business district is allowed to display merchandise for sale outside of the merchants’ places of business during normal business hours.
- (cc) **“Special Event”** means an event sponsored by any person, entity, business or group including at any special event venue or public right-of-way within the City and open to the public.
- (dd) **“Temporary Portable Storage Container”** means any temporary structure that is a reusable, enclosed, or open vessel, cargo container or truck trailer which is used for the storage of freight, articles, goods, solid waste, personal belongings, commodities, or similar uses, including metal cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, ISO containers, cargo boxes or sea vans.
- (ee) **“Temporary Use”** means temporary utilization of property for a special, unique or limited duration not otherwise either authorized by this code or permits granted for uses normally operated on that property.

Section 7.60.030 Permits Required.

This Chapter governs the issuance of permits for temporary uses and special events. A temporary use permit and a special event permit shall be required to obtain any license otherwise required by this code or pay any other fee otherwise approved by the city council.

Section 7.60.040 Uses Requiring Temporary Use Permit.

- (a) Temporary Use Permit Required. A temporary use permit shall be required for any temporary use(s) not expressly exempt pursuant to this Chapter or which are specifically authorized by this code.
- (b) Temporary Assembly (e.g., Circuses, Carnivals, Rodeos, Open Air Market). Temporary assemblies shall require a temporary use permit. Those temporary

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assemblies that are traveling amusements shall be limited to not more than fifteen (15) days, or more than three (3) weekends, of operation in any one-hundred-eighty (180) day period. If adjacent to residential uses, issues such as noise and traffic shall be evaluated to determine incompatible impacts on a residential neighborhood. If incompatible impacts are identified which cannot be resolved, the application may be denied.

Adequate provisions for traffic circulation, off-street parking and pedestrian safety shall be provided to the satisfaction of the community development director including accommodations for deliveries and employee parking. Restroom facilities shall be provided.

All lighting for temporary assemblies shall be directed away from adjacent properties and public rights-of-way. Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the community development director and be consistent with the City's noise standards. All food preparation areas shall be inspected by the Monterey County Health Department and obtain an active permit prior to operating the event.

Section 7.60.050 Exemptions

The following uses shall be exempt from obtaining a required temporary use permit. If a proposal does not meet the minimum required development standards, then either a special use permit, or conditional use permit, or both, shall be required.

(a) Parking Lot Sales or Displays (public and private property). Parking lot sales or displays sales shall be exempt from obtaining the required temporary use permit if said sales meet the following requirements:

(1) Clearance Sale:

(A) An existing business wanting to conduct a parking lot sale for a clearance event or discount sale event within their parking lot shall be limited to one (1) weekend in any one-hundred eighty (180) day period. Adequate provisions for traffic circulation, controlled ingress and egress, adequate parking and pedestrian safety shall be provided at all times.

(B) A business wanting to use a parking lot either not owned by the business conducting the clearance sale or which is not located at the business site for a clearance sale event shall be required to obtain a temporary use permit. Prior to issuance of a temporary use permit, an application for a temporary seller's permit shall file a business license with the State of California Board of Equalization and the applicant must state on the form that the sales will take place in the City of King.

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(2) Christmas Tree or Pumpkin Sales Lots. All Christmas Tree and/or Pumpkin sales shall be limited to forty-five (45) days per calendar year. The project site shall be left in a clean and debris-free state. All lighting shall be directed away from adjacent properties and public rights-of-way. No enclosed tents or similar structures intended for use by the public shall be used unless approved by the fire chief or building inspector. Adequate provisions for traffic circulation, controlled ingress and egress, off-street parking and pedestrian safety shall be provided to the satisfaction of the community development department.

(3) Farmer's Markets or Seasonal Sale of Agricultural Goods. All such uses shall be limited to ninety (90) days per calendar year, not to exceed thirty (30) consecutive days at a time. The project site shall be left in a clean and debris-free state. All lighting shall be directed away from adjacent properties and public rights-of-way.

Adequate provisions for traffic circulation, controlled ingress and egress, off-street parking and pedestrian safety shall be provided to the satisfaction of the community development department.

(4) Outdoor Display of Merchandise (private property).

(b) Promotional or Seasonal Sales (including non-mobile flower and vendor stands). Promotional sales and retail sales shall be exempt from obtaining the required temporary use permit if the sale meets the following requirements:

(1) Items must not be typically sold from premises and shall be permitted not to exceed three (3) days per seasonal event, not to exceed nine (9) days in a calendar year.

(2) If the public sidewalk is being used for sale, no more than one (1) 6' x 30" table shall be permitted. Such uses using the public sidewalk shall obtain an encroachment permit from the public works department. Additionally, a case deposit shall be required consistent with subsection b(3) of this section to ensure clean up.

(3) If vendor is using a private parking lot, no more than two (2) 6' x 30" tables and a 10 x 10 canopy cover (e.g., canvas cover). Such use must be located upon developed commercial property with approval of property owner, and consistent with the use allowed for that zoned district. The stand and canopy on private parking lots shall not block driveways, path of travel or fire lines. Each vendor stand is required to obtain a business license.

