AGENDA

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

TUESDAY APRIL 23, 2019
6:00 P.M.

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

Spanish interpretation services will be available at meeting

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

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

1. CALL TO ORDER

2. ROLL CALL: Council Members Darlene Acosta, Robert Cullen, Carlos DeLeon, Mayor Pro Tem Carlos Victoria, and Mayor Mike LeBarre

3. FLAG SALUTE

4. CLOSED SESSION ANNOUNCEMENTS

5. SPECIAL PRESENTATIONS

A. Commendation for Frank Lopez

B. Census 2020 – Christina Granados

6. PUBLIC COMMENT

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

7. COUNCIL COMMUNICATIONS & COMMITTEE REPORTS

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

8. STAFF COMMUNICATIONS

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

9. CONSENT AGENDA

The following items listed below are scheduled for consideration as a group. The recommendations for each item are noted. Members of the audience may speak on any item(s) listed on the Consent Agenda. Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion. The Council may approve the remainder of the Consent Agenda on one motion. Items withdrawn from the Consent Agenda may be considered by separate motions at the conclusion of the discussion of each item.

A. Meeting Minutes of April 9, 2019 Council Meeting
Recommendation: approve and file.

B. Consideration: An Ordinance of the City Council of the City of King Amending Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, of Title 17 of the King City Municipal Code Chapter Pertaining to Commercial Cannabis Activity, Including Manufacturing Permits, Cannabis Activity Limitations, and Cannabis Deliveries Within the City of King
Recommendation: waive the second reading and adopt an Ordinance amending Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, of Title 17 of the King City Municipal Code Pertaining to Commercial Cannabis Activity, Including Manufacturing Permits, Cannabis Activity Limitations, and Cannabis Deliveries Within the City of King.

C. Consideration: King City Chamber of Commerce & Agriculture City-Wide Yard Sale and Sidewalk Sale
Recommendation: 1) approve the King City chamber of Commerce & Agriculture special event permit request for a City-wide yard Sale and Sidewalk Sale on Jun 21, 2019 to Jun 23, 2019; 2) waive all garage sale permit fees and requirements during those days; and 3) waive fees for the special event permit.

D. Consideration: FY 2019-20 Street Improvement Project Including Adoption of Finding of a Categorical Exemption, Pursuant to Section 15301 of the CEQA Guidelines
Recommendation: 1) adopt a Resolution designating street projects for revenues from SB 1 – The Road Repair and Accountability Act of 2017 for FY 2019-20; 2) approve the FY 2019-20 Street Improvement Project; and 3) adopt a finding of a categorical exemption, pursuant to Section 15301 of the CEQA Guidelines.

E. Consideration: Creation of Part-Time Animal Control Officer Position
Recommendation: 1) approve the creation of, and the job description for, a part-time Animal control Officer position; and 2) approve an amended Job Classification Plan.

F. Consideration: Appointment to the Planning Commission
Recommendation: adopt a Resolution appointing Brett Saunders to the Planning Commission.

G. Consideration: Contract Services Agreement for Temporary Code Enforcement Services
Recommendation: 1) approve and authorize the City Manager to execute a new Contract Services Agreement with CSG Consultants, Inc. for building plan review and inspection services and code enforcement services; and 2) authorize the City Manager to make non-substantive changes as deemed necessary in a form approved by the City Attorney.

10. PUBLIC HEARINGS

A. Consideration: An Ordinance of the City Council of the City of King to Establish and Regulate Condominium Conversion and Construction of New Condominiums by Repealing Sections of Chapter 17.54 of Title 17 and Adopting Chapter 17.49 to Title 17 of the King City Municipal Code
Recommendation: open the hearing, consider public testimony, introduce and conduct the first reading of an ordinance repealing Sections of Chapter 17.54 and adding Chapter 17.49 of title 17 pertaining to regulation of condominium conversion and construction of new condominiums, by title only, and set the second reading and adoption for the next regularly scheduled Council meeting of May 14, 2019.

B. Consideration: An Ordinance of the City Council of the City of King Amending Section 16.18.090 and Adding Section 16.18.105 of Chapter 18 of Title 16 of the King City Municipal Code Pertaining to Payment of Development Mitigation Impact Fees
Recommendation: introduce an Ordinance amending Section 16.18.090 and adding Section 16.18.105 of Chapter 18 of Title 16 of the King City Municipal Code pertaining to payment of development mitigation impact fees to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance.

C. Consideration: Amendment to the Master Fee Schedule
Recommendation: adopt a Resolution amending the Master Fee Schedule to increase the Cannabis Permit Issuance and Renewal Fee and other updates.

11. REGULAR BUSINESS

None

12. CITY COUNCIL CLOSED SESSION

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

None

13. ADJOURNMENT

City of King

PROCLAMATION

Honoring

Frank Lopez

April 23rd, 2019

WHEREAS, *Frank Lopez has operated a valued landscaping business in King City for nearly 35 years; and*

WHEREAS, *the work Frank Lopez and his business has provided has beautified many areas of the community; and*

WHEREAS, *design and construction of the drought tolerant demonstration garden at the City's entrance sign at Broadway Street and San Antonio Drive is among the many prominent projects that he has been responsible for; and*

WHEREAS, *since the project was constructed, Frank's Gardening Service has continued to maintain this beautiful site on a volunteer basis for the City; and*

WHEREAS, *the attractive condition of this site has brought great pride to the community and the work provided has improved an area that would be difficult for the City to maintain with limited staffing and resources; and*

WHEREAS, *Frank Lopez has also supported a number of community organizations and efforts, including the Salinas Valley Fair and Young Farmers.*

NOW, THEREFORE, BE IT PROCLAIMED *on behalf of the City Council of the City of King that we express our sincerest appreciation to Frank Lopez for the contributions he has provided to assist and beautify King City.*

Mike LeBarre, Mayor

Partnering for a Successful 2020 Census

Tory Del Favero & Christina Granados

Partnership Specialists

U.S. Census Bureau

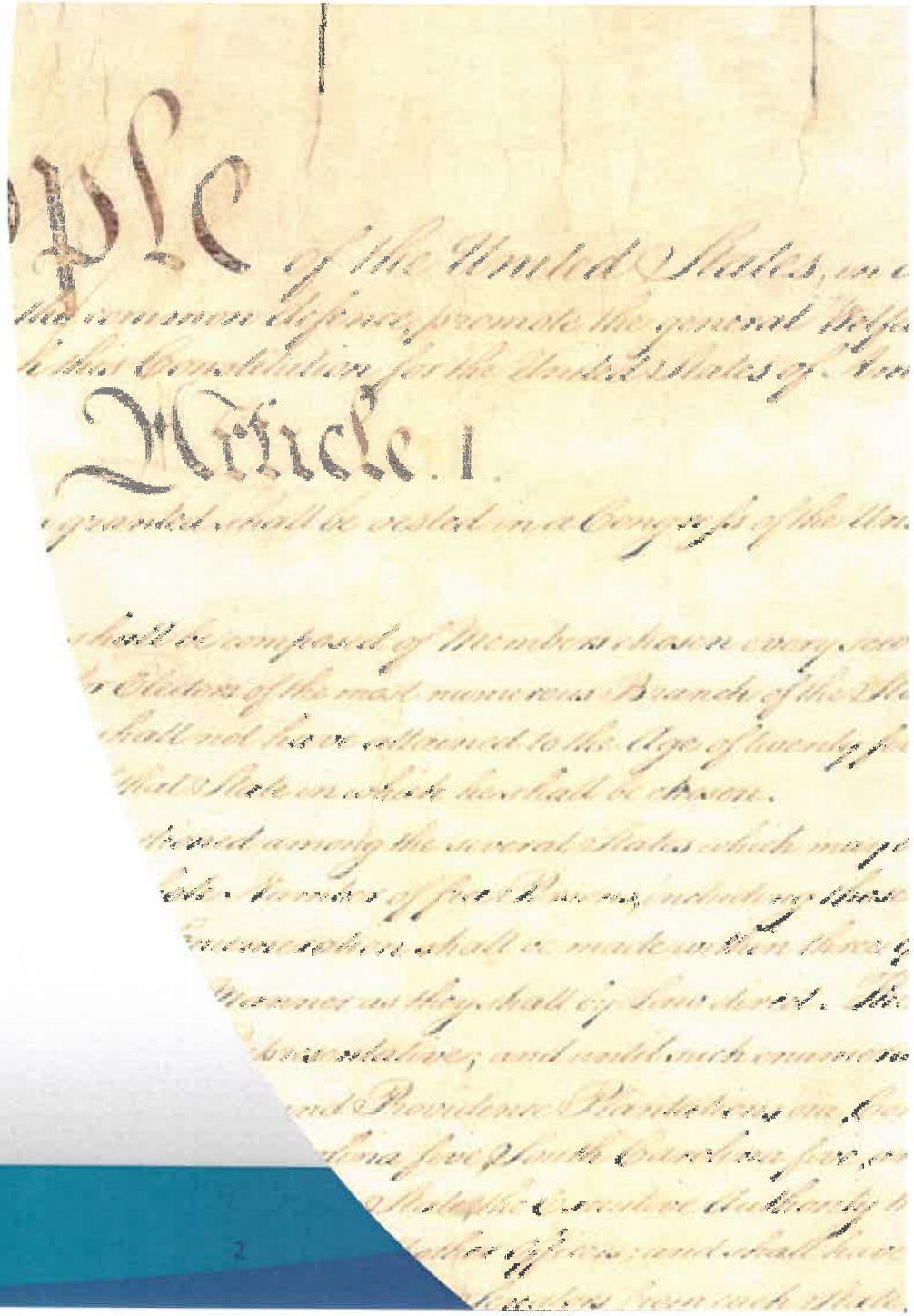
Los Angeles Regional Census Center

Why We Do a Census

- Article 1, Section 2 of the US Constitution

  The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

- Key Purpose is Apportioning the US House of Representatives



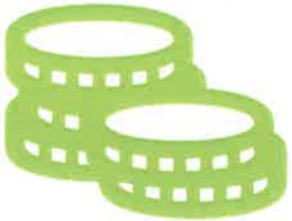
Federal Funding

Census data informs how **$675 billion** is distributed annually among local, state, and tribal governments for programs like:

- Transportation
- Job training centers
- Schools (Title 1 Grants, National School Lunch Program, Head Start/Early Head Start)
- Senior and Foster Care Centers
- Housing (Section 8 housing choice vouchers)
- Medical Assistance Programs (Medicaid, Medicare)

Money and Power

$76 Billion Dollars to the State of California per year



$2,000 Approximately Per Californian Counted per year

Congressional representation

Reapportionment and Redistricting

How Census Data Can Be Used

TRANSPORTATION: ROADS AND MASS TRANSIT

DIRECTING FUNDS FOR SERVICES: HOSPITALS, POLICE, SCHOOLS, DAY CARE

LAND USE PLANNING

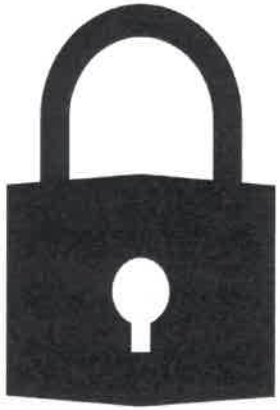
BUSINESS DECISIONS

SCIENTIFIC RESEARCH

DECISION MAKING AT ALL LEVELS OF GOVERNMENT

ESTIMATING PEOPLE DISPLACED IN A NATURAL DISASTER

Answers are confidential and protected by Title 13 of the U.S. Code



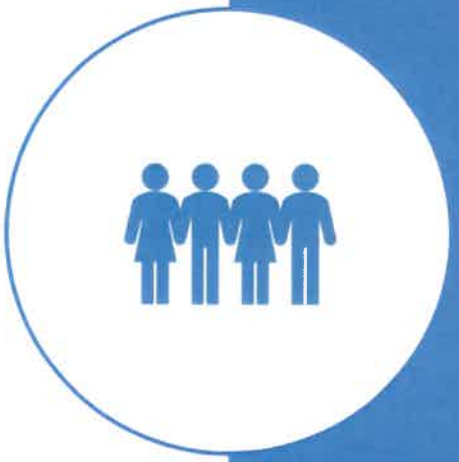
- The Census is confidential and required by law
- Results of the Census are reported in statistical format only
- We do not share a respondents personal information with other government agencies
- All Census Employees swear to a lifetime oath to protect respondent information
- Penalties for wrongful disclosure - Up to 5 years imprisonment and or a fine of $250,000

Partnership for a Successful 2020 Census

- **Enroll** community partners to increase participation in the 2020 Census of those who are less likely to respond or are often missed.
  - **Educate -** people about the 2020 Census and foster cooperation with enumerators
  - **Encourage -** community partners to motivate people to self-respond
  - **Engage -** grass roots organizations to reach out to hard to count groups and those who aren't motivated to respond to the national campaign

Complete Count Committees

- Tribal, state and local governments work together with partners and trusted voices in their communities to promote the 2020 Census to their constituents.
- Committees can include:
  - Government
  - Education
  - Media
  - Community Organizations
  - Non-Profits
  - Faith-Based Community
  - Business/Employment
  - Youth Focused Organizations



Who are the Hard to Count?

- Young children
- Highly mobile persons
- Racial and ethnic minorities
- Non-English speakers
- Low income persons
- Persons experiencing homelessness
- Persons who distrust the government
- Persons with disabilities
- Persons who do not live in traditional housing
- LGBTQ
- Farm workers
- Migrant Workers
- Renters
- Multifamily housing
- American Indian and Alaskan Native
- Native Hawaiian and Pacific Islanders
- College Students

2020 Census Self Respond

Internet

Phone

Mail

In Person

Recruiting

2020CENSUS.GOV/JOBS USAJOBS.GOV 855-JOB-2020

Earn extra income while helping your community.

The U.S. Census Bureau is recruiting thousands of people across the country to assist with the 2020 Census count.

United States Census Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
census.gov

Contact Information

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City Council Meeting
April 9, 2019

1. CALL TO ORDER:

Regular Meeting called to order at 6:00pm by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by Mayor LeBarre.

3. ROLL CALL:

City Manager Adams conducted roll call.

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

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

4. CLOSED SESSION ANNOUNCEMENTS:
Approval of claim to Brigida Lopez-Alvendano was paid $3235.50 for her claim.

5. PRESENTATIONS:

None

6. PUBLIC COMMUNICATIONS:
Cassandra Sanchez from Ana Cabellero's office came in to introduce herself.

Mark Bloom, King City resident, he realized everyone is work very hard however he would like to know when the trees in front of his house will be trimmed.

7. COUNCIL COMMUNICATIONS:
Council Member DeLeon stated he had nothing at this time.

Council Member Acosta stated Sunstreet Centers is sponsoring an information night on cannabis and how it effects young people and how they get a hold of it. It will be Thursday night in Greenfield Highschool. Doctors, law enforcement and King Cultivation will be on the panel. She has noticed vandalism to the sign on the softball field and would like to see a sign posted that cameras are on or something to deter the vandalism.

Mayor Pro Tem Victoria stated AMBAG meeting tomorrow in Greenfield and gave praise to King City PD for the arrests made the other day.

Council Member Cullen asked Council member Acosta if the panel discussion on cannabis will be recorded and passed on the council and she said she would check into that. The fair kick-off dinner is April 27th. A couple of tweaks for the fair. They are allowing pick-up of entries the last day of the fair and they are handing out cash for those winning entries instead of a check. Salinas Valley Solid Waste Authority meeting is on the 18th. They will announce their general legal counsel on the 18th.

Mayor LeBarre stated that April 14th Cyclovia, on the 11th he will attend Assemblyman Rivas open house, on the 12th is the DA Crime Victims Dedication Ceremony which is sad and heartwarming at the same time. On April 24th he is looking forward to Supervisor Lopez Community Town Hall. Monterey County Dance theatre starts their ballet performance this weekend.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Steven Adams commented on the signs at Creekbridge being made of Styrofoam and will try to get those replaced. The next phase of the camera system will be focusing on the parks. He attended MBASIA board of directors meeting, we are with in the best with claims for the past few years.

City Attorney Roy Santos stated that he shared a booth with King City PD for career day, and he enjoyed meeting all the kids talking about being a lawyer and college. He state that Detective Partida did an good job reaching out the kids.

9. CONSENT AGENDA

A. Meeting Minutes of March 26, 2019 Council Meeting
B. City of King March 22 & 25, 2019 Invoices Paid
C. Consideration: SB 2 Planning Grant Application

Action: Motion to approve consent agenda items A-C by Victoria and seconded by Cullen.

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

10. PUBLIC HEARINGS:

A. Consideration: An Ordinance of the City Council of the City of King Amending Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, of Title 17 of the King City Municipal Code Chapter Pertaining to commercial Cannabis Activity, Including Manufacturing Permits, Cannabis Activity Limitations, and Cannabis Deliveries Within the City of King

Mayor LeBarre read the title into the record.
City Manager Adams introduced this item.

Council member Cullen wanted to know what Planning Commission stated at their meeting. Principal Planner Scott Bruce informed the Council of what the Planning Commission stated. The Planning Commission wanted the cap at 50%.

Council member Cullen also wanted to know about mixed use and how it would be counted. City Manager Adams explained that it would be calculated individually.

Council member Acosta wanted an explanation on deliveries in town. City Attorney Santos explained that the state has put regulations in place that we can not over ride. There are some mechanisms in place like checking ID's upon delivery and the recipient needs to be 21 years or older. There is a tracking system in place that tracks it from the dispensary to where it is delivered.

Mayor LeBarre clarified that there is a regulation against bad actors from the state as there is a way to complain to the state to get them.

Mayor LeBarre opened the public hearing, seeing no one come forward, Mayor LeBarre closed the public hearing.

Action: Motion to introduce an Ordinance amending Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, of Title 17 of the King City Municipal Code Pertaining to commercial Cannabis Activity, Including Manufacturing Permits, Cannabis Activity Limitations, and Cannabis Deliveries Within the City of King to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance by Cullen and seconded by DeLeon.

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

11. REGULAR BUSINESS:

A. Consideration: Cannabis Business Work Permit Process

City Manager Adams introduced this item.

Tobias Rich from Elite Molecular stated that they are in favor of moving to live scan and appreciates being able to work with City staff.

Action: Motion to Approve and direct staff to implement recommendations to improve the process of issuing work permits for cannabis business employees by Victoria and seconded by DeLeon.

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

B. Consideration: Contract for Conceptual Design of Downtown Plaza

Council member Cullen recused himself from this item due to his business being within 500 feet of this project.

City Manager Adams introduced this item.

Action: Motion to Approve and authorize the City Manager to execute a contract with RRM Design Group to prepare a conceptual design for the proposed Downtown Plaza project by Victoria and seconded by DeLeon.

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

ABSENT: Council Members: Cullen
ABSTAIN: Council Members:

Mayor LeBarre recessed to closed session 7:05p.m.

12. CITY COUNCIL CLOSED SESSION

A. Liability Claims, by Rafael Ceja P.
Claim against City of King
Gov. Code Section: §54956.95

ADJOURNMENT:

Mayor LeBarre adjourned the meeting at 7:20p.m.

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King

KING CITY
CALIFORNIA

Item No. 9(B)

REPORT TO THE CITY COUNCIL

DATE: **APRIL 23, 2019**

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **STEVEN ADAMS, CITY MANAGER**
ROY SANTOS, CITY ATTORNEY

RE: **CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING CHAPTER 17.03, SECTIONS 020, 040, 060, 070, 210, 230, 260, AND 270, AND CHAPTER 17.30, SECTION 020 AND CHAPTER 17.31, 020, OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO COMMERCIAL CANNABIS ACTIVITY, INCLUDING MANUFACTURING PERMITS, CANNABIS ACTIVITY LIMITATIONS, AND CANNABIS DELIVERIES WITHIN THE CITY OF KING**

RECOMMENDATION:

It is recommended the City Council waive the second reading and adopt an Ordinance amending Chapter 17.03, Sections 020, 040, 060, 070, 210, 230, 260, and 270, and Chapter 17.30, Section 020 and Chapter 17.31, Section 020, of Title 17 of the King City Municipal Code Pertaining to Commercial Cannabis Activity, Including Manufacturing Permits, Cannabis Activity Limitations, and Cannabis Deliveries Within the City of King.

BACKGROUND:

The City's current commercial cannabis ordinance authorizes the issuance of 15 cannabis manufacturing permits and the operation of no more than 15 cannabis manufacturing facilities. The City has received requests for manufacturing permits that exceed the current authorized limits.

The City's ordinance also limits cultivation and nursery permits to a total of 1,350,000 square feet. There are no limits on distribution and non-storefront delivery. As part of the strategic plan visioning process, the Council identified a goal of maintaining diversity of businesses in the business park and industrial

area. Current limits in the City's Ordinance may not prevent the entire industrial park from converting to cannabis businesses over time if there continues to be a demand for more businesses. As a result, staff has developed recommendations for additional restrictions.

In addition, the Bureau of Cannabis Control recently approved new regulations, including one which authorized the delivery of commercial cannabis in all jurisdictions within the State of California. The City's cannabis regulations currently prohibit deliveries within the City, which are now in conflict with the State's regulations.

At the February 26th meeting, staff reviewed an analysis of these issues with the City Council, provided recommendations, and received direction on proposed changes. The changes were incorporated into an Ordinance presented to the Planning Commission at their April 2nd meeting. The Planning Commission adopted a Resolution recommending the City Council adopt the Ordinance with a reduction in the overall square footage allowed for cannabis businesses in the industrial area. The City Council introduced the Ordinance at the April 9th meeting.

DISCUSSION:

Commercial Cannabis Cultivation Permits

The current cultivation square footage limit applies to the square footage of the canopy only. Since this involves only a portion of each site, the overall potential impact on the industrial area is much greater. When this is combined with the fact that the number of permits for other cannabis uses are not restricted, staff does not believe current regulations prevent the entire industrial area from converting to cannabis uses at some time in the future. This may impact the ability of other businesses important to meeting needs in the community from finding available land. Focusing too much of the economy on one industry also creates risks to the economic stability of the City if market forces are negatively impacted in that industry.

As a result, staff prepared an analysis of developable area in the industrial park. When eliminating the airport land and public right-of-way, it leaves approximately 298 acres. Of that, approximately 137 acres is committed to the Cal Pine power

plant, the winery and adjacent agricultural land, and the Rava complex. This leaves approximately 161 acres available for individual businesses. Staff originally recommended limiting the total area used for cannabis related businesses to 60% of this area, which would be approximately 97 acres. Since these figures are estimates, it was recommended to round the figure to 100 acres. Council concurred with this recommendation. However, the Planning Commission recommended instead limiting the total area used for cannabis related businesses to 50% of this area. Therefore, the Ordinance now presented for Council consideration includes a total limit rounded off to 80 acres.

Currently, approximately 49.8 acres has been committed to cannabis related businesses through conditional use permits already approved. Therefore, this limit would enable new cannabis permits to still increase by an additional 60%, yet at the same time reserve a meaningful portion of facilities for other businesses.

Commercial Cannabis Manufacturing Permits

City staff have received numerous applications to issue commercial cannabis manufacturing permits; however, these requests for permits exceed the amount of commercial cannabis manufacturing permits authorized by the King City Municipal Code. Section 17.03.270(d) states "[n]o more than fifteen (15) commercial cannabis manufacturing businesses may operate within the City at any one time and no more than fifteen (15) commercial cannabis manufacturing permits shall be issued by the City for commercial cannabis manufacturing businesses to operate within the City." Without increasing the number of authorized commercial cannabis manufacturing businesses and permits, no additional businesses can operate within the City.

Tax revenues for cannabis manufacturing operations are significantly less than cultivation, but tend to pay higher paying jobs, and staff anticipates they may be less impacted by fluctuations in the market for cannabis. Therefore, staff is recommending increasing the number of commercial cannabis manufacturing businesses that can operate within the City from fifteen (15) to twenty-five (25) and number of authorized commercial cannabis manufacturing permits from fifteen (15) to twenty-five (25).

Bureau of Cannabis Control Regulations

With the passage of Proposition 64 in 2016, Californians legalized adult-use (non-medicinal) commercial cannabis activities. In furtherance of Proposition 64, in 2017, the State legislature enacted SB 94, which established a comprehensive regulatory scheme applicable to both adult-use and medicinal cannabis businesses throughout California.

SB 94 expressly reserves to local jurisdictions the authority to "completely prohibit the establishment or operation of one or more types of [state-licensed cannabis businesses] within the local jurisdiction." (Bus. & Prof. Code, § 26200(a).) This provision ostensibly includes any and all types of cannabis businesses, including those that engage in cannabis deliveries (i.e. the retail sale of cannabis by delivery as opposed to directly from a storefront).

SB 94 further provides that "a local jurisdiction shall not prevent delivery of cannabis or cannabis products on public roads by a [state-licensed cannabis business] *acting in compliance* with state *and local* law . . . ." (Bus & Prof. Code, § 26090(e) (emphasis added).) This can be reasonably interpreted to mean that a city has authority to enact and enforce an ordinance prohibiting cannabis deliveries within its boundaries, particularly if the prohibition is limited to deliveries made to or from locations within the city and does not apply to mere use of public roads to pass through the city.

Relying on the foregoing authority, in 2017 and 2018, many California cities adopted ordinances banning cannabis deliveries made to or from locations within their jurisdictions. Such a restriction was included in King City's ordinance.

On January 16, 2019, the Office of Administrative Law (OAL) approved final regulations of the Bureau of Cannabis Control (BCC) and other State licensing authorities (the Department of Public Health and the Department of Food and Agriculture) regarding the various types of commercial cannabis activities, including deliveries. The regulations constitute revised versions of the prior emergency regulations which were adopted in late 2017 and early 2018.

One of the most significant changes to the regulations is the addition of an express provision to the BCC regulations stating that cannabis may be delivered to any jurisdiction within the State of California, provided only that the delivery complies with the delivery provisions of the BCC regulations (16 CCR § 5416(d)

("Section 5416(d)"). The provision makes no reference to any obligation to comply with local law in conducting cannabis deliveries.

Cities are challenging this regulation. However, if a city attempts to enforce a local cannabis delivery prohibition while section 5416(d) is in effect, the enforcement efforts will expose the city to the risk of a meritorious legal challenge by the subject delivery licensee. This could result in a court order invalidating the enforcement action, significant litigation expenses, and an award of prevailing party attorneys' fees against the city where such fees are authorized by the city's municipal code. As a result, staff is recommending the City's Municipal Code be amended to allow deliveries at this time to be consistent with State regulations.

COST ANALYSIS:

There is no immediate cost impact from the recommended action. In the near future, it should result in increased revenue from the increase in cannabis manufacturing permits. Staff believes the overall limit on cannabis businesses will not restrict the number of cultivation businesses. Therefore, staff does not anticipate the restriction on overall cannabis businesses will have a negative long-term impact on revenues.

ENVIRONMENTAL REVIEW:

The amendments to the commercial cannabis ordinance is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines § 15307, 15308.)

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt the Ordinance as recommended by the Planning Commission;
2. Modify the total limit consistent with staff's original recommendation to 100 acres and re-introduce;
3. Direct staff to make other changes and bring the Ordinance back for introduction;
4. Do not adopt the Ordinance; or
5. Provide other direction to staff.

Approved by: _____
Steven Adams, City Manager

ORDINANCE NO. 2019-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING CHAPTER 17.03, SECTIONS 020, 040, 060, 070, 210, 230, 260, AND 270, AND CHAPTER 17.30, SECTION 020 AND CHAPTER 17.31, SECTION 020, OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO COMMERCIAL CANNABIS ACTIVITY, INCLUDING MANUFACTURING PERMITS, CANNABIS ACTIVITY LIMITATIONS, AND CANNABIS DELIVERIES WITHIN THE CITY OF KING

WHEREAS, the City of King ("the City") has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical cannabis use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act ("Act"), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial cannabis operations; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from "medical marijuana" or "marijuana" to "medical cannabis" or "cannabis", and making other technical changes to the Act. SB 83 7 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in 2016, the City adopted Title 17, Chapter 17.03 et seq., of the King City Municipal Code pertaining to Medical Cannabis Activity. The Medical Cannabis Ordinance places complete bans and regulations on medical cannabis activity in the City based upon various health, safety and welfare and land use findings relating to cannabis cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

WHEREAS, on August 1, 2017, at a lawfully noticed hearing, the Planning Commission for the City of King heard and considered the issue of increasing the maximum number of manufacturing permits the City will approve. The Planning Commission, upon hearing and considering the issue of increasing the maximum number of manufacturing permits, recommends

that the City Council of the City of King increase the maximum number of manufacturing permits the City will approve from six (6) to ten (10).

WHEREAS, in November of 2016 the Adult Use of Marijuana Act ("AUMA") was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical cannabis, including cannabis products. Adults, age 21 and older, will be allowed to possess cannabis and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of cannabis became effective the day after the November 8, 2016; and

WHEREAS, the AUMA's proposed Health & Safety Code section 11362.1(a)(3), will make it lawful under state and local law for any person twenty-one (21) years of age or older to "Possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants"; and

WHEREAS, the City wishes to enact regulations governing commercial cultivation of cannabis at this time; and

WHEREAS, the AUMA's proposed Health & Safety Code section 11362.2(b) explicitly allows a city to "enact and enforce reasonable regulations to reasonably regulate" the cultivation of cannabis so long as the City does not prohibit the cultivation of up to six plants "inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure"; and

WHEREAS, several California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, cannabis plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of cannabis plants and their strong smell (which alerts others to their locations), cannabis cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated cannabis cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance, in that cannabis cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, the indoor cultivation of cannabis has potential adverse effects to the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of cannabis can be harmful to the public health, safety and welfare, given electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, MMRSA and AUMA mandated comprehensive state licensing and regulatory framework for cultivation, manufacturing, distribution, transporting, testing and dispensing cannabis and cannabis products; however, implementing regulations have yet to be written and state licenses may not be available until 2018; and

WHEREAS, there are numerous well publicized studies and reports, as well as numerous documented incident in Monterey County and throughout the State, which show that unregulated cannabis activities have a significant adverse effect on the community; and

WHEREAS, the City finds that the absence of a formal regulatory framework the adverse impacts frequently associated with commercial cannabis activities will occur, resulting in an unregulated and potentially significant negative impact upon the environment and upon public health, safety, and welfare of the community; and

WHEREAS, outdoor cannabis cultivation and unregulated indoor cannabis cultivation are likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City desires to explicitly prohibit the outdoor cultivation of commercial cannabis for both recreational and medical use; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City also desires to enact reasonable regulations for the indoor cultivation, manufacturing, testing, distribution, or consumption of commercial recreational and medical cannabis; and

WHEREAS, absent clear regulation, cannabis cultivation in the City poses a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it, the secondary impacts described above are likely to occur very soon after the passage of the AUMA; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating the commercial cultivation of recreational and medical cannabis; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, manufacturing, testing, distribution, or consumption of cannabis which is illegal under state or federal law; and

WHEREAS, it is the intent of the City to regulation commercial cannabis activities, both recreational and medical, within the boundaries of the City.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

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

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.)

SECTION 3. Chapter 17.03, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.03

COMMERCIAL CANNABIS ACTIVITY

Section 17.03.020 Definitions.

When used in this Chapter, the following terms shall have the meanings ascribed to them in this Section. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(j) "*Delivery*" means the transfer of cannabis and/or cannabis products from a cultivation site, up to an amount determined by the State of California, or any of its departments or divisions, to a manufacturer or testing laboratory, or the wholesale or retail sale of cannabis, cannabis products and/or devices for the use of cannabis or cannabis products from a non-storefront dispensary, up to an amount determined by the State of California, or any of its departments or divisions, to a retail customer.

(k) "*Dispensary*" means any facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale.

(l) "*Dispensing*" means making cannabis and/or cannabis products available to, delivering to, or distributing to two (2) or more persons and/or any activity involving the wholesale or retail sale of cannabis or cannabis products.

(y) "*Transport*" means the transfer of cannabis or cannabis products from a licensed and permitted commercial cannabis business location to another licensed and permitted commercial cannabis business location, for the purposes of the wholesale or retail delivery of cannabis and/or cannabis products and/or the transfer of cannabis to a manufacturing site or testing site as authorized pursuant to state law and/or the King City Municipal Code.

(z) "*Transporter*" means a person who transports commercial cannabis or cannabis products to and from a wholesale or retail commercial cannabis business licensed by the State of California or one of its departments or divisions and permitted by the City of King.

Section 17.03.040 Licenses and Permits.

(a) Commercial cannabis activity shall be authorized in the City of King only as expressly provided in this Chapter and if not expressly authorized by this Chapter shall be prohibited.

(b) Authorized Commercial Cannabis Activities: Commercial cannabis operations within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, nursery cultivation, retailer (non-storefront delivery), manufacturer, testing laboratory, distributor, and microbusiness (excluding all storefront sales and allowing only non-storefront deliveries) are allowed subject to issuance and maintenance of the permits and entitlements set forth in this Chapter and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current State license of a classification listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:

(1) Type 1A = Cultivation; Specialty Indoor; Small.

(2) Type 1B = Cultivation; Specialty Mixed-Light; Small.

(3) Type 2A = Cultivation; Indoor; Small.

(4) Type 2B = Cultivation; Mixed-Light; Small.

(5) Type 3A = Cultivation; Indoor; Medium.

(6) Type 3B = Cultivation; Mixed-Light; Medium.

(7) Type 4 = Cultivation; Nursery.

(8) Upon authorization by the State of California, Type 5A = Cultivation; Indoor; Large.

(9) Upon authorization by the State of California, Type 5B = Cultivation; Mixed-Light; Large.

(10) Type 6 = Manufacturer 1.

(11) Type 7 = Manufacturer 2.

(12) Type N = Manufacturer (i.e. no extractions, pursuant to 17 CCR § 40118, as may be amended).

(13) Type P = Manufacturer (i.e. packaging and labeling only, pursuant to 17 CCR § 40118, as may be amended).

(14) Type 8 = Testing Laboratory.

(15) As authorized by Code of Regulations, Type 9 = Non-Storefront Retailer (i.e. non-storefront delivery, pursuant to 16 CCR § 5414, as may be amended).

(16) Type 10 = Non-Storefront Retailer (i.e. non-storefront deliveries).

(17) Type 11 = Distributor.

(18) Type 12 = Microbusiness (excluding any storefront dispensary and allowing only non-storefront deliveries).

(19) Type 13 = Distributor (i.e. transport only, pursuant to 16 CCR § 5315, as may be amended).

The establishment, development, construction, maintenance, or operation of a non-storefront dispensary shall only be authorized in the M-1, M-2 and M-3 zones and/or the East Ranch Business Park Specific Plan area within the City. As such, the establishment, development, construction, maintenance, or operation of a non-storefront dispensary shall be prohibited in all other zones and/or areas within the City. Nothing in this

subsection shall be interpreted to authorize the establishment, development, construction, maintenance, or operation of a non-storefront dispensary in violations of the requirements of Health and Safety Code section 11362.768, Code of Regulations section 5026 and any other similar statue, law and/or regulation enacted by the City or State of California or one of its departments charged with regulating cannabis activities.

(c) Prohibited Types of Commercial Cannabis Businesses: Commercial cannabis businesses within the City which involve the activities of outdoor cultivation, and storefront sales are prohibited in the City. This prohibition includes, but is not limited to, commercial cannabis activities licensed by the State license classifications listed below, as provided for in Business & Professions section 26050 and applicable State regulations:

(1) Type 1= Cultivation; Specialty Outdoor; Small.

(2) Type 1C = Cultivation; Specialty Cottage; Small.

(3) Type 2 = Cultivation; Outdoor; Small.

(4) Type 3= Cultivation; Outdoor; Medium.

(5) Type 5 = Cultivation; Outdoor; Large.

(6) Types 10 and 12 (storefront sales).

Except as otherwise expressly provided in this Chapter, the prohibitions of this subsection includes any similar commercial cannabis activities authorized under new or revised State licenses, or any other State authorization, for any type, category, or classification of commercial cannabis activities which involve the above-referenced or similar activities or operations.

Notwithstanding any provision of this Chapter or the King City Municipal Code, storefront sales are prohibited in all zoning districts within the City. No commercial cannabis permit issued to any person, including but not limited to a person holding a Type 10 "Retailer" or Type 12 "Microbusiness" State license, shall include any authorization to engage in storefront sales. This prohibition applies to both adult-use and medicinal cannabis and cannabis products. As such, no medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider, within the meaning of Health and Safety Code section 11362.768, shall be permitted to engage in storefront sales. The term "storefront sales" shall

include making available, tendering, offering, bartering, gifting, releasing, delivering, providing or exchanging any cannabis or cannabis products. However, this subsection does not prohibit the issuance of commercial cannabis permit authorizing non-storefront sales of cannabis or cannabis products in the City.

The establishment, development, construction, maintenance, or operation of a storefront cannabis dispensary, cooperative and/or collective are hereby prohibited, and is not an authorized or conditionally permitted use in any zoning district within the City, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a storefront cannabis dispensary, cooperative and/or collective and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any storefront cannabis dispensary, cooperative and/or collective shall be approved by any officer or employee of the City. A violation of this Section is declared to be a public nuisance and punishable pursuant to the provisions of the King City Municipal Code.

(d) The storefront retail sale, delivery, gift, trade, barter or making available of cannabis or cannabis products by two or more persons shall be prohibited in all zoning districts of the City. Notwithstanding the requirements of this subsection, non-storefront dispensaries shall not be prohibited.

Section 17.03.230 Limitation on Commercial Cannabis Business Activities.

No more than eighty (80) acers of land or fifty (50%) percent of the total land zoned within the City to allow for commercial cannabis business activities shall be utilized as commercial cannabis business. The entire portion of a piece of property being utilized as a commercial cannabis business shall be counted towards the eighty (80) acres or fifty (50%) percent limitation established above. In addition, no more than one million, three hundred fifty thousand square feet of total canopy whether under cultivation or nursery activity will be allowed within the city at any one time and commercial cannabis permits shall be issued by the city for cultivation and nursery activity up to a maximum one million three hundred fifty thousand square feet of total canopy within the city. Nurseries shall be limited to a total of twenty-five thousand square feet in size per Type 4 "Nursery" license issued by the city.