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- (c) Arts and Crafts Shows. Arts and Crafts shows shall be exempt from obtaining the required temporary use permit if said shows meet the following requirements: Such uses shall be limited to seven (7) days in any one-hundred-eighty (180) day period.
- (d) Fundraising Events for Charitable and Not for Profit. Fundraising events shall be exempt from obtaining the required temporary use permit if said events meet the following requirements: Such uses shall be limited to two (2) days in any thirty (30) day period.
- (e) Recreational Vehicles and Manufactured Homes. Recreational vehicles and manufactured homes shall be exempt from obtaining the required temporary use permit if the recreational vehicle or manufactured home meets the following requirements:
 - (1) All manufactured homes shall comply with the standards of Municipal Code Section 12.16.194, and all recreational vehicles shall comply with the standards of Municipal Code Section 12.16.195.
 - (2) A recreational vehicle or manufactured home may be used for security personnel, temporary storage, temporary office or other uses or for temporary residence of the subject property owner, when located on an active construction site. Installation of a trailer or RV may occur only after a valid building permit has been issued by the chief building official.
 - (3) A recreational vehicle or manufactured home may be used for any of the purposes specified in subdivision (1) above in any non-residential zone with the approval of the community development department.
 - (4) A temporary recreational vehicle or manufactured home may remain for a period of one (1) year of the construction project. A six (6) month extension may be granted by the community development director. Under no circumstances shall a temporary trailer or RV remain for a period exceeding one and one-half (1.5) years.
 - (5) To qualify for an exception for a temporary use permit, the size of a recreational vehicle or manufactured home shall not exceed a maximum of six hundred fifty (650) square feet. Their location upon the site shall meet the approval of the community development department and meet all the standards (e.g., setbacks, parking) of the base zoning district. Recreational

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vehicles or manufactured homes must have valid vehicle licenses and shall meet all requirements and regulations of the county department of health services and the chief building official.

(f) Temporary Portable Storage Container. Temporary portable storage containers shall be exempt from obtaining a temporary use permit if all of the following requirements are met:

(1) Temporary portable storage containers shall comply with the King City Building Code and any applicable manufacturing regulations.

(i) There shall be no utility connections to the temporary portable storage containers.

(ii) Temporary portable storage containers may not be used to store flammable liquids or other hazardous materials as determined by the fire chief. Fireworks may be stored as determined by the fire chief.

(iii) Temporary portable storage container shall be located so as to provide adequate access as determined by the fire chief.

(iv) Temporary portable storage containers shall be incidental to the primary use on the site and/or shopping center. They are not permitted as an accessory use to a stand-alone parking lot.

(v) Temporary portable storage containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc. Repairs shall be made within forty-eight (48) hours of being damaged. Graffiti shall be removed within forty-eight (48) hours.

(2) For commercial, industrial and residentially zoned parcels or lots one (1) acre or less in size, a maximum of one (1) cargo/storage container is permitted. For commercial, industrial and residentially zoned parcels greater than one (1) acre in size, a maximum of three (3) cargo/storage containers shall be permitted.

(3) For commercial and industrial zoned property, cargo/storage containers shall not be located on site for more than thirty (30) days within one (1) calendar year. A cargo/storage container shall be located within the backyard setback and predominately out of view from a public street. A cargo/storage container cannot be placed on parking spaces needed to accommodate the uses, pursuant to Municipal Code Chapter 17.52, or as approved by a discretionary permit such as a use permit.

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- (4) For a single family-residential use, cargo/storage containers shall be permitted only during the period of onsite construction or moving. Temporary portable storage containers used for construction purposes shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first. Temporary portable storage containers used for moving shall not be on site for more than ninety (90) days within one (1) calendar year. The permanent storage of a cargo/storage container is prohibited for single-family residential uses.
- (5) Cargo/storage containers shall not be located within the public right-of-way unless an encroachment permit is obtained from the City.
- (6) Non-profit institutions may be permitted to store one (1) portable storage container on-site. The container shall be screened from public view and located behind the building. The container shall be painted to match the colors of the existing building.
- (g) Bounce Houses. Bounce houses shall be exempt from obtaining the required temporary use permit if they meet any of the following requirements:
 - (1) It is used during a private event at a single-family residence.
 - (2) It is used in conjunction with a promotional or seasonal sale that meets the requirements of Section 7.60.060(c).
 - (3) It is allowed in City parks when part of a parks and recreation department rental permit.

The height of any bounce house shall not exceed the height of the building in front of which it is displayed or used. Any bounce house which fails to meet any of the above requirements shall need to obtain a temporary use permit.
- (h) Non-profit Organizations. The city council may exempt a non-profit organization from the requirement of temporary use permit upon a determination of public benefit.
- (i) Other Uses. Any other temporary use which the community development director may determine to be of a similar nature to, or is listed as, a permitted or conditionally permitted use for the zone in which the temporary use would locate, or which is of a similar nature to other uses requiring a temporary use permit. The community development director may allow for a temporary use for a duration of one (1) year or

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less and may place conditions on the use to assure maintenance of the public health, safety and welfare.

- (j) Incidental Uses. The community development director may exempt a temporary use from the provisions of this Chapter when it is determined the temporary use is incidental in nature and will not create any adverse impacts.

Section 7.60.060 Regulations and Conditions on Temporary Use Permits for Circus Events.