Section 17.03.260 Cannabis manufacturing—Edibles and other cannabis products—Sale or distribution of edible and other cannabis products.

The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate zoning districts as defined in Title 17, Zoning, of the King City Municipal Code, subject to the regulations set forth in this section and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the city council or otherwise pursuant to this chapter.

(a) No edible cannabis products shall be sold or distributed on a storefront retail basis at a commercial cannabis business operating under a permit issued pursuant to this chapter. Edible cannabis products may be sold on a non-storefront retail basis.

(b) All items to be sold or distributed shall be individually wrapped at the original point of preparation. Labeling must include a warning if nuts or other known allergens are used, and must include the total weight (in ounces or grams) of cannabis in the package. A warning that the item is a medication and not a food must be clearly legible on the front of the package. The package must have a label warning that the product is to be kept away from children. The label must also state that the product contains cannabis and must specify the date of manufacture.

(c) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the commercial cannabis business. Deliveries must be in a properly labeled opaque package when delivered.

(d) Preparation of commercial edible cannabis products and non-edible cannabis products shall comply with all applicable federal, state and local laws, regulations and/or guidelines governing manufacturing procedures and safety measures. The city manager shall have authority, upon consultation with the city attorney, to establish additional regulations and/or guidelines for preparing commercial edible cannabis products and non-edible cannabis products within the city.

Section 17.03.270 Cannabis Manufacturing and Testing.

(d) No more than twenty-five (25) commercial cannabis manufacturing businesses may operate within the City at any one time and no more than twenty-five (25) commercial cannabis manufacturing permits shall be issued by the City for commercial cannabis manufacturing businesses to operate within the City.

SECTION 4: Chapter 17.30, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.30

M-1 Industrial District

Section 17.30.020 Uses Permitted Subject to Obtaining a Use Permit.

(14) Commercial cannabis cultivation and nurseries consistent with those activities authorized under the State of California cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code section 19332(g)(5) Type 2A "small indoor," 19332(g)(6) Type 2B "small mixed-light," 19332(g)(8) Type 3A "indoor," 19332(g)(9) Type 3B "mixed-light" and 19332(g)(10) Type 4 "nursery." Commercial cannabis manufacturing and testing consistent wit those activities authorized under the State of California Type 6 and Type 7 Manufacturing, (m) and Type 8 Testing (subject to the limitation established by the State of California). Cultivation for purposes of this provision shall be limited to those activities defined within Business and Professions Code section 19300.5(l) and the delivery or transport of the harvested cannabis or cannabis product. Non-storefront retail sales including deliveries of cannabis and/or cannabis product shall be allowed within the jurisdictional boundaries of the City, as authorized by Code of Regulations section 5414 Type 9 = Non-Storefront Retailer (i.e. non-storefront sales by delivery, as may be amended) and Business and Professions Code section 26050(a)(18) Type 10 = Retailer (i.e. non-storefront dispensaries and deliveries). Commercial cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code section 19341, may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis manufacturing facilities requiring a Type-7 state license (volatile manufacturing), as defined in Business and Professions Code Section 19341, may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis testing facilities requiring a Type-8 state license may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code

(16) Commercial cannabis distribution and transportation consistent with those activities authorized under State of California distribution and transportation license types issued by the Department of Food and

Agriculture under Business and Professions Code 19334 (2) "Distributor" Type 11 and (4) "Microbusiness" Type 12 (excluding the establishment of any storefront dispensaries, cooperatives or collectives for the retail sale, gift, trade, barter or making available of cannabis and/or cannabis products to qualified patients, primary caregivers, and recreational adult-use consumers)

SECTION 5: Chapter 17.31, of Title 17, of the King City Municipal Code and the Sections specifically identified below are amended to read as follows:

Chapter 17.31

M-2 Industrial District

Section 17.31.020 Uses Permitted Subject to Obtaining a Use Permit.

(18) Commercial cannabis cultivation and nurseries consistent with those activities authorized under the State of California cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code section 19332(g)(5) Type 2A "small indoor," 19332(g)(6) Type 2B "small mixed-light," 19332(g)(8) Type 3A "indoor," 19332(g)(9) Type 3B "mixed light" and 19332(g)(10) Type 4 "nursery." Commercial cannabis manufacturing and testing consistent with those activities authorized under the State of California Type 6 and Type 7 Manufacturing, (m) and Type 8 Testing (subject to the limitation established by the State of California). Commercial cannabis distribution and transportation consistent with those activities authorized under State of California distribution and transportation license types issued by the Department of Food and Agriculture under Business and Professions Code 19334 (2) "Distributor" Type 11 and (4) "Microbusiness" Type 12 (excluding the establishment of any storefront dispensaries, cooperatives or collectives for the retail sale, gift, trade, barter or making available of cannabis and/or cannabis products to qualified patients, primary caregivers, and recreational adult-use consumers). Cultivation for purposes of this provision shall be limited to those activities defined within Business and Professions Code section 19300.5(l) and the delivery or transport of the harvested cannabis or cannabis product. Non-storefront retail deliveries of cannabis and/or cannabis product shall be allowed within the jurisdictional boundaries of the City, as authorized by Code of Regulations section 5414 Type 9 = Non-Storefront Retailer (i.e. non-storefront dispensaries and deliveries and as may be amended) and Business and Professions Code section 26050(a)(18) Type 10 = Retailer (i.e. non-storefront dispensaries and deliveries). Commercial cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code section 19341, may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis manufacturing facilities requiring a Type-7 state license (volatile

manufacturing), as defined in Business and Professions Code section 19341, may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis testing facilities requiring a Type-8 state license may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code.

SECTION 6: EFFECTIVE DATE.

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 _____ day of _____ 2019, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2019, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

_____
STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

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.

KING CITY
CALIFORNIA

Item No. 9(C)

REPORT TO THE CITY COUNCIL

DATE: **APRIL 23, 2019**

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **STEVEN ADAMS, CITY MANAGER**

RE: **CONSIDERATION OF KING CITY CHAMBER OF COMMERCE & AGRICULTURE CITY-WIDE YARD SALE AND SIDEWALK SALE**

RECOMMENDATION:

It is recommended the City Council: 1) approve the King City Chamber of Commerce & Agriculture special event permit request for a City-wide Yard Sale and Sidewalk Sale on June 21, 2019 to June 23, 2019; 2) waive all garage sale permit fees and requirements during those days; and 3) waive fees for the special event permit.

BACKGROUND:

The King City Chamber of Commerce & Agriculture has submitted a special event permit request for a City-wide Yard Sale and Sidewalk Sale on June 21, 2019 to June 23, 2019. A copy of the request letter is attached. They have asked for Council authorization to promote the event and to waive any garage sale permit fees and requirements during those three days. They have also requested the special event permit fee be waived.

DISCUSSION:

This event has been part of Beautification Week activities for the past several years. The purpose is to enable residents and businesses to conveniently and successfully dispose of unwanted items, while diverting them from the landfill. Meanwhile, by encouraging residents and businesses to conduct them concurrently as part of a citywide event, it will help bring customers to the City. Therefore, there is a public benefit from the program and the City has approved this event and waiving the permit fees in the past.

COST ANALYSIS:

The permit fee is $26. Garage sale permit fees are $15. Therefore, there will be a minor loss of revenue, but the fee is set at an amount to reimburse the City for staff costs. As a result, the loss of revenue is offset by the staff time saved in not having to process the permits.

ENVIRONMENTAL REVIEW:

The event is not considered a "project" for the purposes of the California Environmental Quality Act (CEQA). Therefore, it will not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve staff's recommendations;
2. Approve the event, but do not waive the permit fees;
3. Do not approve the event; or
4. Provide staff other direction.

Exhibits:

1. April 5, 2019 Letter from King City Chamber of Commerce & Agriculture

Prepared and Approved by: _____
Steven Adams, City Manager

King City Chamber of Commerce & Agriculture

200 Broadway St., Suite 40
King City, CA 93930
Phone (831) 385-3814
www.kingcitychamber.com kcchambermanager@kingcitychamber.com

Executive Officers
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President
Kate Hestand
Vice President
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Treasurer
Becky Garcia
Secretary
TJ Plew
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Board of Directors
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Premier Sponsors
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City of King
Dataflow Business Systems
Fresh Farms
Mesa Business Park
Rava Ranches
South County Packing
Hayashi & Wayland Accounting & Consulting
L. A. Hearne Company
Mc Donald's
Mee Memorial Hospital
Rio Farms & Gill Ranches
Delicato Family Vineyards
South County Newspapers
Salinas Valley Fair

April 5, 2019

Steve Adams
City of King
212 S. Vanderhurst St.
King City, CA 93930

Subject: City-Wide Yard Sale 2019

Honorable Mayor and Councilmembers:

The King City Chamber of Commerce & Agriculture requests permission again to promote a City-Wide Yard Sale, June 21st – June 23rd. The event would coincide with Beautification Week June 22nd- June 30th. The intent of the City-Wide Yard Sale is threefold; it would allow residents and businesses to dispose of items, reducing the impact on landfill; it would attract people from neighboring areas to attend; and would kick off Beautification Week.

The Chamber requests that the City waive all Yard Sale fees during the event.

We request that the council consider and grant our request at its earliest convenience.

Thank you for your time and support.

Sincerely,

Janet Bessemer
Chamber Manager

KING CITY
CALIFORNIA

Item No. 9(D)

REPORT TO THE CITY COUNCIL

DATE: **APRIL 23, 2019**

TO: **CITY COUNCIL**

FROM: **STEVEN ADAMS, CITY MANAGER**

RE: **CONSIDERATION OF FY 2019-20 STREET IMPROVEMENT PROJECT, INCLUDING ADOPTION OF FINDING OF A CATEGORICAL EXEMPTION, PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES**

RECOMMENDATION:

It is recommended the City Council: 1) adopt a Resolution designating street projects for revenues from SB 1 - The Road Repair and Accountability Act of 2017 for FY 2019-20; 2) approve the FY 2019-20 Street Improvement Project; and 3) adopt a finding of a categorical exemption, pursuant to Section 15301 of the CEQA Guidelines.

BACKGROUND:

With the passage of Measure X and SB 1, funding for street improvements has increased, which has enabled the City to develop a more comprehensive street improvement program. In the FY 2017-18/ FY 2018-19 Biennial Budget, the City Council approved an overall City CIP, which included funding and expenditure projections for street improvements, but not specific projects. In September 2017, the City Council adopted a 5-Year Capital Improvement Project with specific street improvements to submit to the Transportation Agency of Monterey County (TAMC) in compliance with Measure X and to the State of California in compliance with SB 1 for FY 2017-18 expenditures. In April 2018, a revised 5-Year Capital Improvement Project was approved meeting the same requirements for FY 2018-19.

Since that time, in conjunction with TAMC, the City has completed a Pavement Management System. The system takes into account data on the condition of each street to determine recommended streets for overlay and slurry seal improvements to manage the projects over time in the most cost-efficient

manner. As a result, staff has recommended changes to the streets proposed to be improved in FY 2019-20.

The State requires the City to designate specifically the projects proposed to be funded with SB 1 funding. The deadline for submitting proposed SB 1 expenditures for FY 2019-20 is May 1, 2019. Updated Measure X and SB 1 revenue figures have been received for FY 2019-20. Therefore, staff has prepared a revised list of projects so staff can submit the required documentation for compliance with SB 1.

DISCUSSION:

The Pavement Management System maintains staff's recommended approach of reconstructing a few of the streets in the worst condition each year, while at the same time applying a slurry seal to some of the streets in better condition to prevent them from deteriorating to a point where reconstruction is necessary. A summary of the funding and proposed expenditures is provided in Exhibit 1.

The streets proposed to receive a grind and overlay in FY 2019-20 include the following:

- Ulrey Street, Russ Street to Third Street
- Vanderhurst Avenue, King Street to Ellis Street
- Russ Street, King Street to Collins Street

The streets proposed to receive a slurry seal treatment in FY 2019-20 include the following:

- King Street, Third Street to Beach Street
- Sycamore Street, Third Street to King Street
- Second Street, Maple Street to King Street
- Maple Street, San Antonio Road to Second Street
- Pine Circle
- Oak Circle
- Heritage Court
- San Antonio Road, Willow Road to Mildred Avenue

The project is proposed to begin in late summer 2019 and be completed by fall. In addition to meeting State requirements, approving the proposed projects at this time enables staff to begin preparation of the bids so work can begin shortly after the new fiscal year takes effect in the summer months when weather is optimal for street improvements. When cannabis tax revenues are generated in the future, it is recommended that expansion of the street improvement program be a primary use for the new revenues.

COST ANALYSIS:

The projected funds from Measure X and SB 1 in FY 2019-20 are $632,322, which are recommended to be allocated in full to these projects.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines, section 15301 as this project is limited to repair and maintenance of existing facilities and does not involve any expansion of existing uses. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Adopt the Resolution and overall FY 2019-20 Street Improvement Project;
2. Modify and adopt the Resolution;
3. Modify the approved projects;
4. Do not adopt the Resolution; or
5. Provide staff other direction.

Exhibits:

1. FY 2019-20 Street Improvements Capital Improvement Project Summary

Prepared and Approved by: _____
Steven Adams, City Manager

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of King City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of King must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of King, will receive an estimated $236,000 in RMRA funding in Fiscal Year 2019-20 from SB 1; and

WHEREAS, this is the third year in which the City of King is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate three roads in the City that are in tremendous need of rehabilitation; and

WHEREAS, the City has many streets in poor condition and this revenue will help the City establish an ongoing pavement management program that will significantly increase the overall quality of its road system over the next decade; and

WHEREAS, the SB 1 project list and overall investment in the City's local street and road infrastructure will improve safety, road conditions, appearance of the City, and reduce future costs by enabling the City to maintain its street system in a more efficient manner.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of King, State of California, as follows:

1. The foregoing recitals are true and correct.

2. The following list of proposed projects will be funded in-part or solely with fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues:

   Grind and Overlay of Ulrey Street from Russ Street to Third Street
   - 25 Year Useful Life
   - Projected Start Date: August 1, 2019
   - Projected Completion Date: October 1, 2019)

   Grind and Overlay of N. Vanderhurst Avenue from King Street to Collins Street
   - 25 Year Useful Life
   - Projected Start Date: August 1, 2019
   - Projected Completion Date: October 1, 2019

   Grind and Overlay of Russ Street from King Street to Collins Street
   - 25 Year Useful Life
   - Projected Start Date: August 1, 2019
   - Projected Completion Date: October 1, 2019

This resolution was passed and adopted this **23rd** day of **April, 2019** by the following vote:

AYES, Council Members:

NAYS, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

APPROVED:

_____
Mike LeBarre, Mayor

ATTEST:

_____
Steven Adams, City Clerk

APPROVED AS TO FORM:

_____
Roy Santos, City Attorney

KING CITY
CALIFORNIA

Item No. 9(E)

REPORT TO THE CITY COUNCIL

DATE: **APRIL 23, 2019**

TO: **CITY COUNCIL**

FROM: **ROBERT MASTERSON, CHIEF OF POLICE**

RE: **CONSIDERATION OF CREATION OF PART-TIME ANIMAL CONTROL OFFICER POSITION**

RECOMMENDATION:

It is recommended the City Council: 1) approve the creation of, and the job description for, a part-time Animal Control Officer position; and 2) approve an amended Job Classification Plan.

BACKGROUND:

The City of King currently has a full-time position, which handles both code enforcement complaints and investigation, as well as animal control issues. These responsibilities were originally handled by two part-time positions, which were combined into a single full-time position in 2015 when the part-time code enforcement position became vacant. At the time, the City was facing an ongoing deficit and code enforcement activities were limited. The combining of the two was intended to bring more consistency by creating a permanent full-time position.

It has worked well since that time. However, the current employee recently communicated her intent to resign. In addition, the Council approved staff's recommendation to designate the full-time Code Enforcement Officer position to half-time general code enforcement and half-time cannabis related enforcement and oversight activities. Therefore, it is recommended to create a new part-time position dedicated to the animal control responsibilities, which will involve returning the position to its original status.

DISCUSSION:

The existing employee has indicated her willingness to continue providing the animal control function for the City. Therefore, staff is recommending to establish the part-time position at this time and begin recruitment for the full-time Code

Enforcement Officer position. In the meantime, the City will be contracting with CSG Consultants for an Interim Code Enforcement Officer. A copy of the proposed Part-Time Animal Control Officer Job Description is attached for City Council's consideration.

COST ANALYSIS:

When considering overall changes, the increase in cost is due to the dedication of half of the full-time position to cannabis regulation. Therefore, the increased cost is proposed to be funded from an increase in the cannabis regulatory permit.

ENVIRONMENTAL REVIEW:

This matter is not a "project" for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Approve staff's recommendations;
2. Modify the proposed job description;
3. Do not approve staff recommendation and maintain the current position dedicated to animal control and code enforcement;
4. Provide other direction to staff.

Exhibits:

1. Animal Control Officer Job Description
2. Job Classification Plan

Prepared by: _____
Robert Masterson, Chief of Police

Approved by: _____
Steven Adams, City Manager

EXHIBIT 1

JOB DESCRIPTION

JOB TITLE:	**ANIMAL CONTROL OFFICER**
REPORTS TO:	**POLICE CHIEF OR CAPTAIN**
FLSA STATUS:	**NON-EXEMPT**
DEPARTMENT:	**POLICE**
APPROVED,	
BY CITY COUNCIL:	**APRIL 23, 2019**

DEFINITION:

Under basic supervision, performs duties such as apprehending and impounding animals; enforcing rabies control, leash laws, and other related City ordinances or State laws; responsible for enforcing dog licensing requirements; and performs related work as required.

DISTINGUISHING CHARACTERISTICS:

The fundamental reason this classification exists is to enforce State, City and County animal control laws and ordinances and provide a variety of animal control field services to promote the health, safety, and welfare of people and pets.

SUPERVISION RECEIVED:

Receives general supervision from the Police Chief or Captain.

ESSENTIAL DUTIES AND RESPONSIBLITIES: *(Include the following. Other duties may be assigned.)*

- Conducts routine patrols throughout the city, humanely confining dogs at large and other stray animals and transporting them to the shelter for impoundment; maintains close contact with the shelter and other field staff via radio in conformance with FCC regulations.

- Responds to requests for emergency rescue services, including injured, sick or stray animals in distress; humanely and safely handles all animals, domestic and wild.

- When necessary, administers basic first aid and transports sick or injured animals for emergency treatment; observes animals for signs of illness or unusual behavior and reports problems to the Animal Care Division and/or Veterinary Medical Services staff; picks up dead animals; euthanizes animals and performs decapitation for rabies testing as required.

- Processes impounded animals; administers vaccinations; prepares cages/kennels for new animal residents; and participates in the care and feeding of shelter animals.

- Responds to complaints about the care, treatment and control of animals and other problem situations, including those which involve hostile, irate or distressed members of the public, in a tactful, professional and effective manner; mediates animal issues between neighbors; educates members of the public about laws and regulations on animal care.

- Issues warnings and citations and/or takes appropriate action when violations of animal care and control laws are observed; incumbents have powers of arrest and participate in executing arrest and search warrants.