- (a) To provide for the welfare of all animals and restricted animals and for the health and safety of the public, the community development director shall be authorized to implement additional conditions on a temporary use permit for circus events.
- (b) Violation of any additional reasonable regulations and/or conditions governing a circus event permit, shall constitute a violation of this Chapter.

Section 7.60.070 Special Event Permit.

Special event permits shall be granted at the sole discretion of the chief of police. The chief of police may approve, deny or impose additional permit conditions to protect the public from potential adverse impacts, and to provide for additional penalties and for the recoupment of extraordinary police services expended in enforcing permit requirements.

Section 7.60.080 Uses Requiring a Special Event Permit.

- (a) Parades.
- (b) Public Park/Facility. A special event permit shall be obtained for any event which is held in a city park and/or facility or on any property and/or facility which is open to the public, and not covered by a temporary use permit. The requirement for special event permit for events held in city parks and/or facilities shall be satisfied by obtaining from recreational coordinator a permit as required by Section 7.26.060 or Section 7.26.110 of this code.
- (c) Number of Participants. A special event permit shall be obtained for any event at which one-hundred (100) or more participants (including sponsors and guests) are present, and not covered by a temporary use permit.

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- (d) Personal Entertainment. A special event permit shall be obtained for any event at which entertainment is provided by or for any person, and/or made available to any person, there is an admission charge, and not covered by a temporary use permit.
- (e) Rallies, Picket Lines, Demonstrations.
- (f) Block parties.
- (g) Sidewalk Sales (public property). The following is applicable:
 - (1) The business shall be allowed to place one (1) 6'x30" table for sale items along the sidewalk. Additional tables may be placed, if deemed appropriate by the public works department.
 - (2) If the chief of police determine that sidewalk sales at a particular location are resulting in debris, the applicant shall provide a cash deposit to the city manager's office of fifty percent (50%) of estimated amount of clean-up to ensure the property is returned to a clean and debris-free state. If the applicant fails to promptly return the property to a clean and debris-free state at the conclusion of the use, the city may utilize the deposit to restore the property. Applicant shall be entitled to a refund of any unused funds. If funds are inadequate to cover the city's costs, applicant shall provide additional funds to the city within seven (7) days of request. No further public sidewalk sales shall be permitted until said additional funds are provided by the applicant.
- (h) Any event in city with amplified music after 10 p.m. must receive approval from the city council.

Section 7.60.090 Exemptions.

The following uses shall be exempt from obtaining a required special event permit. If a proposal does not meet the minimum required development standards, then a special event permit may be required.

- (a) Events held in a private residence where no admission is charged, the event is not open or advertised to the public, and no extraordinary police services are required. Nothing in this subsection shall modify or otherwise limit the requirements of Chapter 7.09 regarding social host liability.
- (b) Events held in a members-only facility at which the only participants are the members (and their invited nonpaying guests) and no extraordinary police services are required.

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- (c) For-profit entertainment activities of persons, entities and businesses such as cabarets who or which are currently licensed to regularly provide specified entertainment activities at fixed locations in the City and no extraordinary police services are required.
- (d) Any entertainment for which other City permits have previously been obtained, such as, but not limited to, dance permits, short-term encroachment permits and City sponsored events, or other permits which are more appropriate for a particular event, as determined by the chief of police.
- (e) County Fairground Events. All events are exempt, unless traffic control is needed, as determined by the chief of police. For any event serving alcohol, a temporary Alcohol Beverage Control (ABC) permit is needed.
- (f) Non-Profits. An exemption may be granted by the city council for non-profit organizations demonstrating a public benefit.
- (g) Funeral processions.
- (h) Religious Institutions. All events held on the property of the institution are exempt, unless serving alcohol or traffic control is needed, as determined by the chief of police.
- (i) No Significant Impacts. Any event, series of events and/or specific type of event may be exempted at the discretion of the chief of police, based upon evidence that the event or events will not impact police services and will not affect public health, safety and welfare.
- (j) Assembly.
 - (1) assemblies occasioned by news or affairs coming into public knowledge within three (3) days of such parade or assembly; provided, that the organizers thereof give written notice to the city at least twenty-four (24) hours prior to such assembly. Such written notice shall contain all of the following information:
 - (i) The name, address and telephone number of the person or persons seeking to conduct the assembly. This person or these persons shall be considered a permittee for the purposes of this chapter;
 - (ii) The name, address and telephone number of the headquarters of the organization, if any, and of the organizer or responsible head of such organization by whom or on whose behalf the assembly is proposed to be conducted;

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- (iii) The name, address and telephone number of the person who will chair assembly and who will be responsible for its conduct;
 - (iv) The location and date of the proposed assembly, including the assembly area, disbanding area, and the route to be traveled;
 - (v) An estimate of the approximate number of persons who will be participating in the assembly and an estimate of the approximate number of persons who will be observing the assembly;
 - (vi) The time at which the assembly will start and conclude; and
 - (vii) The type of security or other arrangements that will be provided to assure that participants are properly directed.
- (2) The city manager may deny permission to conduct the assembly within eighteen (18) hours of the submission of the notice pursuant to subsection (j) of this section if the city manager or the city manager's designee makes a finding requiring denial. Denial of permission shall be based on a finding of any of the following:
- (i) The information contained in the application is false or intentionally misleading;
 - (ii) The assembly is proposed for a time and location for which another assembly permit has been previously issued;
 - (iii) The proposed route or location of the assembly traverses a street or other public right-of-way that was scheduled for maintenance, construction or repair prior to the application for that assembly permit and the conduct of the assembly would interfere with such maintenance, construction or repair or the maintenance, construction or repair would represent a threat to the health or safety of the participants in the assembly;
 - (iv) The proposed area for the assembly or for the set-up or dispersal of a assembly could not physically accommodate the number of participants expected to participate in the assembly, as reflected in the application completed and submitted pursuant to the requirements of this chapter; or
 - (v) The assembly would result in a violation of any federal, state or local law or regulation.

If the city manager makes a finding requiring denial pursuant to that subsection, the city manager shall immediately provide notice of the

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denial, including the reason for the denial, by telephone to the permittee and shall also provide written notice of the denial including the reason for the denial. If the permittee provides an email or fax number for the purpose of receiving notices, the city manager shall provide written notice of the denial by email or fax immediately upon making the denial decision.

- (k) Not-for-profit fundraiser sales.
- (l) Educational institutions. All events held on the property of the institution are exempt, unless serving alcohol or traffic control is needed, as determined by the chief of police.

Section 7.60.100 Regulations and Conditions for Certain Special Event Permits.

The following prohibitions shall apply to all demonstrations, rallies, picket lines, parades and assemblies:

- (a) It shall be unlawful for any person to carry any sign, poster, plaque, or notice, unless such sign, poster, plaque, or notice is constructed solely of a cloth, paper, or cardboard material no greater than one-quarter inch in thickness.
- (b) It shall be unlawful for any person to carry, possess or wear any gas mask or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases.
- (c) It shall be unlawful for any person to fail to abide by the instructions of a traffic control officer given for the purpose of accommodating traffic, including emergency vehicles, through and across a parade route, demonstration, rally, picket line or assembly.

Nothing in this section shall prohibit a disabled person from carrying a cane, walker, or similar device necessary for providing mobility so that the person may participate in a demonstration, rally, picket line, parade or assembly.

Section 7.60.110 Temporary Use and Special Event Regulations.

- (a) Applicability of Code. All temporary uses and special events shall otherwise comply with the requirements of this code including Chapter 7.10 (Drug Free Zones), Chapter 7.24 (Sound Amplifying Equipment), Chapter 7.25 (Prohibited Noise Making Conduct), Chapter 7.26 (Public Parks Regulations), Chapter 7.29 (Use Of Certain Devices In

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Demonstrations, Rallies, Picket Lines And Public Assemblies Prohibited), and Chapter 12.04 (Construction Codes Adopted).

(b) Obstruction of Exits and Aisles.

(1) No person shall block, impede, or obstruct any exit to a public way or any access to a building, structure or premises, in such a manner as to prevent or interfere with the use of such exits or access by any person who is exiting or entering said occupied building, structure, or premises.

(3) In every building other than single family dwellings, there shall be maintained at all times, one (1) unobstructed aisle which leads to each required exit. Each required aisle shall have a width equal to the minimum width shall be forty-four (44") inches.

(4) An exit walkway with a minimum width of forty-four (44") inches shall be maintained continuously to a public way.

(5) Whenever the chief of police determines that exit paths to a public way need to be clearly delineated to safeguard and preserve the exit paths. The chief of police may require the exit paths to be protected and identified by painted lines, railings, barrier posts, walks or other approved means.

(6) No person shall park any vehicle, or place any power truck, hand dolly, delivery rack, refuse or waste container, or any other object in an exit, or in any other manner so as to obstruct the exit.

(6) No person shall store or maintain any hazardous material, or other material of any kind, adjacent to any exit in a manner which would obstruct the exit, elevator, or render egress hazardous in case of fire or any other emergency.

Section 7.60.120 Temporary Use and Special Event Permit Application Procedure and Fee.

(a) A temporary use permit application shall be submitted to the community development department and a special event permit shall be submitted to the city hall. An application shall be submitted at least thirty (30) calendar days prior to the special event, unless otherwise waived by the community development department or the chief of police. The applicant must execute a written agreement in which applicant agrees to pay the costs of required city services.

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- (b) Application forms submitted pursuant to subsection (a) of this section shall be fully and truthfully completed by the applicant. Failure to fully and truthfully complete the application form shall be grounds for denial or revocation.
- (c) If admission fees or donations are to be collected and/or food, liquid refreshments or physical articles are to be sold at the event, the applicant must present proof of federal and/or state tax exemption status or present a copy of a valid city business license and tax certificate and a food handling permit if applicable before the permit may be issued.
- (d) If music, dance or any other form of entertainment activity requiring sound amplification equipment is to be provided or allowed at the event, the applicant must so state on the application form and must provide assurance that the city's noise ordinance will not be violated as a result of the activity. Any event in the city with amplified music after 10 p.m. shall obtain approval by the city council.
- (e) Upon application, the applicant shall state the name and address of the facility, and identify the type of facility, where the event will take place. Before the permit may be issued, the applicant shall be required to present a photocopy of a valid city dance hall, cabaret, or other applicable permit or license which authorizes the use of the facility for this type of activity or event. Further, the applicant shall complete the portions of the application which require identification of any occupancy restrictions or other conditions for use imposed by the city on the designated facility.
- (f) Upon application, the applicant shall pay a fee as established by the City's Master Fee Schedule or as otherwise set by approved resolution of the city council. The city council shall have the discretion to waive fees.