- Provides information on laws and regulations governing the treatment, licensing, care and control of animals to the public in the field; participates in outreach services; educates the public about animal issues and responsible pet ownership and promotes a humane and caring attitude towards animals.

- Clearly and accurately explains state and local laws and ordinances, departmental policies and procedures, and information provided by others regarding pet ownership, licensing, adoption, redemption, surrender and/or other animal-related issues to members of the public.

- Assists the public to surrender, redeem and adopt animals in accordance with animal control laws and departmental procedures; collects information about animals and persons in accordance with animal control laws and departmental procedures.

- Handles animals humanely and safely; transports animals and wildlife to adoption events, for veterinary care and treatment, and to other animal shelters, humane societies or wildlife centers.

- Records transactions at the animal shelter, including narrative reports of public interactions and contacts; processes a variety of forms; documents information regarding the impoundment, condition, release and/or adoption of animals; produces and maintains accurate records regarding animal shelter office activities; uses a computer to access information in the shelter database, enter and update data, and print out documents, receipts and reports; reconciles invoices for charges to the department.

- Collects and processes information necessary to follow-up and enforce the City's dog licensing program; issues future dog licenses and citations for violations of animal control laws; receives, records and relays requests for routine and emergency services from the public to appropriate personnel or division; using a two-way radio in accordance with FCC rules, communicates with personnel in the field.

WORKING CONDITIONS:

Work is performed in a variety of environmental conditions, both indoors and mostly outdoors, with exposure to wide temperature variations, fumes, grease, machinery and its moving parts, odors and dust. Occasional exposure to hazardous work conditions, including contact with potentially wild, dangerous and diseased animals; work performed in streets and highways to remove stray or dead animals. Regularly lift

objects up to 100 lbs. Other physical exertion including pushing, pulling, running, climbing, crawling, and kneeling is required. Incumbent must be able to see and hear in the normal range with or without correction, and communicate verbally and in written form with great facility and must be able to be understood. Must be able to wear issued uniform and comply with Police Department uniform appearance standards. Incumbent will be required to respond to emergencies after regular working hours and on weekends and must be willing to work an irregular schedule, which may include weekends, holidays, evenings, and/or varying hours, as assigned. Must be able to respond to emergency calls within thirty minutes.

QUALIFICATIONS: *(The following are minimal qualifications necessary for entry into the classification.)*

Education:

High school diploma or GED equivalent.

Experience:

Two years of experience in the enforcement of animal control regulations or equivalent experience in care and treatment of animals in a professional veterinary office or shelter. A minimum of 30 units of college education in veterinary science, biology, or criminal justice may substitute for one year of experience.

Licenses/Certificates:

Possession of a valid Class C California Driver's License with a driving record acceptable with the City's insurance carrier.

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the knowledge, abilities and skills necessary to perform essential duties of the position.)*

Knowledge of:

State of California animal laws; dog breeds, animal diseases, and symptoms; safe and efficient methods of handling dogs and other small animals; and City geography and street locations.

Ability to:

Provide excellent, professional and efficient customer service to the public; communicate clearly both verbally and in writing; prepare clear, organized and thorough investigative reports; organize with the ability to prioritize work and exercise independent judgement; thoroughly carry out oral and written instructions; remain calm while working under pressure; use patience, tact, diplomacy and courtesy in dealing with the public and employees; and establish and maintain working relationships with those contacted in the course of work, including City and other government officials, law enforcement agencies, community groups and the general public. Ability to speak Spanish is highly desirable.

Skill to:

Communicate via two-way radio and telephone; operate a computer and various programs; understand and enforce ordinances, policies and procedures related to a variety of City ordinances and State laws related to animals; and apply safe work practices.

EXHIBIT 2

CITY OF KING
JOB CLASSIFICATION PLAN
FISCAL YEAR 2019-20

REVISED April 23, 2019

CLASSIFICATION	FIVE-PERCENT STEP ADVANCEMENT					
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
EXECUTIVE MANAGEMENT STAFF						
CITY MANAGER	$161,256.95 ANNUAL (SALARY INDEPENDENT OF STEP SCHEDULE)					
CHIEF OF POLICE	$117,299.49	$123,164.46	$129,322.69	$135,788.82	$142,578.26	$149,707.18
MANAGEMENT STAFF						
POLICE CAPTAIN	$104,246.00	$109,733.00	$115,508.00	$121,588.00	$127,988.00	$134,724.00
HUMAN RESOURCES MANAGER	$70,908.23	$74,453.64	$78,176.32	$82,085.14	$86,189.40	$90,498.87
RECREATION COORDINATOR	$59,240.00	$62,201.00	$65,311.00	$68,576.00	$72,005.00	$75,606.00
SUPERVISORY STAFF						
POLICE SERGEANT	$81,009.00	$85,060.00	$89,313.00	$93,777.00	$98,468.00	$103,391.00
POLICE CLERK SUPERVISOR	$40,915.62	$42,961.79	$45,110.39	$47,365.91	$49,735.11	$52,221.87
PUBLIC WORKS SUPERINTENDENT	$56,023.33	$58,824.72	$61,766.80	$64,855.19	$68,098.91	$71,504.70
PUBLIC WORKS SUPERVISOR	$47,296.36	$49,661.18	$52,144.24	$54,751.45	$57,489.03	$60,363.48
BUILDING/MAINTENANCE STAFF						
MAINTENANCE WORKER I	$32,095.00	$33,699.99	$35,386.00	$37,155.30	$39,013.52	$40,965.14
MAINTENANCE WORKER II	$37,164.30	$39,022.52	$40,974.15	$43,023.70	$45,175.68	$47,434.57
MAINTENANCE WORKER I/ WASTEWATER SERVICES	$35,304.51	$37,069.99	$38,924.60	$40,870.83	$42,914.87	$45,061.66
MAINTENANCE WORKER II/ WASTEWATER SERVICES	$40,880.73	$42,924.76	$45,071.56	$47,326.07	$49,693.23	$52,178.03
SENIOR MAINTENANCE WORKIER	$42,996.69	$45,147.53	$47,405.31	$49,775.62	$52,265.25	$54,878.69
STREET SWEEPER OPERATOR	$37,164.30	$39,022.52	$40,974.14	$43,023.70	$45,175.68	$47,434.57
PUBLIC SAFETY STAFF						
POLICE OFFICER	$60,449.00	$63,471.00	$66,646.00	$69,978.00	$73,477.00	$75,152.00
POLICE OFFICER RECRUIT	$51,381.00					
CODE ENFORCEMENT OFFICER	$43,579.70	$45,758.69	$48,046.85	$50,449.81	$52,973.20	$55,622.65
FIRE CHIEF	$7,527.60					
FIRE CHIEF 1ST ASSISTANT	$3,690.00					
FIRE CHIEF 2ND ASSISTANT	$3,690.00					
FIRE CHIEF ENGINEER	$3,690.00					
FIRE DEPARTMENT SECRETARY/TREASURER	$2,583.00					
FIRE ENGINEER	$2,755.20					
VOLUNTEER FIREFIGHTER	$12.00					
PROFESSIONAL/SUPPPORT STAFF						
SENIOR ACCOUNTANT	$49,116.14	$51,573.07	$54,151.72	$56,860.37	$59,703.74	$62,688.93
ACCOUNTANT	$46,777.27	$49,117.21	$51,573.06	$54,152.73	$56,860.71	$59,703.74
ACCOUNTING TECHNICIAN	$38,982.00	$40,931.38	$42,978.68	$45,128.40	$47,385.05	$49,755.37
EXECUTIVE ASSISTANT TO THE CITY MANAGER	$43,264.74	$45,427.97	$47,699.37	$50,084.34	$52,588.56	$55,217.99
EXECUTIVE ASSISTANT TO THE POLICE CHIEF	$43,264.74	$45,427.97	$47,699.37	$50,084.34	$52,588.56	$55,217.99
ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF	$39,332.00	$41,299.00	$43,364.00	$45,533.00	$47,810.00	$50,200.00
ADMINISTRATIVE ASSISTANT	$38,982.00	$40,931.38	$42,978.68	$45,128.40	$47,385.05	$49,755.37
ASSISTANT PLANNER	$67,531.65	$70,909.31	$74,455.79	$78,178.96	$82,088.98	$86,193.71
CUSTOMER SERVICE ASSISTANT	$38,982.00	$40,931.38	$42,978.68	$45,128.40	$47,385.05	$49,755.37
POLICE CLERK I	$31,530.00	$33,106.84	$34,762.47	$36,501.38	$38,326.95	$40,243.69
SEASONAL/PART-TIME (HOURLY RATE)						
POLICE CLERK I	$15.16	$15.92	$16.72	$17.55	$18.43	$19.35
ADMINISTRATIVE ASSISTANT (FIRE DEPARTMENT)	$20.00	$21.00	$22.05	$23.15	$24.31	$25.53
ANIMAL CONTROL OFFICER	$20.95	$22.00	$23.10	$24.25	$25.47	$26.74
POOL MANAGER	$15.97	$16.77	$17.61	$18.49	$19.41	$20.38
ASSISTANT POOL MANAGER	$14.52	$15.25	$16.01	$16.81	$17.65	$18.53
AQUATIC AIDE	$12.00	$12.60	$13.23	$13.89	$14.59	$15.32
POOL CASHIER	$12.00	$12.60	$13.23	$13.89	$14.59	$15.32
LIFEGUARD	$13.20	$13.86	$14.55	$15.28	$16.04	$16.85
RECREATION AIDE	$12.00	$12.60	$13.23	$13.89	$14.59	$15.32
SUMMER DAYCAMP COORDINATOR	$15.00	$15.75	$16.54	$17.36	$18.23	$19.14
CUSTOMER SERVICE ASSISTANT	$13.50	$14.18	$14.88	$15.63	$16.41	$17.23
MAINTENANCE AIDE	$13.50	$14.18	$14.88	$15.63	$16.41	$17.23
CITY COUNCIL & MAYOR						
MAYOR	$5,400.00					
CITY COUNCIL	$4,200.00					

KING CITY
CALIFORNIA

Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: APRIL 23, 2019

TO: CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF APPOINTMENT TO THE PLANNING COMMISSION

RECOMMENDATION:

It is recommended the City Council adopt a Resolution appointing Brett Saunders to the Planning Commission.

BACKGROUND:

According to the Municipal Code, the Mayor, City Manager and Commission or Committee Chair shall recommend appointments to all boards and commissions. All appointments shall then be made by the City Council by resolution.

DISCUSSION:

There is currently one vacancy on the Planning Commission to fill the seat previously held by Ralph Lee. The vacancy was advertised consistent with the City's procedures. An application was received from Brett Saunders, which is attached. The Mayor, City Manager and Chair reviewed the application, conducted an interview and recommended the appointment. He meets the current requirements for Planning Commission membership.

COST ANALYSIS:

There is no cost impact from the recommended action.

ENVIRONMENTAL REVIEW:

Appointments are not considered a project for the purposes of CEQA and have no potential for resulting in either a direct or indirect impact to the environment.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Adopt the Resolution approving the appointment;
2. Request the vacancy be re-advertised; or
3. Provide other direction to staff.

Exhibits:

1. Application

Prepared and Approved by: _____
Steven Adams, City Manager

RESOLUTION NO. _____

A RESOLUTION OF CITY COUNCIL OF CITY OF KING, CALIFORNIA APPOINTING BRETT SAUNDERS TO THE PLANNING COMMISSION

WHEREAS, consistent with the State Law, City of King Municipal Code and City Charter, City Council has the authority to appoint Planning Commission Members for the City of King; and

WHEREAS, there is currently one vacancy on the Planning Commission; and

WHEREAS, the vacancy was duly publicized to the community; and

WHEREAS, an application was received from Brett Saunders, which was reviewed per the process set forth in the King City Municipal Code for appointment of Commission vacancies; and

WHEREAS, appointment of Brett Saunders to the Planning Commission was recommended by the Mayor, City Manager and Commission Chair.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of King, California that Brett Saunders is hereby appointed to the City of King Planning Commission.

PASSED AND ADOPTED at a regular meeting of the City Council on the 23rd day of April, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mike LeBarre, Mayor

ATTEST:

_____
Steven Adams, City Clerk

APPROVED AS TO FORM:

_____
Roy Santos, City Attorney

KING CITY
CALIFORNIA

CITY OF KING
APPLICATION

RECEIVED
MAR 2019
CITY OF KING

FOR APPOINTMENT TO
COMMISSIONS, COMMITTEES, AND BOARDS

Please print or type the following information:

Name: Brett Saunders

Address: 190 E San Antonio Dr.

Telephone (day): 4155777577 fax/e-mail (optional) Brett@brettsaunders.com

Commission/Committee/Board applying for: Planning

Describe your interest in becoming a member of this commission/committee/board:

I would like to contribute to the King City Community and I have a fresh perspective

Background relevant to this commission/committee/board:

Fund developer for Land trust

Other comments:

Applicant's Signature

3/24/2018
Date

RETURN TO: City Hall, 212 S. Vanderhurst Ave., King City, CA 93930
Ph: (831) 386-5925 or Fax: (831) 386-5935

KING CITY
CALIFORNIA

Item No. 9(G)

REPORT TO THE CITY COUNCIL

DATE: **APRIL 23, 2019**

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **STEVEN ADAMS, CITY MANAGER**

RE: **CONSIDERATION OF CONTRACT SERVICES AGREEMENT FOR TEMPORARY CODE ENFORCEMENT SERVICES**

RECOMMENDATION:

It is recommended the City Council: 1) approve and authorize the City Manager to execute a new Contract Services Agreement with CSG Consultants, Inc. for building plan review and inspection services and code enforcement services; and 2) authorize the City Manager to make non-substantive changes as deemed necessary in a form approved by the City Attorney.

BACKGROUND:

In September 2017, a contract with CSG Consultants, Inc. was approved to provide all building inspection, plan review and related building official services. The agreement was renewed in October 2018 and hours of the Building Official were expanded. The City now has a vacant Code Enforcement Officer position. As a result, it is recommended to expand the agreement to include temporary code enforcement services.

DISCUSSION:

There is a vacancy in the existing full-time Code Enforcement Officer position. The current employee will be filling the proposed new part-time Animal Control Officer position. Staff estimates that it will take 3 to 4 months to recruit and fill the vacancy. As a result, it is recommended to expand the City's contract with CSG Consultants at this time to provide for this function while recruitment for a full-time Code Enforcement Officer takes place. The contract service will be provided by an experienced Code Enforcement Officer for full days Tuesday through Thursday.

COST ANALYSIS:

The Code Enforcement Officer services will be billed at a rate of $110 per hour. There is no change in cost for building plan check and inspection services. There will be a temporary increase in expenditures over revenues until increased cannabis permit revenues are received. However, there are sufficient savings in the Police Department salary budget to cover this cost.

ENVIROMENTAL REVIEW:

The Contract for Services Agreement is not a "project" for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve staff's recommendations;
2. Request modifications to the contract and approve;
3. Do not approve the contract and direct staff to pursue hiring full-time permanent staffing; or
4. Provide staff other direction.

Exhibits:

1. Contract Services Agreement

Prepared and Approved by: _____
Steven Adams, City Manager

CITY OF KING
CONTRACT SERVICES AGREEMENT FOR

_____

THIS PROFESSIONAL SERVICES AGREEMENT (herein "Agreement") is made and entered into this _____ day of _____, 2019, by and between the CITY OF KING, a California municipal corporation ("City") and CSG Consultants Inc.(herein "Consultant").

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES OF CONSULTANT

1.1 Scope of Services. In compliance with all of the terms and conditions of this Agreement, the Consultant shall perform the work or services set forth in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by reference. Consultant warrants that it has the experience and ability to perform all work and services required hereunder and that it shall diligently perform such work and services in a professional and satisfactory manner.

1.2 Compliance with Law. All work and services rendered hereunder shall be provided in accordance with all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental agency of competent jurisdiction.

1.3 Licenses, Permits, Fees and Assessments. Consultant shall obtain at its sole cost and expense such licenses, permits, and approvals as may be required by law for the performance of the services required by the Agreement.

1.4 Special Requirements. Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

2. COMPENSATION

2.1 Invoices. Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the Agreement. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories. Consultant shall not invoice City for any duplicate services performed by more than one person.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, City will use its best efforts to cause Consultant to be paid within forty five (45) days of receipt of Consultant's correct and undisputed invoice; however,

Consultant acknowledges and agrees that due to City warrant run procedures, the City cannot guarantee that payment will occur within this time period. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by the City of any invoice provided by the Consultant shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.2 Additional Services. City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum for the actual cost of the extra work, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum but not exceeding a total contract amount of Five Thousand Dollars ($5,000) or in the time to perform of up to ninety (90) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by the City Council. No claim for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

3. PERFORMANCE SCHEDULE

3.1 Time of Essence. Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance. Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference. When requested by the Consultant, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding thirty (30) days cumulatively.

3.3 Force Majeure. The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Consultant, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Consultant be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Consultant's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Term. Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services

but not exceeding one (1) year from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "D").

4. COORDINATION OF WORK

4.1 Representative of Consultant. John LaTorra is hereby designated as being the representative of Consultant authorized to act on its behalf with respect to the work and services specified herein and make all decisions in connection therewith. All personnel of Consultant and any authorized agents shall be under the exclusive direction of the representative of Consultant. Consultant shall utilize only competent personnel to perform services pursuant to this Agreement. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, and shall keep City informed of any changes.

4.2 Contract Officer. Steven Adams [or such person as may be designated by the City Manager] is hereby designated as being the representative the City authorized to act in its behalf with respect to the work and services specified herein and to make all decisions in connection therewith ("Contract Officer").

4.3 Prohibition against Subcontracting or Assignment. Consultant shall not contract with any entity to perform in whole or in part the work or services required hereunder without the express written approval of the City. Neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior written approval of City. Any such prohibited assignment or transfer shall be void.

4.4 Independent Consultant. Neither the City nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth. Consultant shall perform all services required herein as an independent contractor of City with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City, or that it is a member of a joint enterprise with City.

5. INSURANCE AND INDEMNIFICATION

5.1 Insurance Coverages. The Consultant shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance which shall cover all elected and appointed officers, employees and agents of City:

(a) Commercial General Liability Insurance (Occurrence Form CG0001 or equivalent). A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than $1,000,000.00 per occurrence or if a general aggregate limit is used, either the general aggregate limit shall apply separately to this contract/location, or the general aggregate limit shall be twice the occurrence limit.

(b) Worker's Compensation Insurance. A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Consultant against any loss, claim or

damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Consultant in the course of carrying out the work or services contemplated in this Agreement.

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than either (i) bodily injury liability limits of $250,000.00 per person and $500,000.00 per occurrence and property damage liability limits of $500,000.00 per occurrence or (ii) combined single limit liability of $1,000,000.00. Said policy shall include coverage for owned, non-owned, leased, hired cars, and any other automobile.

(d) Professional Liability. Professional liability insurance appropriate to the Consultant's profession. This coverage may be written on a "claims made" basis, and must include coverage for contractual liability. The professional liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 5 consecutive years following the completion of Consultant's services or the termination of this Agreement. During this additional 5-year period, Consultant shall annually and upon request of the City submit written evidence of this continuous coverage.

(e) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements in Exhibit "B".