Section 7.60.130 Contents of Application Form.

An application for a temporary use permit or special event permit shall provide the following information:

- (a) The name, address, telephone number, and date of birth of applicant and an alternative contact person. If a temporary use permit or special event permit is proposed to be sponsored by one or more organizations, the name, address and telephone number of the organizations, and the president(s) of the organization.
- (b) The name, address and telephone number of the person who will be present and in charge at the time of the special event.

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- (c) The nature and purpose of the event, including hours and dates of operation.
- (d) The proposed date, location(s) and estimated starting and ending time of the event.
- (e) Estimated number of persons anticipated at the event.
- (f) Description of any sound amplification equipment which will be used at the event.
- (g) Whether any food or alcoholic and/or nonalcoholic beverages will be sold at the event.
- (h) Whether monitors or security persons will be utilized at the event.
- (i) Parking contingencies planned for the event.
- (j) If the event is to be conducted on private property, the applicant must submit with the application proof of the property owner's permission for the property to be used for that purpose.

Any supplementary information which either the community development director finds reasonable necessary for temporary use permit applications, or the chief of police shall find reasonably necessary special event permit to determine whether to approve or conditionally approve a permit.

Section 7.60.140 Required Additional Application Information.

- (a) **Circuses.** In addition to the other requirements, applicants seeking a permit for a circus event which includes any performance or entertainment by trained animals or restricted animals shall also provide:
 - (1) An inventory of all the restricted and other animals, whether they are performing or not, that will be present in the city during the stated duration of the permit, and any restricted species permit issued under California Code of Regulations, Title 14, Section 671.1, along with a copy of the submitted California Department of Fish and Game Application Form FG1312 and "Restricted Species Nonresident Exhibiting Permit Itinerary".
 - (2) The names of the onsite manager, and all persons who are the primary handlers of each type of restricted and other animals that will be present in the city.

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- (3) Copies of most recent USDA inspection reports registration, and licenses for restricted animals.
 - (4) Other pertinent information which the community development director requests.
- (b) Parades and Assembly. In addition to the other requirements, applicants seeking a permit for a parade or assembly event shall also provide:
- (1) The location shall include the assembly area, disbanding area, and the route to be traveled;
 - (2) An estimate of the approximate number of persons who will be participating in the parade or assembly and an estimate of the approximate number of persons who will be observing the parade or assembly;
 - (3) The type of security or other arrangements that will be provided to assure that participants are properly directed;
 - (4) The minimum and maximum speeds that the parade is to travel, if applicable, and the maximum number of platoons or units, if any, in the parade or assembly and the maximum and minimum interval of space to be maintained between the units of such parade or assembly;
 - (5) The maximum length of such parade or assembly in miles or fractions thereof;
 - (6) The number and type of vehicles in the parade or assembly, if any;
 - (7) A road closure map, should the applicant wish to conduct the event within the public right-of-way; and
 - (8) Traffic control plan with proposed detour routes, if necessary.

Section 7.60.150 Action on Application.

- (a) The community development director shall approve, conditionally approve or deny a temporary use permit application based on the grounds specified in this chapter. The chief of police shall approve, conditionally approve, or deny the special event permit application based on the grounds specified in this chapter.

Such action shall be taken not later than fifteen (15) calendar days after the filing of a complete application. The applicant shall be notified of any conditions of approval pursuant to this chapter.

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- (b) If the application is denied or conditionally approved, the applicant shall receive a written notice of the grounds for denial, or of the reason for the imposition of conditions.
- (c) Supplemental information considered to make a decision in addition to the information contained in the application shall be provided to the applicant at the time a written determination is finalized.

Section 7.60.160 Conditional Approval of Permits.

The community development director may impose additional conditions to a temporary use permit, and the chief of police may impose additional conditions to a special event permit in the exercise of the chief of police's reasonable discretion when conditionally granting a permit, including but not limited to:

- (a) Requiring the applicant or other responsible party to retain or hire one or more security officers to provide security at and during the event, said security officers present and on duty at all times during the event.
- (b) Requiring the applicant or other responsible party to be personally present at all times during the event.
- (c) Requiring the applicant or other responsible party to provide a working telephone where the applicant or responsible party can be reached directly at all times during the event.
- (d) Requiring the posting of the event permit at the event facility or location.
- (e) Requiring a refundable security deposit before issuance of the permit toward the costs of city services and/or cost of damages to public facilities that may be associated with such an event.
- (f) Requiring provision of medical services on-site on a case-by-case basis and/or in consideration of the applicant's previous history.
- (g) Requiring in the case of live performances the actual name and stage name of every act performing.
- (h) Requiring the submission of copies of all promotional materials simultaneously with the posting or distribution of said materials. All promotional materials must identify the promoter and must not be posted or affixed to or on City or public property.
- (i) Requiring proof of liability insurance in the amount required by the city, as may be set by council resolution. The applicant shall procure and

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maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the state of California, which policy includes the city and/or the agency, its officers, agents, employees, attorneys, and authorized volunteers as named insureds or additional named insureds, and which provides coverage that the city manager or chief of police determines to be necessary under the circumstances as prescribed in regulations issued by the city manager. Proof of insurance shall be submitted to the city prior to the issuance of the temporary use permit or special event permit and maintenance of this insurance shall be a condition of the permit.

- (j) Requiring that prior to the issuance of the temporary use permit or special permit, the applicant must sign an agreement in a form approved by the city agreeing to the applicant to agree to indemnify, protect, defend and hold harmless the city and/or agency, its officers, employees, agents, attorneys and authorized volunteers against all claims, damages, expenses, loss, or liability of any kind or nature whatsoever resulting from the alleged willful or negligent acts or omissions of the applicant, its officers, agents, employees, responsible party, or third parties in connection with the event authorized by the temporary use permit or special event permit insofar as permitted by law.
- (k) Requiring such other additional conditions as are reasonably believed to be necessary to protect the public health, safety, welfare and order, as well as the health and welfare of restricted and other animals, and to minimize adverse impacts upon the surrounding neighborhood and the general community.
- (l.) Requiring advanced payment to the city for all costs related to delivery, set-up and removal or road closure and traffic control requirements.

Section 7.60.170 Grounds for Denial of Application.

Temporary use and special event permits may be denied based upon any of the following non-exclusive grounds:

- (a) Information contained in the application, or supplementary information requested from the applicant, is false in any material detail.
- (b) The applicant has failed to provide a complete application form after having been notified of the requirement of producing additional information or documents.
- (c) The applicant has not submitted a completed application form in the time provided pursuant to this Chapter.

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- (d) The applicant has previously had a permit revoked, in the city or in another jurisdiction, for violation of permit conditions or for unlawful conduct relating thereto and it is reasonably believed that similar violations or unlawful conduct will again occur.
- (e) The granting of the permit will have an adverse impact upon the public health, safety, welfare or order.
- (f) The granting of the permit will result in substantial adverse impacts (including, but not limited to, noise, litter, traffic and congestion) upon the surrounding neighborhood or the community in general.
- (g) Another complete special event application has been previously filed for a different event at the same time and place requested by the applicant, or so close in time and place as to cause traffic congestion or a demand for law enforcement services which the police department determines it is unable to safely meet without potentially adversely impacting public health or safety.
- (h) The time, duration, or size of the event will unduly interrupt the safe and orderly movement of pedestrian or vehicular traffic in the immediate vicinity of the event, or unduly disrupt the use of a street at a time when it is usually subject to great traffic congestion.
- (i) The concentration of persons, animals and vehicles at the site of the event will prevent proper police, fire, ambulance, or other essential public services to areas contiguous to the event.
- (j) The size or duration of the event will require diversion of so great an amount of police services that providing for the minimum level of law enforcement services to other areas of the city is jeopardized.
- (k) The event will substantially interfere with construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit.
- (l) The event will occur at a time and place where the noise created by the activities of the event will substantially disturb or disrupt the activities of such institutions as schools and hospitals.
- (m) Responsible parties have failed to pay the city for previous temporary use permit or special event permit fees, costs, or actual damages caused to the city by the temporary use or special permit.

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- (n) The community development director shall state, in writing, the reasons for the denial of a temporary use permit. The chief of police shall state, in writing, the reasons for the denial of a special event permit. An applicant shall have five (5) days, from the date of the issuance of the denial, to request reconsideration. The request for reconsideration must be submitted to the city clerk within five (5) days. The city clerk shall submit the request for reconsideration to the community development director for temporary use permit applications and to the chief of police for special event permit applications. The request for reconsideration shall be in writing and shall state any and all reasons of any nature why the denial should be reversed. Within a reasonable period of time, the applicant shall receive either (1) a written decision granting or denying the request or (2) a notice of hearing on the request for reconsideration.

Section 7.60.180 Revocation of Event Permit

A temporary use permit or special event permit may be revoked or suspended at any time, including during the event, by the community development or the chief of police as follows:

- (a) Grounds for suspension or revocation. Any of the following will constitute a basis for suspension or revocation of a temporary use permit or special event permit:
- (1) Violation of any of the imposed permit conditions.
 - (2) Failure to obtain and post any permit required by the State Alcoholic Beverage Control Board to serve alcoholic beverages.
 - (3) The occurrence of unlawful or criminal activity during the event.
 - (4) The creation of a heightened risk to public health, safety or welfare, whether or not caused by the applicant in whole or in part.
 - (5) Any grounds stated in this Chapter.
- (b) If, in the discretion of the enforcing official, there are no immediate health, safety or welfare risks/violations, the following steps shall be taken:
- (1) An oral warning with an opportunity to bring issue into compliance in a reasonable period of time as determined by the community development director for a temporary use permit application and the chief of police for a special event permit application. The applicant or other responsible party shall be informed that failure to timely comply may result in suspension or revocation of the temporary use permit or special use permit.