(f) Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

5.2 General Insurance Requirements.

All of the above policies of insurance shall be primary insurance and shall name the City, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by City or its officers, employees or agents may apply in excess of, and not contribute with Consultant's insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the City, its officers, employees and agents and their respective insurers. The insurance policy must specify that where the primary insured does not satisfy the self-insured retention, any additional insured may satisfy the self-insured retention. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the City. In the event any of said policies of insurance are cancelled, the Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Consultant has provided the City with Certificates of Insurance, additional insured endorsement forms or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the City. City reserves the right to inspect complete, certified copies of and endorsement to all required insurance policies at any time. Any failure to comply with the reporting or other

provisions of the policies including breaches or warranties shall not affect coverage provided to City.

The insurance required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the City's Risk Manager or other designee of the City due to unique circumstances.

5.3 Indemnification.

(a) To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, invitees, or any individual or entity for which Consultant is legally liable ("indemnitors"), or arising from Consultant's or indemnitors' reckless or willful misconduct, or arising from Consultant's or indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, except claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions.

(b) To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all losses, claims, actions, and liabilities of any kind incurred or threatened as a result of the representation of CSG of its status, and the status of CSG personnel assigned to perform the Services, as an independent contractor.

(c) Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident or employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

(d) The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records. Consultant shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement

and enable the Contract Officer to evaluate the performance of such services and shall keep such records for a period of three years following completion of the services hereunder. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records.

6.2 Reports. Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement or as the Contract Officer shall require.

6.3 Confidentiality and Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than the City without prior written authorization from the Contract Officer.

(b) Consultant shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, and letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives the City notice of such court order or subpoena.

(c) If Consultant provides any information or work product in violation of this Agreement, then the City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorney's fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify the City should Consultant be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, and request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. The City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with the City and to provide the City with the opportunity to review any response to discovery requests provided by Consultant.

6.4 Ownership of Documents. All studies, surveys, data, notes, computer files, reports, records, drawings, specifications, maps, designs, photographs, documents and other materials (the "documents and materials") prepared by Consultant in the performance of this Agreement shall be the property of the City and shall be delivered to the City upon request of the Contract Officer or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by the City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Moreover, Consultant with respect to any documents and materials that may qualify as "works made for hire" as defined in 17 U.S.C. § 101, such documents and materials are hereby deemed "works made for hire" for the City.

7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law. This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Monterey, State of California.

7.2 Disputes; Default. In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under this Article.

7.3 Legal Action. In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant shall file a statutory claim pursuant to Government Code Sections 905 et. seq. and 910 et. seq., in order to pursue any legal action under this Agreement.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.4 Termination Prior to Expiration of Term. This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Consultant reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in

accordance with the Schedule of Compensation or such as may be approved by the Contract Officer. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder, but not exceeding the compensation provided therefore in the Schedule of Compensation Exhibit "C". In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.5 Termination for Default of Consultant. If termination is due to the failure of the Consultant to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

8. MISCELLANEOUS

8.1 Covenant against Discrimination. Consultant covenants that, by and for itself, its heirs, executors, assigns and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class in the performance of this Agreement. Consultant shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class

8.2 Non-liability of City Officers and Employees. No officer or employee of the City shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount, which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

8.3 Notice. Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer (with her/his name and City title), City of King 212 S. Vanderhurst Avenue, King City, CA 93930 and in the case of the Consultant, to the person(s) at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

8.4 Integration; Amendment. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

8.5 Severability. In the event that part of this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Waiver. No delay or omission in the exercise of any right or remedy by non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

8.7 Attorneys' Fees. If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which any be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees, whether or not the matter proceeds to judgment.

8.8 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.9 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.10 Warranty & Representation of Non-Collusion. No official, officer, or employee of City has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of City participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interests found to be "remote" or "noninterests" pursuant to Government Code Sections 1091 or 1091.5. Consultant warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, any City official, officer, or employee, any money, consideration, or other thing of value as a result or consequence of obtaining or being awarded any agreement. Consultant further warrants and represents that (s) he/it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any City official, officer, or employee, as a result of consequence of obtaining or being awarded any agreement. Consultant is aware of and understands that any such act(s), omission(s) or other conduct resulting in such payment of

money, consideration, or other thing of value will render this Agreement void and of no force or effect.

Consultant's Authorized Initials _____

8.11 Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[Signatures on the following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF KING, a municipal corporation

_____

Steven Adams, City Manager

ATTEST:

_____

Eric Sonne, Deputy City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

_____

Roy Santos, City Attorney

CONSULTANT:

_____

_____

By:_____
Name:
Title:

By:_____
Name:
Title:

Address:_____
_____
_____

Two corporate officer signatures required when Consultant is a corporation, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer. CONSULTANT'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

STATE OF CALIFORNIA

COUNTY OF MONTEREY

On _____, 2019 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

STATE OF CALIFORNIA

COUNTY OF MONTEREY

On _____, 2019 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"

SCOPE OF SERVICES

I. Consultant will perform the following services:

A. On-site plan review services

B. Inspection services

C. Off-site plan review services

D. Building related code enforcement assistance

E. Code Enforcement Officer Services

II. As part of the Services, Consultant will prepare and deliver the following tangible work products to the City:

A. Processing of plans and building, electrical, plumbing and HVAC comments

B. Issuance of building permits

C. Inspection reports

D. Final inspection documents

E. Other documents related to administration and enforcement of the California Building Code

III. In addition to the requirements of Section 6.2, during performance of the Services, Consultant will keep the City updated of the status of performance by delivering the following status reports:

A. Daily Inspection Logs of all Projects

IV. All work product is subject to review and acceptance by the City, and must be revised by the Consultant without additional charge to the City until found satisfactory and accepted by City.

EXHIBIT "B"

SPECIAL REQUIREMENTS
(Superseding Contract Boilerplate)

[If none, note "Not Applicable"]

N/A

EXHIBIT "C"

SCHEDULE OF COMPENSATION

FEE SCHEDULE

Review Type / Role	All Inclusive Fee / Hourly Rate
Certified Combination Building Inspector	**$85**
Building Official	**$125**
On-Site Plan Review	**$125**
Code Enforcement Officer	**$110**

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

Consultants shall provide on-site inspection and plan review services to the City of King on Mondays, Tuesdays, Wednesdays and Thursdays from 8:00 a.m. to 5:00 p.m. Days of service may be adjusted in writing by City at any time during the term of the contract. Code Enforcement services shall be provided on an as needed basis.

Standard Plan Review Turnaround Times

The following are CSG's proposed plan review turnaround times.

TYPE OF REVIEW	INITIAL REVIEW (BUSINESS DAYS)	RE-CHECK (BUSIENSS DAYS)
Commercial New Construction or Addition*	**10**	**5**
Tenant Infill/Remodel	**10**	**5**
Residential New Construction	**10**	**5**
Residential Addition/Remodel	**10**	**5**

***Turnaround time may vary with complexity and magnitude of the projects. If a review is anticipated to take longer than the maximum turnaround timing, CSG will notify the City's representative and negotiate additional with required to ensure an appropriate level of review. CSG will ensure that all building and safety duties and follow-up actions will be performed in a timely and responsive manner.**

KING CITY
CALIFORNIA

Item No. 10(A)

REPORT TO THE CITY COUNCIL

DATE: APRIL 23, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

RE: CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING TO ESTABLISH AND REGULATE CONDOMINIUM CONVERSION AND CONSTRUCTION OF NEW CONDOMINIUMS BY REPEALING SECTIONS OF CHAPTER 17.54 OF TITLE 17 AND ADOPTING CHAPTER 17.49 TO TITLE 17 OF THE KING CITY MUNICIPAL CODE

RECOMMENDATION:

It is recommended that the City Council open the public hearing, consider public testimony, introduce and conduct the first reading of an Ordinance repealing Sections of Chapter 17.54 and Adding Chapter 17.49 of Title 17 pertaining to regulation of condominium conversion and construction of new condominiums, by title only, and set the second reading and adoption for the next regularly scheduled Council meeting of May 14, 2019.

BACKGROUND:

In 1973, the City adopted Condominium, Cooperative and Townhouse Development standards, which are located in Municipal Code Chapter 17.54. Since 1973, there have been numerous changes to the law regarding condominiums. As part of the City's economic development efforts, a potential desire to convert portions of existing commercial buildings to condominiums has been mentioned by more than one property and business owner. However, this ability is not currently provided for in the City's Municipal Code.

The proposed Ordinance includes regulations regarding the construction of new residential, commercial and mixed-use (residential and commercial) condominiums and the conversion of existing residential and commercial units to condominiums. The proposed Ordinance complies with State laws and tailored to meet the needs of King City.

On April 2, 2019, the Planning Commission considered the proposed Ordinance and recommended the City Council approve it.

DISCUSSION:

A condominium is considered an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space. California uses the **Davis Stirling Common Interest Development Act** ("Davis-Sterling Act"). The Davis-Sterling Act is the primary set of laws that govern common interest developments and homeowners' associations. A central purpose behind the Davis-Stirling Act is protection of residential condominium owners. The Davis-Stirling Act is also intended to provide guidance and rules for residential homeowners' associations, which consist of and are often managed by the residential condominium owners. Portions of the Davis-Stirling Act applied to commercial and industrial common interest developments until 2014. At that time, SB 752 created the **Commercial and Industrial Common Interest Development Act** which provides for the creation and regulations of commercial and industrial common interest condominiums. *It is important to note that mixed-use common interest developments that include commercial and residential condominiums are still governed by the Davis-Stirling Act.*

In addition to the **Davis-Stirling Act** and **Commercial and Industrial Common Interest Development Act** regulating condominiums, the **State Subdivision Map Act ("SMA")** also regulates them. The SMA regulates the division of land, including the creation of air parcels for condominium purposes. Local jurisdictions can also regulate new condominiums and condo conversions through adoption of condominium Ordinance (Municipal Code).

While the Ordinance addresses all aspects of the condominium process, the primary intent of this effort was to establish the ability to convert commercial buildings to condominiums. This is a common practice in many cities, particularly in commercial centers. There has been a particular interest by property owners and potential tenants of centers and buildings in town that are struggling to attract quality tenants. Some commercial businesses are only interested in properties that can purchase. Therefore, establishing commercial condominiums can create opportunities for tenants that would currently not consider an existing space. There is also more of a willingness by many tenants to make their own investment in tenant improvements if they own the property. This can assist some property owners that have experienced trouble attracting tenants because they do not have the cash available necessary to make appropriate tenant improvements.

Following are highlights in the proposed Ordinance.

1. The Ordinance addresses:

a. **new** residential, commercial and mixed-use condominiums. Mixed-use condominiums include residential and commercial units. Industrial condominiums are not permitted.

b. **conversion** of existing residential, commercial and mixed-use units to condominiums. Conversion of existing industrial units are not permitted.

2. **Conditional use permits ("CUP")** and **tentative or parcel maps** (depending on the number of units being created) are needed for **new condominiums** and **condominium conversions.**

3. **Homeowners' Associations ("HOA")** need to be formed for new residential and mixed-use condominiums, and residential and mixed-use condo conversions. The HOA will be responsible for maintaining and providing service to common areas.

4. Some **New Residential Condominium standards** include (§17.49.040 (c)):

   a. building height, required yards, building separations, signs and off-street parking and other explicit regulations are the same as in the Municipal Code.

   b. maximum allowable density in a project located in a R-3 district is one unit for every two thousand (2,000) square feet of gross area; R-4 district, one (1) unit for every fifteen hundred (1,500) square feet of gross area.

   c. maximum allowable density in any residential, condominium or similar use in the P-D district shall be one (1) unit for every fifteen (1,500) hundred square feet of gross land area.

5. The standards for **New Commercial Condominium** are located in §17.49.040 (d) and include architectural and site design standards.

6. Some **Residential Condominium Conversion** standards include (§17.49.055):

   a. Requirements for a homeowners' association.
   b. Tenant protection provisions.
   c. Notification requirements.

7. **Commercial Condominium Conversation** standards require that each unit must have a minimum of one-thousand (1,000) square feet (§17.49.070 (a)).

8. The Ordinance recognizes that conversion of existing multiple-residential structures may present unique problems, and therefore, the Planning Commission is empowered to waive certain standards related to parking, private open space and other development criterial.

9. **Condominium Conversion Findings of Fact** (§17.49.050(c)) need to be made in addition to the findings of facts needed for CUP and tentative or parcel map applications.

COST ANALYSIS:

There are no anticipated fiscal impacts from the recommended action.

ENVIRONMENTAL DETERMINATION:

In accordance with the California Environmental Quality Act **("CEQA"),** and pursuant to both CEQA Guideline Sections 15378 and 15061(b)(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:

A 1/8th page public hearing notice was published in The Rustler newspaper on **April 10, 2019**.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Conduct the first reading of an Ordinance which repeals sections of existing Chapter 17.54 of Title 17 and adopts a new Chapter 17.49 (Condominiums); or
2. Direct staff to make modifications to an Ordinance and reintroduce it at the next meeting; or
3. Do not conduct the first reading of the Ordinance; or
4. Provide other direction to staff.

Exhibits:

Exhibit 1: Planning Commission Resolution
Exhibit 2: City Council Condo Ordinance

Submitted by: _____
Doreen Liberto, AICP, Community Development Director

Approved by: _____
Steven Adams, City Manager

RESOLUTION NO. 2019-250

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING RECOMMENDING THE CITY COUNCIL OF THE CITY OF KING ESTABLISH AND REGULATE CONDOMINIUM CONVERSION AND CONSTRUCTION OF NEW CONDOMINIUMS BY REPEALING SECTIONS OF CHAPTER 17.54 OF TITLE 17 AND ADOPT CHAPTER 17.49 TO TITLE 17 OF THE KING CITY 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 condominium construction and condominium conversion standards; and

WHEREAS, on April 2, 2019, 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 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 CEQA Guideline Sections 15378 and 15061 (b) (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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopts Resolution No. 2019-250, attached as **Exhibit 1,** which recommends the City Council adopt the Ordinance to establish and regulate condominium conversions and condominium construction by repealing sections of Chapter 17.54 and adopting Chapter 17.49, as shown on **Exhibit 2.**

This resolution was passed and adopted this **2nd day of April 2019,** by the following vote:

AYES: Nuck, Mendez, Avalos, Uribe
NAYS:
ABSENT:
ABSTAIN:

This resolution was passed and adopted this **2nd day of April 2019,** by the following vote:
AYES:
NAYS:
ABSENT:
ABSTAIN:

David Nuck

DAVID NUCK, CHAIRPERSON

ATTEST: Erica L. Sonne

ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

ORDINANCE NO. 2019-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING TO ESTABLISH AND REGULATE CONDOMINIUM CONVERSION AND CONSTRUCTION BY REPEALING SECTIONS OF CHAPTER 17.54 OF TITLE 17 AND ADOPTING CHAPTER 17.49 TO TITLE 17 OF THE KING CITY 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 condominium construction and condominium conversion standards; and

WHEREAS, on April 2, 2019, 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 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(b)(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 April 23rd, 2019, 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.

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 adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

SECTION 5. The following Sections of Chapter 17.54 of Title 17 of the King Municipal Code are repealed in their entirety:

17.54.070 Regulations generally.

17.54.080 Condominium classifications.

17.54.090 Maximum density—R-1 district.

17.54.100 Maximum density—R-2, R-3 and R-4 districts.

17.54.110 Gross area defined.

17.54.120 Outdoor common area slope.

17.54.130 Distance separating structures on same lot.

17.54.140 Setbacks.

17.54.150 Use permit—Information required.

17.54.151 Condominium conversions—Buyer protection provisions.

17.54.152 Condominium conversions—Tenant protection provisions.

17.54.153Condominium conversions—Variance from standards and requirements—Imposition of conditions.

17.54.160 Application of provisions.

17.54.170 Permit application procedure.

Further, the general title for said Sections of Chapter 17.54 of Title 17 of the King Municipal Code shall be amended to read as follows:

II. ~~Condominium, Cooperative and Townhouse Developments~~ (Reserved)

SECTION 6. Chapter 17.49, of Title 17, of the King Municipal Code is adopted in its entirety to read as follows:

Chapter 17.49 CONDOMINIUM REGULATIONS

Sections:

17.49.010 Purpose and Intent.

17.49.020 Definitions.

17.49.030 Applications Required.

17.49.040 New Condominiums.

17.49.050 Condominium Conversions.

17.49.055 Residential Condominium Conversion Project.

17.49.060 Variance from Standards and Requirements – Imposition of Conditions - Residential.

17.49.070 Commercial Condominium Conversion Projects.

17.49.080 Mixed-Use Condominium Conversion Project.

The purpose of this Chapter is to allow the new construction of residential, commercial and mixed-use condominiums, and the conversion of residential, commercial and mixed-use condominiums, in a manner to protect the interests of the community and prospective purchasers for the health, safety and general welfare of the public.

Section 17.49.020 Definitions.

(a) "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, commercial or mixed-use building. A condominium may include in addition a separate interest in other portions of such real property.

(b) "Communal area" shall mean the entire project excepting all units granted or reserved.

(c) "Condominium project" or "project" means a real property development consisting of condominiums.

(d) "Condominium unit" or "units" means the individual spaces within a condominium project owned as individual estates.

(e) "Homeowners' association" means an organization of homeowners of a particular project with the purpose of maintaining and providing services to communal areas.

(f) "Mixed-Use" means a type of project that blends any combination of residential and commercial uses that are physically and functionally integrated and provides pedestrian connections.

(h) "Property owners' association" means an organization of property owners with the purpose of maintaining and providing services to common amenities.

(i) "Residential" means for the purposes of condominium conversions, a unit in rental housing which is intended for human habitation.

(j) "Tenant or existing tenant" means a person or persons renting or leasing a unit.

Section 17.49.030 Applications Required.

Conditional use permit and tentative or parcel map applications are required for new condominiums and condominium conversion projects. In addition to the criteria applicable for a conditional use permit and tentative or parcel map, additional application. Requirements may be needed, as listed in this Chapter.

Section 17.49.040 New Condominiums.

(a) Purpose. The ownership of residential, commercial and mixed-use condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. Industrial condominiums are not permitted. As a result, the purpose of this section is to establish criteria for the conversion of existing buildings to residential, commercial and mixed-use condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

(b) Applications required. Conditional use permit and tentative or parcel map applications are required. In addition to the submittal requirements for a conditional use permit and tentative or parcel map, the follow information shall be provided:

(1) A copy of the declaration of restrictions proposed for recordation under the provisions of the Davis-Sterling Common Interest Development Act (Civil Code Sections 4000 – 6150). The applicant shall identify the entity that will maintain all common amenities.

(2) If the applicant is a corporation, a copy of the articles of incorporation and a copy of the bylaws of the corporation.

(3) Any other information deemed necessary or desirable for the purpose of assisting the planning commission in its determination on the application, and of conditions to be imposed.

(c) Residential projects.

(1) Regulations. Regulations governing use, building height, required yards, building separations, signs and off-street parking and other explicit regulations where applicable, shall be those of the zoning district within which the development site is located.

(2) Maximum density. Maximum allowable density in any residential condominium project shall be:

(A) R-1 district density shall be as specified in any R-1 district;

(B) Maximum allowable density in any residential, condominium or similar use in any R-2 district shall be one (1) unit for every twenty-five hundred (2,500) square feet of gross land area.

(C) Maximum allowable density in any residential, condominium or similar use in any R-3 district shall be one unit for every two thousand (2,000) square feet of

gross area; R-4 district, one (1) unit for every fifteen hundred (1,500) square feet of gross area.

(D) Maximum allowable density in any residential, condominium or similar use in the P-D district shall be one (1) unit for every fifteen (1,500) hundred square feet of gross land area.

(3) Distance separating structures on same lot. In any condominium in which residential uses are proposed in any R district, the main structure shall be separated from any other main structure on the same lot by a distance of not less than one-half (1/2) of the sum of the height of the two (2) buildings, and in no case less than twenty (20') feet.

(4) Setbacks. The side yard setback of any residential main structure on any condominium lot of a public street shall be five (5') feet, and the distance between the front lot boundary and the rear lot boundary is one hundred (100') feet or less, and ten (10') feet if the distance between the front lot boundary and the rear lot boundary is over one hundred (100') feet.

(5) Homeowners' association. As a condition of approval on the project, a homeowners' association shall be required to maintain and provide service to common areas.

(d) Commercial project.

(1) Standards. A commercial condominium subdivision map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to the following criteria:

(A) Architectural and site design. Architectural evaluation shall include but not be limited to the following:

(i) The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;

(ii) The design of all exterior surfaces of the buildings shall create an aesthetically pleasing project; and

(iii) General architectural and site considerations, including site layout, topography, open space, location of buildings, access, circulation, colors, building materials, screening, lighting and signing and similar elements, have been designed to provide a desirable environment. The design should minimize visibility of service areas (trash, delivery, outdoor storage, loading areas), backflow

prevention devices, and other utilities from public areas.

(B) Environmental preservation. The design, location and orientation of all buildings shall be arranged to preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, waterways, historic landmarks, or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, parking areas, and finished grade elevations.

(C) Landscaping.

(i) All setback areas fronting on or visible from an adjacent public street, and all open space areas shall be landscaped in an attractive manner. The developer shall provide a method assuring landscape maintenance.

(ii) Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be permitted, providing such elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.

(iii) Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.

(iv) Landscaping requirements shall be consistent with the zoning district in which the project is located.

(v) The property owner shall be required to enter into and record a landscape maintenance agreement.

(D) Lighting. The subdivider shall install an on-site lighting system on all vehicular access ways and along major walkways. Such lighting shall be directed onto the driveways and walkways within the development, and located and shielded to eliminate off-site glare. Lighting shall also be installed within all covered and/or enclosed parking areas.

(E) Lot coverage. Lot coverage shall conform to requirements of the zoning district in which the condominium is proposed.

(F) Open space. Common. Common open space areas shall be designed and located within the project to afford use by all owners of the project.

(G) Minimum parking requirements. Off-street parking shall be provided as required by the municipal Code for residential and commercial sites. Parking areas shall be held in common and no assigned parking is allowed.

(H) Trash and recycling collection area. Trash and recycling collection areas shall be provided and sized appropriately to accommodate trash and recycling. Such areas shall be enclosed within a building or screened with masonry walls six feet or higher to screen trash receptacles. Materials other than masonry may be used when specifically approved by the planning commission finds that due to extenuating circumstances regarding location, such as the proximity to underground utilities, the footing for masonry construction would be a detriment to such utilities. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

(I) Signage. The property owners shall apply for and obtain a master sign permit under the Municipal Code before any permanent sign is placed.

(J) Streets. The width of the public rights-of-way and roadway of the street(s) abutting the property shall conform to the minimum standard of the transportation element of the general plan.

(K) Declaration. The declaration shall include an agreement providing for common area maintenance, a clear designation of parking and signage rights, and a method for resolving differences.

(L) Structural and electrical. A commercial condominium project is to be subject to the structural requirements contained in the Municipal Code. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. The panel shall be accessible without leaving the unit.

(M) Reserves for capital maintenance replacement. Before approval of the final map, the subdivider shall provide to the city manager evidence of:

(i) The establishment of a reserve account fund in the name of the condominium association, and

(ii) A reserve study showing the amount which must be set aside monthly for the reserve account. The funds shall be earmarked for long-term reserves for capital and maintenance replacement.

(e) Mixed-Use project. Mixed-Use projects shall meet the requirements of section 17.49.040 of this Chapter, as applicable.

Section 17.49.050 Condominium Conversions.

(a) Purpose. The ownership of residential, commercial and mixed-use condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this section is to establish criteria for the conversion of existing buildings to residential, commercial, and mixed-use condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large. Industrial condominium conversions are not permitted.

(b) Applicability. The regulations set forth in this section shall apply to the conversion of existing buildings into residential, commercial or mixed-use condominiums.

(1) Applications required. Conditional use permit and tentative or parcel map applications are required. In addition to the criteria applicable for a conditional use permit and tentative or parcel map, the following criteria shall apply:

(A) The proposed condominium conversion units shall be substantially equal to new condominium units in terms of quality of architecture, construction, and other design features.

(B) Prior to final approval of the condominium conversion, the building and site containing the condominium units shall be fully conforming to all current zoning regulations including, but not limited to permitted uses, floor area ratio, building height, setbacks, parking requirements, and signs.

(C) The project shall meet the condominium development standards for treatment of utilities and requirements for provision of covenants, conditions, and restrictions.

(D) Each tenant, and each prospective tenant has, or will have, received all applicable notices and rights now or hereafter required by this section or by applicable State law. Residential condominium conversions have additional tenant requirements, as outlined in section 17.49.055.

(2) Content of applications. The applicant shall file with the community development department, in a form provided by the community development department, a completed application for a conditional use permit pursuant to Chapter 17 of the King City Municipal Code, a completed application for a tentative map or parcel map pursuant to Chapter 16 of the King City Municipal Code, and the additional requirements pursuant to this chapter. In addition, the following

reports shall be submitted as a part of the applications for condominium conversion:

(A) Plumbing, fire, electrical, and earthquake codes and a listing of any conditions which may cause health or safety hazards.

(B) A structural pest control inspection report performed by a licensed pest control operator.

(C) Reports from State licensed contractors for the heating and plumbing systems of the project, as well as reports for the condition of the roof. All such inspections shall have been conducted within three (3) months prior to the submittal of the application for condominium conversion.

(D) A tenant listing, including a plan for tenant notification, relocation, and financial assistance, if any.

(E) A copy of the proposed declaration of project elements and covenants, conditions, and restrictions. plumbing, fire, electrical, and earthquake codes and a listing of any conditions which may cause health or safety hazards.

(F) A structural pest control inspection report performed by a licensed pest control operator.

(G) Reports from State licensed contractors for the heating and plumbing systems of the project, as well as reports for the condition of the roof. All such inspections shall have been conducted within three (3) months prior to the submittal of the application for condominium conversion.

(H) A tenant listing, including a plan for tenant notification, relocation, and financial assistance, if any.

(I) A copy of the proposed declaration of project elements and covenants, conditions, and plumbing, fire, electrical, and earthquake codes and a listing of any conditions which may cause health or safety hazards.

(J) A site plan certified as to accuracy by a licensed civil engineer or architect, containing the following information pertaining to the project as it exists and as it is proposed:

(i) Site and structure information, including all buildings, structures, yards, landscaping, open spaces, signs, and number and sizes of buildings.

(ii) Accessory facilities information showing the locations and describing the nature and extent of recreation facilities, laundry facilities, maintenance facilities, office areas, storage areas, and trash storage areas.

(iii) Easement information showing the locations and dimensions of public utility, water, sewer, and drainage easements.

(iv) Parking and access information, showing all points of regular access and emergency vehicle access, the locations, dimensions and total number of covered and uncovered parking spaces provided for employees and guests, and the dimensions and locations of all aisles, driveways, turning areas, and obstructions, including, but not limited to, columns, poles, walls, and trees.

(c) Findings of fact. In addition to the regular findings of fact that need to be made in the affirmative for a conditional use permit and tentative tract or tentative parcel map, the following findings shall be made to approve any conversion:

(1) That the proposed conversion is consistent with the General Plan Land Use Map and any applicable policies.

(2) That the proposed conversion will conform to the provisions of the Municipal Code in effect at the time of approval, except as otherwise provided in this Section; and

(3) That the overall design and physical condition of the condominium conversion will achieve a high standard of appearance, quality, useful life, and safety.

(d) Utilities: Location and metering.

(1) Location. No common gas or electrical connection or service shall be allowed. Easements for gas and electric lines shall be provided in the common ownership area where lateral service connections shall take place. Gas, electric, and water services to each unit shall be located completely within the lot lines or ownership space of each unit or within common tenant areas.

(2) Metering. Each unit shall be separately metered for gas, electricity, and water, unless the applicant proposes that either the homeowners' association or the property owners' association will be response for these.

(e) Refurbishing and restoration. All main buildings, structures, fences, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the building department shall be refurbished and restored as necessary to achieve a high standard of appearance, quality, and safety. The refurbishing and restoration are subject to the review and approval by the building official.

Section 17.49.055 Residential Condominium Conversion Project.

(a) Buyer protection provisions. In additions to the requirements elsewhere in this chapter, the following additional requirements apply to residential condominium conversion projects:

(1) The developer shall provide a one (1) year warranty to the buyer of each unit at the close of escrow covering dishwashers, garbage disposals, stoves, refrigerators, hot-water heaters, air conditioners, garage door openers; and all heating, plumbing, electrical and structural systems that are provided.

(2) When a homeowners' association takes over management of the development, the developer shall provide a one (1) year warranty to the association covering swimming pools and pool equipment (filter, pumps, chlorinator, heating system) and any other appliance or item of mechanical equipment to be owned by the association. Said warranties shall include both labor and parts required to repair or replace any such item, but shall be conditioned upon the proper use and operation of the same by the buyer in accordance with manufacturer's specifications. To secure performance of the developer's obligation to buyers and to the homeowners' association under these warranties, the developer shall, as each unit of the condominium is sold, deposit in escrow with a title insurance company in Monterey County an amount equal to one percent of the gross sale price of said unit, with appropriate instructions for the disbursement of said funds for the benefit of the buyer or the association, as the case may be, in the event of the breach of any such warranty and the failure of the developer to cure such breach within a reasonable period of time. Said escrow shall terminate at the expiration of one (1) year after the date on which the last unit within the project is sold, whereupon all undisbursed funds shall be returned to the developer. All escrow fees and charges shall be paid by the developer.

Before recommending that a conditional use permit for the project be granted, the planning commission shall approve the escrow holder selected and shall obtain the approval of the city attorney with respect to the terms and conditions of said escrow and the form of the proposed escrow instructions submitted by the developer with his use permit application.

(b) Tenant protection provisions. The following provisions of this section shall apply to residential condominium conversion projects, including that residential portion of a mixed-use condominium conversion project:

(1) Notices to existing tenants. Within ten (10) days after the filing of a conditional use permit and tentative tract or parcel map applications, or whichever is filed first, the developer shall cause written notice of the filing of said application to be delivered

personally or sent by registered or certified mail (return receipt requested) to the occupant of each occupied dwelling unit in the building proposed to be converted to a condominium.

(2) Termination of lease or agreement. The developer shall allow a tenant in the building proposed to be converted to terminate any lease or rental agreement, without penalty, provided that the tenant gives to the developer, either personally or by registered or certified mail (return receipt requested), a notice of his or her election to terminate within thirty days after receiving the notice referred to in subsection (b)(1) of this section.

(3) The applicant shall perform the following additional notification of tenants:

(A) Prior to filing of map. At least sixty (60) days prior to the filing of a tentative map, each of the tenants of the proposed condominium shall be given by registered or certified mail a written notice of intention to convert. Notice shall be in the form provided in Government Code section 66452.18, as may be amended.

(B) Prior to a planning commission public hearing. A copy of the written staff report to the planning commission on the proposed conversion shall be delivered to each tenant of the subject property at least six (6) days prior to the hearing date.

(C) Prior to filing of public report. At least ten (10) days prior to the filing of a public report with the California Department of Real Estate, each tenant of the proposed condominium project shall receive by first class mail a written notice that an application for a public report will be, or has been, submitted to the Department of Real Estate and that such report will be available on request.

(D) Subsequent to approval of a final map. At least ten (10) days after the approval of a final map, each tenant of the proposed condominium project shall be given by first class mail written notice of the approval of a final map for the proposed conversion.

(E) Prior to termination of tenancy. After the approval of a tentative map for the proposed conversion, each tenant of the proposed condominium project shall be given by first class mail one-hundred and eighty (180) days written notice of termination of tenancy due to the conversion or proposed conversion. Notice shall be in the form provided in Government Code section 66452.19, as may be amended.

(F) Subsequent to issuance of public report. Within five (5) days after receipt of the public report, each tenant of the proposed condominium project shall be given by first class mail written

notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report, unless the tenant gives prior written notice of his or her intention not to exercise the right. Notice shall be in the form provided in Government Code section 66452.20, as may be amended.

(c) Notice to prospective tenants. Notices of public hearings required pursuant to this chapter and state law shall be mailed by the city to the list of prospective tenants provided by the applicant. The applicant shall perform the additional following notification of prospective tenants:

(1) Notice of conversion. Notice of the proposed conversion shall be given to a prospective tenant applying for rental of a unit of the subject property before acceptance of any rent or deposit, in the form provided in Government Code section 66452.51, as may be amended.

(2) Notice of filing of a tentative map. At least sixty (60) days prior to the filing of a tentative map, notice of such filing shall be given to a prospective tenant applying for rental of a unit of the subject property before acceptance of any rent or deposit.

(3) Posting of notice. Regardless of each prospective tenant being informed of the proposed conversion prior to the finalization of any rent or lease agreement, a notice of such intended conversion shall be posted and maintained at all times in a highly visible location outside the manager's office or unit or the rental office, if any.

(4) Notice subsequent to approval of the final map. If a final map has been approved for a condominium project of five (5) or more units, and a unit is thereafter rented, notice shall be given to a prospective tenant of the right of first refusal to purchase the unit, in the form provided in, and as may be required by, Government Code section 66459, as may be amended.

(d) Monthly reports to the city. Commencing with the filing of an application and until such time as all tenants have received the benefits, the applicant shall provide a written report to the city no less than every thirty (30) days that includes the following information:

(1) A listing of tenant names and addresses, including forwarding addresses, updated regularly.

(2) The date on which each tenant or prospective tenant began occupancy and ended occupancy.

(3) Copies of all notices, letters, and related correspondence mailed, delivered or otherwise presented to tenants and prospective tenants and a listing of the tenants and prospective tenants who received the material.

(4) A brief description of the occupancy status of each tenant indicating the intent of the tenant to end occupancy or to purchase his unit.

(e) Tenant benefits. The applicant shall provide benefits to tenants as follows:

(1) Option to purchase. Each tenant, and any prospective tenant who rents a unit subsequent to approval of a final map, shall be given notice of an exclusive right to contract for the purchase of his respective unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable to the tenant. Such right shall run for a period of not less than ninety (90) days from the date of the issuance of the subdivision public report, or from the date of the approval of a final map if the project consists of four (4) or less units, or in the case of prospective tenants, from the date of the notice to prospective tenants.

(2) Limitation on evictions. No eviction shall occur as a result of conversion for at least one-hundred and eighty (180) days after the approval of a tentative map and the end of the ninety (90) day period of the exclusive option to purchase the unit. If the units are not offered for sale to the tenants within two (2) years after the approval of a final map, the minimum one-hundred and eighty (180) day notice prior to the eviction, including a ninety (90) day exclusive option to purchase period, shall be provided to each tenant prior to eviction from the time the units are offered for sale.

(3) Moving expenses. Each tenant renting a unit at the time of the approval of the tentative map and still renting a unit ten (10) days prior to the approval of the final map, but not including prospective tenants notified pursuant to subsection (f) of this section, shall be entitled to the following moving expenses, due and payable at the time of moving.

(f) Harassment of tenants. After the approval of the tentative map, action by the landlord which is intended to cause the tenant to quit the premises prior to the one-hundred and eighty (180) day notice, including unreasonable rent increases, shall be considered harassment and shall be grounds for the denial of a final map.

Section 17.49.060 Variance from Standards and Requirements – Imposition of Conditions - Residential.

Recognizing that the conversion of existing multiple-residential structures to condominium usage presents unique problems with respect to the standards

and requirements set forth in this chapter, the planning commission is empowered to vary any such standard or requirement, or to waive the same, with respect to a specific project upon a specific finding or findings that the creation of the proposed condominium will not contravene the intent and purpose of this chapter. Project characteristics of critical importance in determining whether or not a proposed conversion will contravene the intent and purpose of this chapter include the age of the structure and the degree to which the proposal varies from the required standards for:

(1) parking.

(2) private open space.

(3) other development criteria contained in this title.

The planning commission is also empowered to impose conditions on any approval given which would require that specified modifications, designed to bring a structure or site into compliance with standards and requirements contained in this chapter, be made to the structure or site proposed for conversion. Notwithstanding, as a condition of approval on the project, a homeowners' association shall be required to maintain and provide service to communal areas.

Section 17.49.070 Commercial Condominium Conversion Projects.

(a) Minimum floor area. No conversion shall be permitted of any unit in the building having a unit size of less than one-thousand (1,000) square feet.

(b) Physical elements report. A report shall be provided, detailing the structural condition of all physical elements of the proposed project as they exist at the time of application and as they are to be made by the subdivider prior to the sale of any units in order to refurbish and restore the project and to achieve a high degree of appearance, safety, comfort, and utility. Such elements include, but are not limited to: foundations, interior and exterior walls, ceilings, floors, roofs, insulation, sound transmission characteristics, water heaters, furnaces, air conditioners, recreational facilities and equipment, and maintenance equipment. Regarding each such element, the report shall state the age and present condition, the approximate useful remaining life, the cost of maintenance and replacement, and the proposed means of paying for the maintenance or replacement of the element.

(c) Communal areas. A report outlining the condition and responsibility of all communal areas, such as the parking lot, landscaping, signs, communal amenities.

(d) Project documents. The applicant shall submit the proposed declaration of covenants, conditions, and restrictions to be applied to the project. The declaration shall include, but shall not be limited to, the following information:

(1) An agreement providing for common area maintenance including recreational facilities, landscaping of the project and all public right-of-way abutting the project, and all structural, mechanical, and utility elements of the proposed project, together with an estimate of initial assessment fees anticipated for the initial and future maintenance and replacement of such facilities and elements.

(2) A requirement that the homeowners' association maintain all private water, sewer, and storm drainage lines serving the project, and pay all charges for water, sewer, and waste collection service for the project.

(3) A provision granting emergency access to the project site by, and right of entry to, the city.

(4) A provision granting to the city the right to enforce the declaration.

(5) The assignment of parking and storage spaces.

(6) A grant of all easements and cross-easements for access, utilities, and maintenance necessitated by the conversion.

(7) A requirement that the owners' association provide or require adequate fire insurance protection for the project, including each structure, each unit and its contents, and the common area and facilities.

(8) A provision prohibiting the alteration of any party wall or fixture along any party wall, or the doing of anything which may impair its integrity as a fire wall; and

(9) A provision granting the city the right to veto any amendment to the declaration with respect to any of the requirements of this subsection.

(e) Unavailability of information. When the applicant can demonstrate that information required by this section is not available, this requirement may be modified by the Community Development Director, if it can be determined that such modification is consistent with the purposes of this Chapter.

(f) Additional information. Any other information shall be submitted by the applicant which, in the opinion of the Community Development Director, will assist in determining whether the proposed project will be consistent with the purposes of this article.

(g) Property owners' association. As a condition of approval on the project, a property owners' association *may be* required to maintain and provide service to communal areas.

Section 17.49.080 Mixed-Use Condominium Conversion Project.

Mixed-Use condominium conversion projects shall comply with all applicable requirements of this Chapter, the King City Municipal Code and/or all state and federal statutes, regulations and laws.

SECTION 7. 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 8. 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 23rd day of April, 2019, and adopted the Ordinance after the second reading at a regular meeting held on the 14th day of May, 2019, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

_____

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____

MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____

ROY C. SANTOS, City Attorney

Aleshire & Wynder, LLP

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.

RESOLUTION NO. 2019-250

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING RECOMMENDING THE CITY COUNCIL OF THE CITY OF KING ESTABLISH AND REGULATE CONDOMINIUM CONVERSION AND CONSTRUCTION OF NEW CONDOMINIUMS BY REPEALING SECTIONS OF CHAPTER 17.54 OF TITLE 17 AND ADOPT CHAPTER 17.49 TO TITLE 17 OF THE KING CITY 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 condominium construction and condominium conversion standards; and

WHEREAS, on April 2, 2019, 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 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 CEQA Guideline Sections 15378 and 15061 (b) (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.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King adopts Resolution No. 2019-250, attached as **Exhibit 1,** which recommends the City Council adopt the Ordinance to establish and regulate condominium conversions and condominium construction by repealing sections of Chapter 17.54 and adopting Chapter 17.49, as shown on **Exhibit 2**.

This resolution was passed and adopted this **2nd day of April 2019,** by the following vote:

AYES: Nuck, Mendez, Avalos, Uribe
NAYS:
ABSENT:
ABSTAIN:

This resolution was passed and adopted this **2nd day of April 2019,** by the following vote:
AYES:
NAYS:
ABSENT:
ABSTAIN:

David Nuck
DAVID NUCK, CHAIRPERSON

ATTEST: Erica L. Sonne
ERICA SONNE, SECRETARY TO THE PLANNING COMMISSION

KING CITY
CALIFORNIA

Item No. 10(B)

REPORT TO THE CITY COUNCIL

DATE: **APRIL 23, 2019**

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **STEVEN ADAMS, CITY MANAGER**

RE: **CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING SECTION 16.18.090 AND ADDING SECTION 16.18.105 OF CHAPTER 18 OF TITLE 16 OF THE KING CITY MUNICIPAL CODE PERTAINING TO PAYMENT OF DEVELOPMENT MITIGATION IMPACT FEES**

RECOMMENDATION:
It is recommended City Council introduce an Ordinance amending Chapter Section 16.18.090 and adding Section 16.18.105 of Chapter 18 of Title 16 of the King City Municipal Code pertaining to payment of development mitigation impact fees to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance.

BACKGROUND:

The City's fee schedule includes a variety of development impact fees, which were established based upon a study prepared by Revenue & Cost Specialists, LLC in February 2010. A professional engineering study is needed to establish development impact fees. They identify future growth potential, assess costs for improvements to infrastructure and facilities that will be needed to accommodate the growth, and then establish fees for development where a nexus can be identified between the improvements and the development.

While development impact fees are important in order to fund improvements required by new development, they can also negatively impact the economic viability of development projects necessary to address important needs in the community and the City's overall economic development efforts. This is a particular challenge in rural communities like King City where the profit margins on development projects are much lower than in the urban areas.

As a result, in February 2016, the City Council approved a strategy that staff successfully coordinated with the other South County cities, which resulted in a roughly 50% reduction in the TAMC development impact fee. In November 2016, the City Council approved adjustments to the City's development impact fees. In March 2018, the Council approved additional reductions in development impact fees for a 3-year period.

City staff has implemented a number of economic development efforts to attract new businesses and jobs to the City to address important needs of the community. The fees continue to provide a challenge to making new projects economically viable. As a result, it would be helpful to provide increased flexibility on options involved in payment of the fees.

In addition, construction of new buildings is currently limited to 2-story, but allowing 3-story buildings could be instrumental in attracting certain types of desired projects, such as hotels and high-density multi-family residential. The purpose of the height limits has been primarily to maintain the City's ISO fire rating in order to prevent an increase in residents' property insurance costs. Points will be lost in the City's fire rating if 3-story buildings are constructed without the ability of the Fire Department to respond to emergencies with a ladder truck. As part of the City's economic development efforts, staff has been working on ways in which to allow 3-story buildings without impacting the City's fire rating.

DISCUSSION:

Two primary changes are recommended. First, a provision is included that would provide the City Council the authority to approve deferring development impact fees for a specified period of time for hotel projects larger than 50 rooms. Delays in payment of the fees would only be allowed if they are still be paid within the timeframe projected that the fees will be needed to fund improvements caused by the development. Deferral of development impact fees is a common practice utilized by municipal agencies to assist in reducing the initial financial impacts of construction for economic development projects. It is recommended because hotel projects have been determined to be beneficial for the community in order to generate economic activity that support other businesses, create jobs and increase revenues. However, construction costs make economic viability difficult so delays in fees would provide an overall public benefit. Under the Ordinance, other projects may be allowed to defer development impact fees until a Certificate of Occupancy or Temporary Occupancy is issued in certain circumstances if approved by the City Council.

Second, additional language is included providing the ability to modify the Fire Facilities development impact fee to charge a higher fee for 3-story buildings to mitigate the impact of such structures on King City's fire rating. Staff has identified new fire engine apparatus that include ladder equipment that would meet the ISO requirements for 3-story structures. Staff is proposing a fee increase on 3-story buildings be established that would be calculated based on each projected building's share of the cost difference between a traditional fire engine and one with ladder equipment. Since the City is in need of replacing a fire engine, the development impact fee revenue can be used to pay the difference in costs to upgrade to an engine with a ladder attachment.

COST ANALYSIS:

There is no immediate direct cost impact from the recommended action.

ENVIRONMENTAL REVIEW:

The amendments are not a "project" for the purposes of the California Environmental Quality Act (CEQA) as they do not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Introduce the Ordinance as recommended;
2. Modify the Ordinance to further restrict the circumstances when fees could be deferred and then approve introduction;
3. Modify other provisions in the Ordinance and then approve introduction;
4. Direct staff to make other changes and bring the Ordinance back for introduction;
5. Do not introduce the Ordinance; or
6. Provide other direction to staff.

Approved by: _____
Steven Adams, City Manager

ORDINANCE NO. 2019-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA, AMENDING SECTION 16.18.090 AND ADDING SECTION 16.18.105 OF CHAPTER 18 OF TITLE 16 OF THE KING CITY MUNICIPAL CODE, DEVELOPMENT IMPACT MITIGATION FEE

WHEREAS, the City of King ("City") is authorized by the California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the State of California, through the enactment of Government Code Sections 66000 through 66014 has also, among other things, determined the nexus that must be established in the enactment of development impact fees; and

WHEREAS, the imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public facilities and service improvements necessary to accommodate such development, which must be done to promote and protect the public health, safety and welfare; and

WHEREAS, in 2001, the City Council adopted development impact fees based upon a report prepared by professional consultants under contract by the City titled "Development Impact Fee Calculation Report for the City of King" and the fees were based upon a long-range "Master Facilities Plan" also prepared under contract for the City to ensure all development impact fees are based upon the costs for new facilities required by new development; and

WHEREAS, the City Council has periodically updated and adjusted fees to ensure they continue to accurately reflect these costs and to prevent the fees from negatively impacting economic development necessary to protect the public health, safety and welfare; and

WHEREAS, City Council desires to amend the methodology for calculating and collecting some of these fees in order to update fees in the most accurate manner to address changes in projected development impacts and to administer fees in a fair manner that best

addresses the public health, safety and welfare, as well as to encourage tourism and other economic development in the area.

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

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. 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 funding mechanism 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 adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

Section 3. Section 16.18.090 of Chapter 18 of Title 16 of the King City Municipal Code hereby is amended to read in its entirety as follows:

CHAPTER 16.18 DEVELOPMENT IMPACT MITIGATION FEES

Section 16.18.090 Payment of Fee.

The fees established pursuant to this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided below. Provided, however, that fees imposed on residential development shall be collected in accordance with the provisions of California Government Code Section 66007, as the same presently exists or may hereafter be amended from time to time. The term "building permit" as used herein includes any permits required for construction, reconstruction, remodeling, moving

structures into the city, and the like, such as electrical and plumbing permits, moving permits, and the like.

The fees created pursuant to this chapter shall be calculated on the basis of net acreage or number of units, as set forth in the resolution referenced in Section 16.18.030. For development projects containing a fraction of a net acre, the fee shall be calculated on the fraction of the acre involved in the development project. All fees collected shall be promptly transferred for deposit in the appropriate fund referenced in Section 16.18.070. Notwithstanding the foregoing, the fee for streets and thoroughfares in the case of commercial and industrial developments shall be calculated on the basis of gross square footage (i.e., all of the floor area confined by the outside surface of the exterior walls of a building, except for that floor area devoted solely to vehicle parking or circulation) times the rate per square foot established in the resolution adopted pursuant to Section 16.18.030. In addition, the fee for fire facilities and equipment for multiple family dwelling, commercial lodging unit, seasonal employee housing, commercial and industrial development may include a supplemental amount for development projects per unit, or by gross square footage of said unit or development, in excess of three stories calculated based upon the share of costs for fire facilities and equipment to respond to incidents that may occur at those structures, as set forth by resolution.

Section 4. Section 16.18.105 of Chapter 18 of Title 16 of the King City Municipal Code is added read in its entirety as follows:

16.18.105 Deferred Payment Authorized

(a) Whenever a provision of this code or council resolution authorizes the deferred payment of a development fee pursuant to this section, a developer may elect to defer the payment of such fee for any lot or parcel until the issuance by the city of a certificate of occupancy or temporary occupancy, whichever is issued sooner, for any building or structure on that lot or parcel by entering into an agreement with the city and meeting the conditions as follows:

(1) The fee obligation deferred, including fees generated by common areas, outlots, and similar areas within a subdivision or development, shall be prorated to each lot, parcel, unit or building in the manner specified by the city manager.

(2) The deferred fee shall be payable no later than issuance by the city of a certificate of occupancy or temporary occupancy for any structure erected on said lot or parcel.

(3) The deferred fee shall be payable at the rate in effect at the time the agreement is approved.

(4) The agreement authorizing deferred payment shall be in a form approved by the city attorney.

(5) The agreement shall be signed by all persons having a record interest in the real property for which the fees are being deferred and shall include a legal description of that property.

(6) The agreement shall provide that the whole or any part of the balance of the charges due may be accelerated and paid at any time at the option of the payor.

(7) The agreement shall constitute a covenant running with the land, shall establish a lien on the property in favor of the city in the amount of the deferred charges, and shall be recorded in the office of the Monterey County Recorder.

(8) The lien for said fee shall be enforceable by the city in any manner available at law or in equity, including but not limited to private foreclosure and sale of the property in the manner provided in Section 2924 of the California Civil Code.

(b) As an alternative to subdivision (a) of this section, a developer of a motel or hotel as defined by section 17.04.350 may elect to defer the payment of a development fee for any lot or parcel after the issuance by the city of a building permit for any building or structure on that lot or parcel by entering into an agreement with the city and meeting the conditions as follows:

(1) The motel or hotel must be 50 or more units in size. Existing units for which a building permit is not sought or to which a development fee is not applicable shall not count towards the 50 units.

(2) The applicable development fee may be deferred only if deferral will not result in a delay in collection of the fees beyond the date the fees are needed to fund improvements caused by the development.

(3) A deferred fee must be paid before the estimated completion of a rate study or equivalent mechanism used to adjust that development fee at a future date. Said estimated date will be established in the city manager's sole discretion must be established in the agreement authorizing deferred payment. Notwithstanding, in no event shall any development fee be deferred more than five years after issuance of the building permit.

(4) Subsection A(3)-A(8) of this section is applicable to any fee deferred under this subsection (B).

Section 5. 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 6. 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 ____ day of

_____, 2019, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____, 2019, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

_____

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____

MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____

ROY C. SANTOS, City Attorney

Aleshire & Wynder, LLP

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.

KING CITY
CALIFORNIA

Item No. 10(C)

REPORT TO THE CITY COUNCIL

DATE: **FEBRUARY 26, 2019**

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **STEVEN ADAMS, CITY MANAGER**

RE: **CONSIDERATION OF AMENDMENT TO MASTER FEE SCHEDULE**

RECOMMENDATION:

It is recommended the City Council adopt a Resolution amending the Master Fee Schedule to increase the Cannabis Permit Issuance and Renewal Fee and other updates.

BACKGROUND:

State law requires user fees to be set at an amount no higher than necessary to recover the full costs of the service the fee is charged to pay for. As a result, staff reviews fees on an ongoing basis and recommends adjustments as necessary.

At the April 9th meeting, staff presented recommendations for streamlining the cannabis work permit and background check process. Recommendations included the addition of a full-time Code Enforcement Officer position and an increase in the cannabis permit fee to fund the increased cost. The City Council directed staff to proceed. At the March 26th meeting, the City Council also adopted a new Wireless Communications Ordinance, which specified a fee shall be set by Council Resolution.

Staff has prepared these changes to the Master Fee Schedule. At the same time, other fees were reviewed and recommended updates are included.

DISCUSSION:

The proposed amended Master Fee Schedule includes the following recommended changes:

- The Cannabis Permit Issuance and Renewal Fee is recommended to be increased from $7,500 to $15,000.

- A new Wireless Facilities in Public Right-Of-Way fee is established based upon actual staff cost with a minimum deposit of $2,000 for individual small facilities, $4,000 for 2 or more small facilities, and $5,000 for major facilities.

- A fee for Landscape Water Efficiency Review is established at $130, which is now required under State Law and the City's landscaping regulations.

- The San Antonio Park Itinerant Vendor permit fee is eliminated because they no longer pay a separate fee, which is consistent with recent Ordinance changes.

- The City's Nuisance Abatement Ordinance enables the City Manager to order submittal of Vacant Building Plans for buildings that remain vacant for extended periods of time. Staff has begun to exercise this option for commercial buildings that have been allowed to remain vacant for multiple years. The Municipal Code specifies that there will be a fee to process and monitor the plan set by Council Resolution. The fee for the first plan is waived.

- The minimum deposit requirement for other fees is being updated, including $8,000 for Annexations, $3,000 for Condominium Conversions, $500 for Pre-Applications, and $5,000 for Specific Plans. The fees for these permits and activities is still based on actual staff costs. Therefore, the fees are not changing – only the minimum deposit required when applications are submitted. This reduces the need to request additional funds later in the process when expenses have already been incurred.

COST ANALYSIS:

Since fees are established to reimburse actual costs, minimal overall revenue impacts are projected.

ENVIRONMENTAL REVIEW:

The Master Fee Schedule adjustments are not a "project" for the purposes of the California Environmental Quality Act (CEQA) as they do not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Adopt the Resolution;
2. Make other changes to the Master Fee Schedule and adopt the Resolution;
3. Do not approve the proposed changes;
4. Provide staff with other direction.

Prepared and Approved by: _____
Steven Adams, City Manager

RESOLUTION NO. 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING APPROVING AN UPDATED MASTER FEE SCHEDULE

WHEREAS, the City of King maintains a Master Fee Schedule of all user fees; and

WHEREAS, the purpose of user fees is for users of services to pay the cost of providing that service; and

WHEREAS, the City reviews and updates the Master Fee Schedule on a periodic basis to ensure that fees accurately reflect changes in costs to provide services; and

WHEREAS, constraints on the City's General Fund tax revenues make it necessary to seek cost recovery of services through user fees; and

WHEREAS, the City has completed a review of associated City costs and recommended changes to the fees for Cannabis Permits; and

WHEREAS, the City has completed a review of associated City costs and recommended establishing fees for Landscape Water Efficiency Review, Wireless Facilities, and Vacant Building Plans.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of King hereby approves the Master Fee Schedule attached and included herein as Exhibit A.

This resolution was passed and adopted this **23rd** day of **April, 2019** by the following vote:

AYES, Council Members:

NAYS, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

APPROVED:

_____
Mike LeBarre, Mayor

ATTEST:

_____
Steven Adams, City Clerk

APPROVED AS TO FORM:

_____
Roy Santos, City Attorney

KING CITY MASTER FEE SCHEDULE

Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Franchise Fees			
PG&E Electric Franchise Fee		2.00%	
CATV Franchise Fee		5.00%	
Refuse Franchise Fee		18.00%	
Cal Water Franchise Fee		2.00%	
City Hall Front Counter Fees			
Bicycle License		$10.00	
Garage Sale Permit		$15.00	
Returned Check Charge		$40.00	
Rebilling Fee		$5.00	
Copies - Black and White		$.25 per page	
Copies - Color		$1.50 per page	
Fireworks Sales Application	Annual	$35.00	
Fireworks Stand Permit	Per stand per year	$375.00	
Fireworks Stand Inspection outside normal business hours	As required	$150.00	
Fireworks Sales Stand Deposit	Annual	$1,000.00	
Vacant Building Plan	Per Plan Ordered	$1,000.00	
Public Works Permit Fees			
Staff Time		Actual Cost Plus 5% Administrative Fee	
Encroachment Permit - General		$375.00	
Encroachment Permit - Electric and Gas Utilities	Annual/Service Improvements	$5,000.00	
Encroachment Permit - Water Utilities	Annual/Service Improvements	$7,500.00	
Encroachment Permit - Utilities	Major Trunkline Replacements	Actual Cost	
Administration Services		Actual Cost	
Curb/Sidewalk/Driveway Review		Actual Cost	$300.00
Encroachment Permit - Sidewalk Repairs Due to Tree Damage		No Charge	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Police Department Fees			
Police Special Services		Actual Cost	
False Alarm Fee	Third false alarm in 12 months	$200.00	
	Fourth false alarm in 12 months	$300.00	
	Fifth false alarm in 12 months	$400.00	
	Additional false alarms in 12 months	$500.00	
Finger Printing		$20.00	
Tow Provider Application		$75.00	
Vehicle Releases		$150.00	
Immigration Letters		$20.00	
Citation Sign Offs		$15.00	
Room Rental	First hour	$25.00	
	Each additional hour	$15.00	
Special Event Permits	Event	$27.00	Plus actual cost
DUI Response Charges		$256.00	
Police Reports	First three pages	$15.00	
	Each additional page	$2.50	
	Maximum charge per report	$30.00	
Concealed Weapon Permit	Initial	$125.00	
	Renewal	$25.00	
Animal Control Fees			
Licensing Fees (Spayed/Neutered)	1 month to 1 year	$10.00	
	13 months to 2 years	$15.00	
	25 months to 3 years	$30.00	
	Seniors over 60 up to 3 years	$9.00	
Licensing Fees (Not Spayed/Neutered)	1 month to 1 year	$40.00	
	13 months to 2 years	$50.00	
	25 months to 3 years	$60.00	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Animal Control Fees (Continued)			
Impound Fees (Spayed/Neutered)	First time	$25.00	
	Second time	$40.00	
	Third time	$55.00	
Impound Fees (Not Spayed/Neutered)	First time	$35.00	
	Second time	$50.00	
	Third time	$80.00	
Reclaiming of Impound		$10.00	
Care and Feeding of Animals (Excludes medical care)			
Dog	Per day	$10.00	
Cat	Per day	$10.00	
Late fee for renewal llicense		$20.00	
Euthanasia & Disposing of Animal	25 lbs. or less	$63.00	
	26-50 lbs.	$71.00	
	51 - 75 lbs.	$79.00	
	76 - 100 lbs.	$86.00	
	101 lbs. or more	$94.00	
Adoption Charges (Does Not Include Spay/Neuter Surgery)			
Dog		$10.00	
Cat		$10.00	
Medical Care		Actual Cost	
Surrender Fee		$50.00	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Community Development Department Fees			
Staff Time		Actual Cost Plus 5% Administrative Fee	
Annexation		Actual Cost	$8,000.00
Appeals			
City Council		Actual Cost	$250.00
Planning Commission		Actual Cost	$250.00
Architectural Review			
New		Actual Cost	$600.00
Amendment		Actual Cost	$400.00
Cannabis Cultivation/Nursery/Manufacturing/Testing/Retail/Distribution/Microbusiness Permit			
Permit Application	Per Application	Actual Cost	
Permit Issuance and Renewal	Annual	$15,000.00	
Certificate of Compliance		Actual Cost	$300.00
Conditional Use Permit			
Remodel/Change of Use		Actual Cost	$1,000.00
New Construction		Actual Cost	$3,000.00
Amendment		Actual Cost	$650.00
Temporary Use Permit		Actual Cost	$300.00
Mural Permit		Actual Cost	$300.00
Condominium Conversion		Actual Cost	$3,000.00
Development Agreement			
New		Actual Cost	$5,000.00
Amendment		Actual Cost	$3,000.00
Environmental Review			
Categorical Exemption		Actual Cost	$100.00
Environmental Impact Report Admin		Actual Cost	$500.00
Environmental Impact Report	Residential - Per Lot	Actual Cost	$2,000.00
	Other - Per Lot	Actual Cost	$250.00

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Community Development Department Fees (continued)			
Environmental Impact Report Review			
Negative Declaration Fee		Actual Cost	$600.00
Mitigated Negative Declaration Fee		Actual Cost	$800.00
Negative Declaration Fish & Game		Actual Cost	$100.00
Filing Fee with County Clerk		Actual Cost	
General Plan Amendment		Actual Cost	$2,000.00
General Plan Consistency Review		Actual Cost	$300.00
Home Occupation Permit		$150.00	
Interpretation from City Council of Planning Commission		Actual Cost	$300.00
Landscaping Plan Review		Actual Cost	$300.00
Lot Line Adjustment		Actual Cost	$500.00
Miscellaneous Items			
Fence/Wall Review		Actual Cost	$100.00
Radius Map and Mailing (Noticing)		Actual Cost	$250.00
Records Research Fee		Actual Cost	$100.00
Plot Plan Review			
Major Plot Plan Review		Actual Cost	$600.00
Minor Plot Plan Review		Actual Cost	$300.00
Pre Application Review		Actual Cost	$500.00
Specific Plan and Planned Development			
New		Actual Cost	$5,000.00
Amendment		Actual Cost	$1,000.00
Planned Development		Actual Cost	$1,000.00
Sign Permit			
Individual Permanent Sign		Actual Cost	$300.00
Master Sign Program		Actual Cost	$462.00
Temporary Sign Permit		Actual Cost	$100.00
Penalty for No Sign Permit		Actual Cost	$300.00
Sphere of Influence Amendment		Actual Cost	$3,200.00

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Community Development Department Fees (continued)			
Subdivision		Actual Cost	$5,000.00
Tentative Tract Map and Parcel Maps			
Vesting		Actual Cost	$2,000.00
			Plus $30.00 per lot
Non-Vesting		Actual Cost	$2,000.00
			Plus $50.00 per lot
Time Extensions		Actual Cost	$300.00
Variance		Actual Cost	$750.00
Wireless Facilities on Public Right-Of-Way			
Individual Small Facilities		Actual Cost	$2,000.00
2 or More Small Facilities		Actual Cost	$4,000.00
Major Facilities			
Zoning Change Text & Map			
New		Actual Cost	$2,000.00
Pre-Zoning Request		Actual Cost	$600.00
Building Department Fees			
Staff Time		Actual Cost Plus 5% Administrative Fee	
Minimum Permit Fee	Per Permit	$100.00	
Certificate of Occupancy		$180.00	
Building Permit Fees	Per Permit Based on Valuation	2018 International Code Council	
Plan Check Fees	Per Permit Based on Valuation	2018 International Code Council	
Model Home Production Plan Check Fee	Per Permit	$150.00	
Permit Issuance Fee	Per Permit	$100.00	
Building Permit Training Surcharge	Per Permit	$15.00	
Landscape Water Efficiency Review	Per Review	$130.00	
Minor Building, Electrical and Plumbing Permit	Per Permit	$60.00	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Building Department Fees (continued)			
Solar Energy System			
Residential	Up to 15 Kilowatts	$450.00	
	Per Additional kW Above 15	$15.00	
Commercial	Up to 50 Kilowatts	$1,000.00	
	Per Additional kW 51 kW to 250 kW	$7.00	
	Per Additional kW Above 250 kW	$5.00	
Re-Roof Fee			
Buildup, Shingle or Wood Shake		$170.00	
Concrete Tile, Clay Tile or Metal		$285.00	
Fence or Wall Over 6 Feet High	Per Permit Based on Valuation	2018 International Code Council	
Property Inquiry Fee	Per Inquiry	$65.00	
Demolition Permit		Actual Cost	$150.00
Building Moving Fee		Actual Cost	$350.00
Street Address Change		$50.00	
Waste Reduction and Recycling Plan Fee	Per Building	$125.00	
	Per Subdivision	$300.00	
Fire Department Fees			
Annual Fire Inspection	Per Inspection and One Re-Inspection	$200.00	
Fire Re-Inspection	Per Inspection After First Two	$125.00	
Commercial Aboveground Fire Sprinkler System	Per Permit and Up to Two Inspections	$341.25	
Commercial Underground Fire Main System	Per Permit and Up to Two Inspections	$498.55	
Commercial Fire Alarm Systems	Per Permit and Up to Two Inspections	$262.50	
Commercial Hood & Duct Suppression System	Per Permit and Up to Two Inspections	$262.50	
Commercial Fire Pump Systems	Per Permit and Up to Two Inspections	$367.50	
Residential (Household) Fire Sprinkler System	Per Permit and Up to Two Inspections	$262.50	
Residential (Household) Fire Alarm System	Per Permit and Up to Two Inspections	$157.50	
Fire Alarm Technology Transfer Projects	Per Permit and Up to Two Inspections	$105.00	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Recreation Department Fees			
Aquatic Center			
Daily Entrance Fee			
8 years and under	Day	$3.00	
8 years and under pass	10 visits	$25.00	
9 years and older	Day	$3.50	
9 years and older pass	10 visits	$30.00	
Summer Swim Pass			
Individual	Season	$90.00	
Family (immediate family up to 4)	Season	$300.00	
Each individual family member over 4		$25.00	
Swim Lessons			
Private	45 minutes	$30.00	
Semi-private	45 mintues	$20.00	
Group	45 minutes	$50.00	
Sibling (Group Lesson)	45 minutes	$35.00	
Late Fee - Swim Lesson Registration	Percent of registration fee	20.00%	
Summer Day Camp (5-12 year olds)	Day	$15.00	
	Week	$75.00	
Basketball			
Adult - Open Gym	Night	$4.00	
Girls and Boys	Child per season	$60.00	
	2 children per season	$100.00	
	3 children per season	$130.00	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Recreation Department Fees (continued)			
Facility/Amenity Rentals			
Aquatic Complex			
Wade Pool	Hour Non-Profit	$40.00	
	Hour Private	$52.00	
Dive Pool	Hour Non-Profit	$80.00	
	Hour Private	$100.00	
Lap Pool	Hour Non-Profit	$80.00	
	Hour Private	$100.00	
Slide Pool	Hour Non-Profit	$100.00	
	Hour Private	$120.00	
Additional Supervision	Hour	Actual Cost	
Concession Stands - Centennial/Arena/SAP	Day Private	$102.00	
Equipment			
Dunk Tank	Day Non-Profit	$50.00	
	Day Private	$60.00	
Field Reservations			
Ballfields w/o Lights - Games/Tournaments	Hour Non-Profit	$20.00	
	Hour Private	$25.00	
Ballfields w/Lights - Games/Tournaments	Hour Non-Profit	$28.00	
	Hour Private	$30.00	
Ballfields w/o Lights - Practice	Hour Non-Profit	$3.50	
	Hour Private	$6.00	
Ballfields w/Lights - Practice	Hour Non-Profit	$12.00	
	Hour Private	$20.00	
Soccer-Multi-Sports Fields w/o Lights	Hour Non-Profit	$20.00	
	Hour Private	$25.00	
Soccer-Multi-Sports Fields w/Lights	Hour Non-Profit	$25.00	
	Hour Private	$30.00	
Use of City Park for Major Events	Day	$160.00	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Recreation Department Fees (continued)			
Joint Facility Agreement With Other Public Agencies	Day	$0	
Raquetball (Access up to four)	Year	$110.00	
	Quarter	$30.00	
	Month	$10.00	
	Day	$2.00	
Recreation Center	Hour Non-Profit	$20.00	
	Hour Private	$60.00	
Security Deposit	Event - Before 5:00 p.m. and no alcohol	$50.00	
	Event - After 5:00 p.m. and/or alcohol	$500.00	
Set Up Fee	Day	$75.00	
Security Fee Per Guard	Hour	$25.00	
Shelter/Picnic Reservations			
Picnic Shelters	Day Non-Profit	$40.00	
	Day Private	$80.00	
Park Open Spaces	Day Non-Profit	$12.00	
	Day Private	$125.00	
Volleyball Court	Day Non-Profit	$6.00	
	Day Private	$30.00	
Softball - Girls	Child per season	$60.00	
	2 children per season	$100.00	
	3 children per season	$130.00	
Miscellaneous Fees			
Personnel	Hour	Actual Cost Plus 5% Administrative Fee	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Airport Fees			
T-Hanger	Monthly	$130.00	
Tie Down	Monthly	$42.00	
Office Space	Monthly	$54.00	
Commercial Operators	Monthly	$54.00	
	Each additional aircraft	$42.00	
Crop Dusting	Monthly	$68.00	
	Daily	$12.00	
Crop Dusting Storage Area	Monthly	$54.00	
Airplane/Helicopter Transit Fee	Daily	$8.00	
Vehicle Transit Fee	Monthly	$22.00	
Major Temporary Staging Operation	Daily	$200.00	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Impact Fees for Projects Vested as of August 21, 2010			
Law Enforcement Facilities			
Single Family Dwelling	Unit	$881.22	
Multiple Family Dwelling	Unit	$249.16	
Mobile Home Dwelling	Unit	$251.45	
Commercial Lodging Unit	Unit	$2,130.47	
Commercial	Square foot	$0.40	
Industrial	Square foot	$0.01	
Fire Protection Facilities			
Single Family Dwelling	Unit	$865.22	
Multiple Family Dwelling	Unit	$692.64	
Mobile Home Dwelling	Unit	$692.64	
Commercial Lodging Unit	Unit	$376.03	
Commercial	Square foot	$0.57	
Industrial	Square foot	$0.16	
Bridges Signals and Thoroughfares			
Single Family Dwelling	Unit	$2,181.91	
Multiple Family Dwelling	Unit	$1,385.26	
Mobile Home Dwelling	Unit	$1,098.38	
Commercial Lodging Unit	Unit	$1,160.10	
Commercial	Square foot	$5.30	
Industrial	Square foot	$0.87	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Impact Fees for Projects Vested as of August 21, 2010 (continued)			
Storm Drainage Facilities			
Single Family Dwelling	Unit	$521.29	
Multiple Family Dwelling	Unit	$246.92	
Mobile Home Dwelling	Unit	$289.22	
Commercial Lodging Unit	Unit	$181.77	
Commercial	Square foot	$0.30	
Industrial	Square foot	$0.25	
General Government Facilities			
Single Family Dwelling	Unit	$757.79	
Multiple Family Dwelling	Unit	$757.79	
Mobile Home Dwelling	Unit	$757.79	
Commercial Lodging Unit	Unit	$757.79	
Commercial	Square foot	$0.32	
Industrial	Square foot	$0.32	
Library Expansion Facilities			
Single Family Dwelling	Unit	$500.61	
Multiple Family Dwelling	Unit	$533.76	
Mobile Home Dwelling	Unit	$494.90	
Commercial Lodging Unit	Unit	-	
Commercial	Square foot	-	
Industrial	Square foot	-	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Impact Fees for Projects Vested as of August 21, 2010 (continued)			
Public Meeting Facilities			
Single Family Dwelling	Unit	$705.21	
Multiple Family Dwelling	Unit	$754.35	
Mobile Home Dwelling	Unit	$697.21	
Commercial Lodging Unit	Unit	-	
Commercial	Square foot	-	
Industrial	Square foot	-	
Aquatic Center Facilities			
Single Family Dwelling	Unit	$697.21	
Multiple Family Dwelling	Unit	$746.35	
Mobile Home Dwelling	Unit	$690.35	
Commercial Lodging Unit	Unit	-	
Commercial	Square foot	-	
Industrial	Square foot	-	
Park and Open Space Acquisition			
Single Family Dwelling	Unit	$3,675.75	
Multiple Family Dwelling	Unit	$3,932.91	
Mobile Home Dwelling	Unit	$3,639.17	
Commercial Lodging Unit	Unit	-	
Commercial	Square foot	-	
Industrial	Square foot	-	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Impact Fees for Projects Vested as of August 21, 2010 (continued)			
Total Impact Fees			
Single Family Dwelling	Unit	$11,152.92	
Multiple Family Dwelling	Unit	$9,615.32	
Mobile Home Dwelling	Unit	$8,903.88	
Commercial Lodging Unit	Unit	$4,762.77	
Commercial	Square foot	$7.13	
Industrial	Square foot	$1.66	
Impact Fees for Projects Vested after August 21, 2010			
Law Enforcement Facilities			
Single Family Dwelling	Unit	$847.64	
Multiple Family Dwelling	Unit	$134.88	
Mobile Home Dwelling	Unit	$85.08	
Commercial Lodging Unit	Unit	$193.50	
Seasonal Employee Housing	Bed	$10.64	
Commercial	Square foot	$0.373	
Industrial	Square foot	$0.003	
Storage Units	Square foot	$0.206	
Fire Protection Facilities			
Single Family Dwelling	Unit	$693.57	
Multiple Family Dwelling	Unit	$533.80	
Mobile Home Dwelling	Unit	$351.72	
Commercial Lodging Unit	Unit	$0.216	
Seasonal Employee Housing	Bed	$66.73	
Commercial	Square foot	$0.160	
Industrial	Square foot	$0.010	
Storage Units	Square foot	$0.010	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Impact Fees for Projects Vested after August 21, 2010 (continued)			
Bridges Signals and Thoroughfares			
Single Family Dwelling	Unit	$3,829.42	
Multiple Family Dwelling	Unit	$2,556.40	
Mobile Home Dwelling	Unit	$2,003.42	
Commercial Lodging Unit	Unit	$2,014.31	
Seasonal Employee Housing	Bed	$159.78	
Commercial	Square foot	$4.635	
Industrial	Square foot	$2.502	
Storage Units	Square foot	$1.096	
Storm Drainage Facilities			
Single Family Dwelling	Unit	$1,321.50	
Multiple Family Dwelling	Unit	$475.00	
Mobile Home Dwelling	Unit	$526.00	
Commercial Lodging Unit	Unit	$240.50	
Seasonal Employee Housing	Bed	$59.38	
Commercial	Square foot	$0.452	
Industrial	Square foot	$0.365	
Storage Units	Square foot	$0.246	
General Government Facilities			
Single Family Dwelling	Unit	$582.50	
Multiple Family Dwelling	Unit	$582.50	
Mobile Home Dwelling	Unit	$582.50	
Commercial Lodging Unit	Unit	$161.50	
Seasonal Employee Housing	Bed	$72.81	
Commercial	Square foot	$0.204	
Industrial	Square foot	$0.204	
Storage Units	Square foot	$0.204	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Impact Fees for Projects Vested after August 21, 2010 (continued)			
Wastewater Collection System			
Single Family Dwelling	Unit	$2,463.03	
Multiple Family Dwelling	Unit	$1,458.73	
Mobile Home Dwelling	Unit	$1,458.73	
Commercial Lodging Unit	Unit	$552.99	
Seasonal Employee Housing	Bed	$182.34	
Commercial	Square foot	$0.668	
Industrial	Square foot	$1.002	
Storage Units	Square foot	$0.362	
Wastewater Treatment Plant			
Single Family Dwelling	Unit	$4,523.50	
Multiple Family Dwelling	Unit	$2,679.86	
Mobile Home Dwelling	Unit	$2,679.86	
Commercial Lodging Unit	Unit	$1,014.68	
Seasonal Employee Housing	Bed	$334.98	
Commercial	Square foot	$1.227	
Industrial	Square foot	$1.841	
Storage Units	Square foot	$0.666	
Public Meeting Facilities			
Single Family Dwelling	Unit	$946.500	
Multiple Family Dwelling	Unit	$1,027.000	
Mobile Home Dwelling	Unit	$980.500	
Commercial Lodging Unit	Unit	-	
Seasonal Employee Housing	Bed	-	
Commercial	Square foot	-	
Industrial	Square foot	-	
Storage Units	Square foot	-	

KING CITY MASTER FEE SCHEDULE
Effective 5/1/2019

Fee	Per Unit	Fee	Minimum
Impact Fees for Projects Vested after August 21, 2010 (continued)			
Aquatic Center Facilities			
Single Family Dwelling	Unit	$343.00	
Multiple Family Dwelling	Unit	$371.00	
Mobile Home Dwelling	Unit	$355.00	
Commercial Lodging Unit	Unit	-	
Seasonal Employee Housing	Bed	-	
Commercial	Square foot	-	
Industrial	Square foot	-	
Storage Units	Square foot	-	
Park and Open Space Acquisition			
Single Family Dwelling	Unit	$3,323.50	
Multiple Family Dwelling	Unit	$3,602.50	
Mobile Home Dwelling	Unit	$3,442.00	
Commercial Lodging Unit	Unit	-	
Seasonal Employee Housing	Bed	$450.31	
Commercial	Square foot	-	
Industrial	Square foot	-	
Storage Units	Square foot	-	
Total Impact Fees			
Single Family Dwelling	Unit	$18,874.16	
Multiple Family Dwelling	Unit	$13,421.67	
Mobile Home Dwelling	Unit	$12,464.81	
Commercial Lodging Unit	Unit	$4,177.69	
Seasonal Employee Housing	Bed	$886.66	
Commercial	Square foot	$7.72	
Industrial	Square foot	$5.93	
Storage Units	Square foot	$2.79	