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- (2) If the violation is not resolved within the period of time required, a written notice revoking the event permit shall be sent or provided to the applicant or other responsible party. In the discretion of the enforcing official, the temporary use permit or special use permit may be temporarily suspended pending submission of a written request for reconsideration.
 - (3) The applicant or other responsible party shall have five (5) days to appeal the revocation by submitting a written request for reconsideration to the city clerk. The city manager shall conduct an administrative hearing and render a decision within a reasonable period of time of receiving the request for reconsideration.
- (c) If, in the discretion of the enforcing official, there are immediate health, safety or welfare risks/violations, the following steps shall be taken:
- (1) The event shall be shut down immediately based on an oral statement and citation in writing from the community development director for temporary use permits application and the chief of police for a special event permits application.
 - (2) The applicant or responsible party shall have five (5) days to appeal the decision and submit a request for reconsideration in writing to the city clerk. The city manager shall conduct an administrative hearing and render a decision within a reasonable period of time of receiving the request for reconsideration. If the decision to revoke is sustained by the city manager, revocation of the temporary use permit or special use permit shall become effective immediately.
- (d) Nothing in this Chapter shall limit the authority of the chief of police, fire chief, or any other official or regulatory body from exercise of its police powers or any other authority granted to it by law. All remedies and enforcement procedures set forth herein shall be in addition to, and not limit or otherwise preclude, any other legal or equitable remedies provided by law.

Section 7.60.190 Penalties for Violation.

- (a) Criminal Penalties and Enforcement.

Violations of the provisions of this Chapter, or the provisions of any Chapter adopted by reference within the King City Municipal Code for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable in accordance with Section 1.04.010 of the King City Municipal Code. Each and every day, or portion

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thereof, a violation exists is a new and separate offense. The city may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders the provisions of this Chapter, or the provisions of any Chapter adopted by reference within the King City Municipal Code unlawful, the city intends that the misdemeanor provision be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

In all cases where the same offense is made punishable or is created by different clauses or sections of the King City Municipal Code, the city attorney may elect under which to proceed.

(b) Administrative Penalties.

- (1) The administrative citation penalty for all violations of this Chapter, within a rolling twelve (12) month period, deemed Misdemeanors under the King City Municipal Code shall be as follows:
 - (A) First administrative citation: two hundred fifty and no/100ths dollars (\$250.00) per violation;
 - (B) Second administrative citation: five hundred and no/100ths dollars (\$500.00) per violation;
 - (C) Third administrative citation: one thousand and no/100ths dollars (\$1,000.00) per violation; and
 - (D) One thousand and no/100ths dollars (\$1,000.00) per violation for each subsequent administrative citation.
- (2) The administrative citation penalty for all violations of this Chapter, within a rolling twelve (12) month period, deemed Infractions under the King City Municipal Code shall be as follows:
 - (A) First administrative citation: one hundred and no/100ths dollars (\$100.00) per violation;
 - (B) Second administrative citation: two hundred and no/100ths dollars (\$200.00) per violation;
 - (C) Third administrative citation: five hundred and no/100ths dollars (\$500.00) per violation; and

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(D) Five hundred and no/100ths dollars (\$500.00) per violation for each subsequent administrative citation.

Section 7.60.200 Denial of Future Permits Based on Past Violations.

In addition to any fine, penalty, or other enforcement action available under this Chapter, State law, or federal law, the community development director shall not issue a temporary use permit and the chief of police shall not issue a special event permit to an applicant who has committed a violation of this Chapter. The length of time that such an application must be denied will be no less than twelve (12) months for less serious violations, and no longer than sixty (60) months for the most serious violations, measured from the date the violation was committed.

Section 7.60.210 Extraordinary Costs and/or Traffic Control Fees.

- (a) **Prepayment of Fees.** Before issuance of a temporary use permit or special event permit, the chief of police shall provide the applicant with a statement of the estimated cost of providing extra police officers or other public safety personnel for the event and additional traffic control fees, if needed. The applicant/responsible party shall be required to pay these fees at a minimum two (2) weeks in advance of the event.
- (b) **Computing Extra Public Safety Services.** The extra law enforcement and other public safety services shall be computed by determining the number of public safety personnel who will be required for the event beyond that which would otherwise be required at that time, multiplied by the number of hours for which such additional service is rendered at the rate of the city's full cost of providing personnel on an hourly basis as established by the master fee schedule. Such personnel to perform the additional public safety services shall be determined by the chief of police in the number the chief of police determines is reasonably necessary for the event. Public safety personnel who are employees of the city are subject to the sole direction of the chief of police or other supervising official.
- (c) **Refunds or Additional Charges.** If the actual cost for extra public safety services on the date of the event is less than the estimated cost pursuant to subsection A of this Section, the applicant/responsible party will be promptly refunded the difference by the city from the general fund. If more service hours are required than originally charged, the applicant or responsible party will be billed the additional costs. Payment of additional costs shall be due within fifteen (15) days of the date the bill is deposited in the mail. If full payment is not received within the required time for payment, the applicant or responsible party is subject to interest charges at the maximum legal rate computed from the date the payment period

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expires. If the event is cancelled less than five (5) business days prior to the scheduled event, a cancellation fee will be assessed.

- (d) **Failure to Reimburse for Additional Public Safety Services.** The cost of any extra public safety services pursuant to subsection (c) of this Section shall be collected from the applicant or responsible party in any manner prescribed by law, including but not limited to placement of a lien on the applicant or responsible party's property and/or obtaining of a judgment in civil court. This remedy is in addition to all other civil and criminal remedies available to the city.
- (e) **Cost Assessed.** The costs assessed against an applicant or responsible party for the cost of extra public safety services pursuant to subsection (c) of this Section shall include the cost of:
 - (1) salaries (including overtime), benefits, and administrative overhead of the public safety personnel providing the services;
 - (2) medical treatment for public safety personnel injured while providing services;
 - (3) replacing or repairing city property damaged while providing the services; and
 - (4) making arrests while providing the services.
- (f) **Requested Hearing.** Any applicant or other responsible party billed for additional extraordinary law enforcement services pursuant to subsection (c) of this Section may request a hearing on the matter before the city council. In order to obtain a hearing, the applicant or responsible party shall file a written request with the city clerk within ten (10) days of the date the invoice was mailed by the city. The request shall state the grounds for appeal. When a written appeal is filed by the applicant, a city council hearing shall be set within ten (10) and not more than forty-five (45) days following the filing of the appeal. The applicant or responsible party shall be notified of the date, time and place of the city council hearing.
- (g) **Liability.** The responsible parties are all and each severally liable for the cost of additional city services, and any damages sustained by the city arising from the temporary use permit or special use permit.

SECTION 6. Section 13.06.020 of Chapter 13.06, of Title 13, of the King Municipal Code is amended in its entirety to read as follows:

13.06.020 Displays of merchandise on sidewalks.

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Except as authorized pursuant to Chapter 7.60, no person shall place any goods, wares or merchandise of any kind, for exhibition, display, advertisement, or sale, on any part of any sidewalk, and no person shall permit any such goods, wares, or merchandise to remain on the sidewalk in front of any lot or premises which he owns, occupies or controls, unless that person shall first have obtained a written permit from the city council stating the terms and conditions under which the display and sale of merchandise may be permitted.

SECTION 7. Subsection (3) of Section 17.48.030 of Chapter 17.48, of Title 17, of the King Municipal Code is amended in its entirety to read as follows:

17.48.030 Uses permitted subject to permit.

(3) Hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles. The uses referred to herein are as follows:

- (a) Airports and landing fields,
- (b) Cemeteries,
- (c) Establishments or enterprises involving large assemblages of people or automobiles, unless the use qualifies for a temporary use permit under Section 7.60.050, as follows:
 - (i) Amusement parks and race tracks.
 - (ii) Circus or carnivals.
 - (iii) Public buildings, parks and other public recreational facilities.
 - (iv) Recreational facilities, privately operated.
 - (v) Privately owned and operated recreation facilities.
 - (vi) Hospitals and sanitariums

[END OF EXHIBIT "A"]

EXHIBIT 2

PC RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ESTABLISHING AND REGULATING TEMPORARY USE PERMITS AND SPECIAL EVENT PERMITS BY REPEALING CHAPTER 5.32 OF TITLE 5, AMENDING SUBSECTION (B) OF SECTION 5.34.010 AND SECTION 5.34.115 OF CHAPTER 5.34, OF TITLE 5, ADOPTING SECTION 7.29.015 TO CHAPTER 7.29, OF TITLE 7, ADOPTING CHAPTER 7.60 TO TITLE 7; AMENDING SECTION 13.06.020 OF CHAPTER 13.06, OF TITLE 13, AND AMENDING SUBSECTION (3) OF SECTION 17.48.030 OF CHAPTER 17.48, OF THE KING MUNICIPAL CODE

WHEREAS, on [REDACTED], 2018, the City Council of the City of King ("Council") initiated an amendment of the King City Municipal Code to establish and regulate certain temporary use and special event permits; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s); and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), and pursuant to both CEQA Guideline Sections 15378 and 15061(3), the ordinance is not a "project" subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment; and

WHEREAS, on August 7, 2018, the City of King Planning Commission ("Commission") conducted a public hearing to consider both the proposed ordinance, and after considering public testimony, the August 7, 2018 staff report, oral testimony from staff and the public, all submitted evidence to support the applications, and additional information submitted during the hearing, the Commission recommended the Council adopt the proposed ordinance.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED by the Planning Commission of the City of King to recommend that the City Council adopt the Ordinance amending the King City Municipal Code to establish and regulate temporary use permits and special event permits by repealing Chapter 5.32 of Title 5, amending subsection (b) of Section 5.34.010 and Section 5.34.115 of Chapter 5.34, of Title 5, adopting Section 7.29.015 to Chapter 7.29, of Title 7, adopting Chapter 7.60 to Title 7; amending Section 13.06.020 of Chapter 13.06, of Title 13, and amending subsection (3) of Section 17.48.030 of Chapter 17.48, of the King City Municipal Code.

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THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Planning Commission of the City of King, State of California, at a regular meeting of the Planning Commission held on this 7th day of August 2018 by the following vote:

AYES:

NOES:

ABSENT: