

Board Members

Joe Neves, District 1
Richard Valle, District 2 - Chairman
Doug Verboon, District 3 – Vice-Chairman
Rusty Robinson, District 4
Richard Fagundes, District 5



Staff

Kyria Martinez, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Regular Meeting Agenda

Date: Tuesday, August 29, 2023
Time: 9:00 a.m.
Place: MULTI PURPOSE ROOM, Administration Building 1, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ bosquestions@co.kings.ca.us ❖ website: <https://www.countyofkings.com>

The meeting can be attended on the Internet by clicking this link:

<https://countyofkings.webex.com/countyofkings/j.php?MTID=m672fae5fad1bad021da128d57d449968>

or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting. Remote WebEx participation for members of the public is provided for convenience only. In the event that the WebEx connection malfunctions or becomes unavailable for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access.*WebEx will be available for access at 8:50 a.m.*

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<https://youtube.com/live/dfpevJeHmtI?feature=share>

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- I. 9:00 AM **CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – Pastor Tim Brown – First Presbyterian Church
PLEDGE OF ALLEGIANCE



II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

III. APPROVAL OF MINUTES

- A. Report out of Closed Session from the regular meeting for August 22, 2023.
- B. Approval of the minutes from the regular meeting for August 22, 2023.

IV. CONSENT CALENDAR

A. Behavioral Health Department:

- 1. Consider approving the Amendment to Participation Agreement No. 22-122 with California Mental Health Services Authority for budget modification to include professional services and a subscription to use the SMS/Text Notification system effective upon execution through March 18, 2029.

B. County Counsel:

- 1. Consider appointing Rick Rossiter as a Trustee of the Lemoore Cemetery District for a term set to expire on January 1, 2026.

C. Community Development Agency:

- 1. a. Consider approving the use of SolarAPP+ for online, automated solar permitting;
b. Authorize the Community Development Agency Director to sign and submit the documents required for utilization of Stripe, Inc.'s services and products.

D. District Attorney's Office:

- 1. Consider receiving the Annual Report of the Real Estate Fraud Prosecution Trust Fund Program for the period of July 1, 2022 through June 30, 2023.

E. Job Training Office:

- 1. Consider approving the documents to close out the Workforce Innovation and Opportunity Act Subgrant.

F. Public Health Department:

- 1. Consider authorizing the advance step hire of Jesus Gaona as an Environmental Health Officer IV, Extra Help at Salary Range 229.0, Step 5.
- 2. a. Consider approving the California Department of Public Health's Housing Opportunities for Persons with AIDS grant Agreement retroactively effective from July 1, 2023 through June 30, 2028;
b. Adopt the budget change. **(4/5 vote required)**

G. Public Works Department:

- 1. Consider adopting a Resolution certifying the County's maintained road mileage for calendar year 2022.
- 2. Consider authorizing the Purchasing Manager to approve the purchase order for a Vermeer CST100 mini utility loader using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium.

H. Sheriff's Office:

- 1. Consider retroactively accepting the donation of \$60,000 from the James G. Boswell Foundation.
- 2. a. Consider retroactively authorizing the purchase of the two new dental x-ray machines;
b. Adopt the budget change. **(4/5 vote required)**



V.

REGULAR AGENDA ITEMS

A. District Attorney's Office – Sarah Hacker

1. Consider approving the annual reporting of the District Attorney's Office military equipment.

B. Fire Department – William Lynch/Matt San Filippo

1.
 - a. Consider approving the Master Instructional Service Agreement with Fresno City College Fire Academy to provide educational services to in-service personnel;
 - b. Authorize the Fire Chief to sign the Instructor Agreement with Fresno City College Fire Academy for instructor services.

C. Human Resources Department – Carolyn Leist

1. Consider approving the County's Deferred Compensation Defined Contribution Administrative Expense Reimbursement Allowance Reserve Policy for the administration of the Deferred Compensation Program.
2. Consider approving the new job specification for Assistant Sheriff - STC and set the salary at Range 269.0 (\$8,741 - \$10,665 monthly).

D. Administration – Kyria Martinez/Domingo Cruz

1.
 - a. Consider receiving a report regarding the local health emergency caused by floodwater contamination and vector borne illness;
 - b. Find that conditions of local emergency continue to exist, and that the declaration of local health emergency remains in effect.

VI. 10:00 AM PUBLIC HEARING

A. Community Development Agency – Chuck Kinney/Noelle Tomlinson

1.
 - a. Conduct a public hearing to find that Development Code Text Change Number 668.17(a) is exempt from California Environmental Quality Act review pursuant to California Environmental Quality Act Guidelines Section 15061 and that Section 15300.2 does not apply;
 - b. Find that Development Code Text Change Number 668.17(a) is consistent with the policies of the 2035 Kings County General Plan;
 - c. Adopt and waive the second reading of an Ordinance approving the Development Code Text Change Number 668.17(a).

10:00 AM PUBLIC HEARING

B. Community Development Agency – Chuck Kinney/Victor Hernandez

1.
 - a. Conduct a public hearing to find that Development Code Text Change Number 668.17(b) is exempt from California Environmental Quality Act review pursuant to California Environmental Quality Act Guidelines Section 15061 and that Section 15300.2 does not apply;
 - b. Find that Development Code Text Change Number 668.17(b) is consistent with the policies of the 2035 Kings County General Plan;
 - c. Adopt and waive the second reading of an Ordinance approving the Development Code Text Change Number 668.17(b).



10:00 AM PUBLIC HEARING

C. Community Development Agency – Chuck Kinney/Alex Hernandez

1. a. Conduct a public hearing to provide citizens with an opportunity to make their comments known regarding the County’s 2020 Community Development Block Grant CV1 accomplishments;
- b. Authorize the Community Development Agency Director to sign and submit the documents required to closeout the grant to the Department of Housing and Community Development.

VII. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items

VIII. CLOSED SESSION

◆ **Conference with Labor Negotiator/Meet and Confer [Govt. Code Section 54957.6]
 Negotiators: Kyria Martinez, Carolyn Leist, Che Johnson of Liebert Cassidy Whitmore**

- General Unit - CLOCEA
- Supervisor’s Unit - CLOCEA
- Blue Collar - SEIU
- Detention Deputy’s Association
- Firefighter’s Association
- Deputy Sheriff’s Association
- Probation Officer’s Association
- Prosecutor’s Association
- Unrepresented Management

IX. ADJOURNMENT

The Regular Meeting for the Board of Supervisors for Tuesday, September 5, 2023 has been canceled due to the Labor Day Holiday on Monday, September 4.

The next regularly scheduled meeting will be held on Tuesday, September 12, 2023 at 9:00 a.m. in the Multi Purpose Room, entrance is located across the hall from Board Chambers.

FUTURE MEETINGS AND EVENTS

August 30	10:00 AM	Ceremonial Meeting
September 5	-	Regular Meeting Canceled due to Labor Day Holiday on September 4, 2023
September 7	9:00 AM	Special Meeting
September 12	9:00 AM	Regular Meeting
September 12	2:00 PM	Regular Meeting - Board of Equalization
September 19	9:00 AM	Regular Meeting
September 26	9:00 AM	Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.

Board Members

Joe Neves, District 1
Richard Valle, District 2 - Chairman
Doug Verboon, District 3 – Vice-Chairman
Rusty Robinson, District 4
Richard Fagundes, District 5



Staff

Kyria Martinez, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors

Regular Meeting Action Summary

Date: Tuesday, August 22, 2023

Time: 9:00 a.m.

Place: MULTI PURPOSE ROOM, Administration Building 1, Kings County Government Center
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I. 9:00 AM CALL TO ORDER

ROLL CALL – Clerk of the Board

INVOCATION – Pastor Chad Fagundes - Koinonia Church

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: JOE NEVES, RICHARD VALLE, DOUG VERBOON, RUSTY ROBINSON

MEMBERS ABSENT: RICHARD FAGUNDES

II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

Scott Garrison, Kings County Firefighter and President of Local 3747 Firefighters Union discussed staffing issues and asked Kings County to be more competitive in the hiring process.

Ivette Chaidez, representing Valley Voices, asked the Board to consider translation services at Board meetings.

David Robinson, Kings County Sheriff thanked the Sheriff's Posse and stated in 13 years as Sheriff, the Posse has donated approximately \$200,000.

Larry Wilkinson, retired Kings County Undersheriff and Secretary of the Kings County Sheriff's Posse thanked the Board members and Kings County Public Works Department, Division of Parks and Grounds for all of their help for the Burris Park event and presented a check in the amount of \$10,000 to the Sheriff's Office.

III. APPROVAL OF MINUTES

A. Report out of Closed Session from the regular meeting for August 15, 2023.

REPORT OUT: Diane Freeman, County Counsel stated the Board took no reportable action in closed session at their August 15, 2023 meeting.

B. Approval of the minutes from the regular meeting for August 15, 2023.

ACTION: APPROVED AS PRESENTED (JN, DV, RR, RV – AYE, RF - ABSENT)

IV. CONSENT CALENDAR

A. County Counsel:

1. Consider appointing Michael Nordstrom, Michael Sullivan, and Carlo Wilcox to serve as the November 2023 Election Board for the Tulare Lake Reclamation District No. 761.
2. Consider adopting a Resolution authorizing the Lemoore Union Elementary School District to sell bonds directly. **[RESO 23-059]**

B. Human Resources Department:

1. a. Consider approving the revised job specification for Deputy County Administrative Officer;
- b. Allocate a 1.0 Full-Time Equivalency position in Budget Unit 111000.

C. Human Services Agency:

1. Consider approving the Agreement with the California State University, Fresno Foundation for the provision of consultation, coaching, and training services to assist the Human Services Agency with various programs revolving around children's services effective from August 22, 2023 to June 30, 2025. **[AGMT 23-121]**



2. Consider approving the Agreement with West Hills College District for General Equivalency Diploma services to the California Work Opportunity and Responsibility to Kids participants effective August 22, 2023 through July 31, 2024. **[AGMT 23-122]**
3. Consider recertifying the fact that Kings Community Action Organization continues to be the only agency providing compliant services eligible for the disbursement of funding from the County Domestic Violence Shelter Based Program Special Fund Trust pursuant to Agreement #22-146.

D. Information Technology Department:

1. a. Consider approving the renewal with Karpel Solutions for maintenance services for Prosecutor by Karpel retroactively effective from July 1, 2023 to June 30, 2024; **[AGMT 16-044.1]**
b. Authorize the Purchasing Manager to sign the purchase order.
2. Consider authorizing the Purchasing Manager to sign for the purchase of one year of maintenance and technical support with Motorola Solutions for the Spillman Technologies software system retroactively effective from April 1, 2023 to March 31, 2024. **[AGMT 12-119.1]**

E. Job Training Office:

1. Consider approving the Independent Contractor Agreement with San Joaquin County for the Prison to Employment 2.0 Regional Partnership Grant retroactively effective from June 30, 2023 through December 31, 2025. **[AGMT 23-123]**

F. Public Health Department:

1. Consider authorizing the Director of Public Health to execute the amendment to Agreement 22-10254 with California Department of Public Health for the Special Supplemental Nutrition Program for Women, Infants and Children in the County of Kings effective upon execution through September 30, 2025. **[RESO 23-061]**
2. Consider approving the Agreement with the California Department of Public Health for the California Integrated Vital Record System retroactively effective June 15, 2023 through July 31, 2028. **[AGMT 23-124]**

G. Public Works Department:

1. a. Consider approving the purchase of a 2022 Dodge Versalift truck using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium;
b. Authorize the Purchasing Manager to approve the purchase order for a 2022 Dodge Versalift truck using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium;
c. Approve the purchase of a 2023 John Deere Superior Broom using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium;
d. Authorize the Purchasing Manager to approve the purchase order for a 2023 John Deere Superior Broom using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium.
2. a. Consider approving the purchase of three Chevrolet Silverado trucks using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium;
b. Authorize the Purchasing Manager to approve the purchase order for three Chevrolet Silverado trucks using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium.
3. a. Consider authorizing the purchase of a three-quarter ton truck for the Sheriff's Office Communication's division;
b. Authorize the Purchasing Manager to approve the purchase order for a three-quarter ton truck for the Sheriff's Office Communication's division;
c. Adopt the budget change. **(4/5 vote required)**



4. a. Consider approving the master equipment lease purchase Agreement with Community First National Bank for a 2024 Ford F-750 forestry truck; **[AGMT 23-125]**
- b. Authorize the Purchasing Manager to sign the master equipment lease purchase agreement documents with Community First National Bank for a 2024 Ford F-750 forestry truck.

ACTION: APPROVED AS PRESENTED (DV, RR, JN, RV – AYE, RF - ABSENT)

V.

REGULAR AGENDA ITEMS

A. Community Development Agency – Chuck Kinney/Noelle Tomlinson

1. Consider introducing and waive the first reading of the Kings County Development Code Text Change 668.17(a) to amend Article 6, Section 603, Table 6-1 to allow permitted uses in the Light Industrial zone district to be permitted in the Rural Commercial zone district with a Site Plan Review.

ACTION: APPROVED AS PRESENTED (DV, JN, RR, RV – AYE, RF - ABSENT)

2. Consider introducing and waive the first reading of the Kings County Development Code Text Change 668.17(b) to amend various sections of Articles 5, 7, 12 & 25 of the Kings County Development Code.

ACTION: APPROVED AS PRESENTED (DV, RR, JN, RV – AYE, RF - ABSENT)

B. District Attorney’s Office – Sarah Hacker

1. Consider approving the Agreement with Crystal Howard for legal services effective upon execution through June 30, 2024. **[AGMT 23-126]**

ACTION: APPROVED AS PRESENTED (DV, RR, JN, RV – AYE, RF - ABSENT)

C. Information Technology Department – John Devlin

1. Consider approving the Agreement with Communication Resources, Inc. for maintenance service on the County’s Avaya Telephone System effective September 1, 2023 to August 31, 2024. **[AGMT 23-127]**

ACTION: APPROVED AS PRESENTED (DV, RV, JN, RR – AYE, RF - ABSENT)

D. Public Health Department – Rose Mary Rahn/Heather Silva

1. Consider adopting a Resolution proclaiming August 2023 as Valley Fever Awareness Month in Kings County. **[RESO 23-062]**

ACTION: APPROVED AS PRESENTED (JN, DV, RR, RV – AYE, RF - ABSENT)

E. Public Works Department – Dominic Tyburski/Mitchel Cabrera

1. Consider approving the 2nd Amendment to Agreement No. 20-077 with Lakeside Pipeline LLC, to include three miles of additional biogas pipeline in the County’s right-of-way. **[AGMT 20-077.2]**

ACTION: APPROVED AS PRESENTED (DV, JN, RR, RV – AYE, RF - ABSENT)

F. Administration – Kyria Martinez/Matthew Boyett

1. Consider adopting the Resolution approving the Final Fiscal Year 2023-2024 Kings County Budget. **[RESO 23-063]**

ACTION: APPROVED AS PRESENTED (RR, DV, JN, RV – AYE, RF - ABSENT)



2. Consider approving the Board of Supervisors' response to the Grand Jury report titled, "Spotlight on Our Homeless Crisis."

ACTION: APPROVED AS PRESENTED (DV, RR, JN, RV – AYE, RF - ABSENT)

VI.

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

Supervisor Robinson stated he attended the San Joaquin Valley Air Pollution Control District Board meeting and attended the P G & E tour of the Helms Pump Storage Facility in Fresno County.

Supervisor Verboon stated he attended the P G & E tour of the Helms Pump Storage Facility in Fresno County.

Supervisor Neves stated that he continues to be engaged in the Tulare Lake water issues, he announced at the Lemoore High Freshman and JV football and fired the cannon at Varsity games, he attended the Walk with the Doc event hosted by Adventist Health held at Hanford Mall, he attended the Kings County Homelessness Collaborative meeting, and stated for those interested in streaming high school sports from home, you can purchase a subscription to NFHSA.

Supervisor Valle thanked Abraham Valencia, Office of Emergency Services and his staff for staying on top of the weather events and for transparency, stated that the Board of Supervisors received a 0.53% salary increase.

- ◆ **Board Correspondence: Kyria Martinez stated the Board received correspondence dated August 16, 2023 from the Tulare Lake Basin Water Storage District to Jason Gianquinto regarding Poso Creek. The Board also received on August 16 from Department of Finance the Quarterly Portfolio Compliance Report and the June 30, 2023 Kings County's Government Accounting Standard 31 (GASB 31) Report. The Board received on August 10, 2023 from KCCHE President addressed to Honorable Anthony J. Portantino regarding AB 985.**
- ◆ **Upcoming Events: Kyria Martinez stated the Lemoore Lions Club will be hosting its annual Brewfest on August 26, 2023 from 5pm-9pm at the Lemoore Lions Park. The City of Hanford is hosting a Free Basics of Starting a Successful Small Business Workshop on August 29, 2023 from 5:30pm-7:30pm at the Hanford City Hall. Save the date for the ribbon cutting of the Kings Building next week at 10am, it's advertised in the Hanford Sentinel and will be a big event, everyone is welcome. The Kings County Sheriff's Posse will be holding their Annual Dinner Dance and Crab Feed September 9, 2023, the event is being held at Burris Park. The City of Hanford together with the Hanford Chamber of Commerce will host a free Concert in the Park on September 12 and 19. The Job Training Office will host its annual Kings County Job Fair on Thursday, September 14, 2023 from 9am-1pm at the Hanford Civic Center.**
Supervisor Neves added that the Tachi Palace is hosting the 21st annual Santa Rosa Days Pow Wow on August 26-27, 2023 and the Kings Commission on Aging Senior Day in the park at Burris Park will be held on September 21, 2023. He stated that Native American Day will be held on September 21, 2023 and on October 19, 2023 the Kings County Public Safety event will be held in Kettleman City.
- ◆ **Information on Future Agenda Items: Kyria Martinez stated the following agenda items would be on a future agenda: Behavioral Health - amendment to an HR Agreement; Community Development Agency -Development Code updates; County Counsel -appointment of Trustee to the Lemoore Cemetery District, District Attorney's office - report of the Real Estate Fraud Prosecution Trust Fund Program and Military Equipment Annual Report; Fire Department -**



agreement with Fresno City College Fire Academy; Human Resources - Deferred Compensation Expense Reimbursement Reserve Policy; Health Department - an Advance Step Hire and Housing Opportunities for Persons with Aids Grant Agreement; Human Services Agency- Agreement with the California State University Fresno Foundation, Agreement with West Hills College District for General Equivalency Diploma Preparation and Support for CalWorks Participants and Annual Recertification to Disburse Funding from the Domestic Violence Shelter-Based Programs Special Fund.

VII. CLOSED SESSION

- ◆ **Conference with Labor Negotiator/Meet and Confer [Govt. Code Section 54957.6]
 Negotiators: Kyria Martinez, Carolyn Leist, Che Johnson of Liebert Cassidy Whitmore**
 - General Unit - CLOCEA
 - Supervisor’s Unit - CLOCEA
 - Blue Collar - SEIU
 - Detention Deputy’s Association
 - Firefighter’s Association
 - Deputy Sheriff’s Association
 - Probation Officer’s Association
 - Prosecutor’s Association
 - Unrepresented Management
- ◆ **Significant exposure to litigation: (2 Cases) [Govt. Code Section 54956.9 (d)(2)(e)(1)]**
- ◆ **Litigation initiated formally: (1 Case) [Govt. Code Section 54956.9 (d)(1)]
 The Title: *D. L. v. County of Fresno, County of Tulare, County of Kings, et al.*,
 Fresno County Superior Court Case No. 22CECG10756**

VIII. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, August 29, 2023 at 9:00 a.m. in the Multi Purpose Room, entrance is located across the hall from Board Chambers.

FUTURE MEETINGS AND EVENTS

August 29	9:00 AM	Regular Meeting
September 5	-	Regular Meeting Canceled due to Labor Day Holiday on September 4, 2023
September 7	9:00 AM	Special Meeting
September 12	9:00 AM	Regular Meeting
September 12	2:00 PM	Regular Meeting - Board of Equalization
September 19	9:00 AM	Regular Meeting
September 26	9:00 AM	Regular Meeting

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COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors



AGENDA ITEM August 29, 2023

SUBMITTED BY: Behavioral Health Department –Lisa Lewis/Christi Lupkes

SUBJECT: AMENDMENT TO THE PARTICIPATION AGREEMENT WITH CALIFORNIA MENTAL HEALTH SERVICES AUTHORITY SEMI-STATEWIDE ENTERPRISE HEALTH RECORD

SUMMARY:

Overview:

Kings County seeks approval of the Amendment to County Agreement No. 22-122, which is Agreement No. 1655-EHR-2022, with the California Mental Health Services Authority to incorporate additional purchases for Short Message Service (SMS)/Text Notification system and Professional Services for implementation.

Recommendation:

Approve the Amendment to Participation Agreement No. 22-122 with California Mental Health Services Authority for budget modification to include professional services and a subscription to use the SMS/Text Notification system effective upon execution through March 18, 2029.

Fiscal Impact:

There is no impact to the County General Fund. This Agreement adds an additional \$25,593 in committed funding. The revised total amount of committed funding shall not exceed \$1,364,609 inclusive of the \$25,593 increase. Expenses under this Agreement and sufficient revenue for expenses were included in the Department's FY 2023/2024 Adopted Budget in Budget Unit 425000 Mental Health (MHSA).

BACKGROUND:

CalMHSA was established in 2009 as a Joint Powers Authority (JPA) for the purpose of providing a creative approach to the provision of public services by bringing together multiple county behavioral health departments to jointly exercise common requirements therein creating a means to provide services in a more efficient and cost-effective manner. Kings County Behavioral Health (KCBH) has entered into various participation Agreements with CalMHSA since 2013.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

AMENDMENT TO THE PARTICIPATION AGREEMENT WITH CALIFORNIA MENTAL HEALTH SERVICES AUTHORITY SEMI-STATEWIDE ENTERPRISE HEALTH RECORD

August 29, 2023

Page 2 of 2

Effective March 20, 2022, CalMHSA entered into a Master Services Agreement with Streamline to develop and implement “SmartCare Base” which is a fully integrated, web-based electronic health record (EHR) system designed for program, billing, and revenue management. The new EHR is anticipated to go live July 1, 2023, as the department’s new EHR which will replace the department’s current EHR, Anasazi, which will no longer be supported in the coming years by its technological vendor, Cerner.

The Board approved Participation Agreement No. 22-122 on August 2, 2022, through March 18, 2029, with CalMHSA for the development and implementation of the EHR. This Amendment to Participation Agreement 22-122 to incorporate additional purchases totaling \$25,593 will allow KCBH to purchase a subscription to use the SMS/Text Notification Reminders, and to purchase professional services to implement the SMS/Text Notification Reminders. The SMS/Text Notification reminders may be used by County providers to send beneficiaries reminders of their scheduled appointments.

The Agreement has been reviewed and approved by County Counsel as to form.

CALIFORNIA MENTAL HEALTH SERVICES AUTHORITY
“CalMHSA”
PARTICIPATION AGREEMENT AMENDMENT NO. 1
SEMI-STATEWIDE ENTERPRISE HEALTH RECORD

This Participation Agreement Amendment No. 1 is a contract by and between the California Mental Health Services Authority (“CalMHSA”) and Kings County (“Participant”).

WHEREAS, CalMHSA and Participant entered into Participation Agreement No. 1655-EHR-2022-KC executed on August 2, 2022; and

WHEREAS, CalMHSA and Participant agree to amend the original Participation Agreement to incorporate the additional purchases and corresponding Committed Funding and Contingency Budget modifications, and to add certain insurance requirements, as specified below:

ADDITIONAL PURCHASES:

This Participation Agreement Amendment No. 1 incorporates additional component purchases totaling **\$25,593** in additional committed funding.

Pricing and payment terms for each additional component purchased can be found in Exhibit C-1, below. Funding for the additional components purchased has been shifted from Participant’s Contingency Budget, Exhibit D, below. Please refer to Exhibit C-1 and Exhibit D-1, below, for Participant’s amended Committed Funding and amended Contingency Budget, respectively.

The additional component purchases include:

1. Purchase of a subscription to use the “SMS/Text Notification Reminders”. This item is an annual application subscription, which will be invoiced on a monthly basis, pursuant to EXHIBIT C-1, below.
2. Purchase of professional services to implement the “SMS/Text Notification Reminders”. This fee is a one-time charge to be invoiced upon execution of this Agreement Amendment.

NOW THEREFORE, CalMHSA and Participant hereby agree to amend the original Participation Agreement No. 1655-EHR-2022-KC in the following manner:

1. EXHIBIT C-1 – PARTICIPANT-SPECIFIC COMMITTED FUNDING AND PAYMENT TERMS amends EXHIBIT C in the original Participation Agreement No. 1655-EHR-2022-KC. All references in the Agreement to EXHIBIT C shall be construed to refer to EXHIBIT C as amended by EXHIBIT C-1.

This Participation Agreement Amendment adds **\$25,593** in additional committed funding. The revised total maximum amount of committed funding shall not exceed **\$1,364,609**, inclusive of the **\$25,593 increase**, for the agreement term as specified in the Participation Agreement No. 1655-EHR-2022-KC;

2. EXHIBIT D-1 – PARTICIPANT CONTINGENCY BUDGET replaces EXHIBIT D in the original Participation Agreement No. 1655-EHR-2022-KC. All references in the Agreement to EXHIBIT D shall be construed to refer to EXHIBIT D-1.

This Participation Agreement Amendment reduces participant's Contingency Budget by **\$25,593**. The revised total maximum Participant Contingency Budget shall not exceed **\$152,759**, inclusive of the **\$25,593 decrease**, for the agreement term as specified in the Participation Agreement No. 1655-EHR-2022-KC.

EXHIBIT C-1 – PARTICIPANT-SPECIFIC COMMITTED FUNDING AND PAYMENT TERMS

Committed Funding

1. Exhibit C of Participation Agreement No. 1655-EHR-2022-KC: The table below reflects the Committed Funding included in Exhibit C of the original Participation Agreement No. 1655-EHR-2022-KC, executed on August 2, 2022, for a maximum amount of Participant-Specific Committed Funding not to exceed **\$1,339,016** for the program term, as stated below:

Description	Unit(s)	7/1/22- 6/30/23	7/1/23- 6/30/24	7/1/24- 6/30/25	7/1/25- 6/30/26	7/1/26- 6/30/27	7/1/27- 6/30/28	7/1/28- 3/18/29
Participant Instance Installation	1	\$ 40,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
System Acquisition Fee	1	\$ 19,422.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Initial Development Fee (Customization and Security)	1	\$ 19,422.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Discretionary Development Budget	1	\$ 19,422.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Professional Services Implementation	1	\$ 350,769.23	\$ 29,230.77	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare Patient Portal Implementation	1	\$ 2,400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare HIE / MCO Interface via FHIR Implementation	1	\$ 12,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare Lab Interface Implementation	1	\$ 15,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Disaster Recovery Implementation	1	\$ 6,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare CalMHSA Package	141	\$ 15,538.20	\$ 93,229.20	\$ 93,229.20	\$ 93,229.20	\$ 93,229.20	\$ 93,229.20	\$ 62,152.80
SmartCare Rx Prescribers Subscription	5	\$ 1,196.00	\$ 7,176.00	\$ 7,176.00	\$ 7,176.00	\$ 7,176.00	\$ 7,176.00	\$ 4,784.00
SmartCare Patient Portal Subscription	250	\$ 46.00	\$ 276.00	\$ 276.00	\$ 276.00	\$ 276.00	\$ 276.00	\$ 184.00
SmartCare HIE / MCO Interface via FHIR Subscription	1	\$ 575.00	\$ 3,450.00	\$ 3,450.00	\$ 3,450.00	\$ 3,450.00	\$ 3,450.00	\$ 2,300.00
SmartCare Lab Interface Subscription	1	\$ 488.76	\$ 2,932.56	\$ 2,932.56	\$ 2,932.56	\$ 2,932.56	\$ 2,932.56	\$ 1,955.04
Disaster Recovery Subscription	1	\$ 846.00	\$ 5,076.00	\$ 5,076.00	\$ 5,076.00	\$ 5,076.00	\$ 5,076.00	\$ 3,384.00
Annual %3 Fee Increase - Subscription	1	\$ 560.70	\$ 3,397.83	\$ 3,499.77	\$ 3,604.76	\$ 3,712.91	\$ 3,824.29	\$ 2,600.01
RAND Evaluation	1	\$ 150,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Amount by Fiscal Year		\$ 653,686.99	\$ 144,768.36	\$ 115,639.53	\$ 115,744.52	\$ 115,852.67	\$ 115,964.05	\$ 77,359.85
Total Participant-Specific Committed Funds	\$ 1,339,016							

2. Exhibit C-1: The table below reflects the additional purchases and associated **increase of \$25,593** in Committed Funding affected by this Participation Agreement Amendment No. 1, and replaces EXHIBIT C in the original Participation Agreement No. 1655-EHR-2022-KC, effective upon execution of this Participation Agreement Amendment. The revised maximum amount of Participant-Specific Committed Funding shall not exceed **\$1,364,609** for the program term, as stated below:

Description	Unit(s)	7/1/22 - 6/30/23	7/1/23 - 6/30/24	7/1/24 - 6/30/25	7/1/25 - 6/30/26	7/1/26 - 6/30/27	7/1/27 - 6/30/28	7/1/28 - 3/18/29
Participant Instance Installation	1	\$ 40,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
System Acquisition Fee	1	\$ 19,422.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Initial Development Fee (Customization and Security)	1	\$ 19,422.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Discretionary Development Budget	1	\$ 19,422.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Professional Services Implementation	1	\$ 350,769.23	\$ 29,230.77	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare Patient Portal Implementation	1	\$ 2,400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare HIE / MCO Interface via FHIR Implementation	1	\$ 12,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare Lab Interface Implementation	1	\$ 15,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Disaster Recovery Implementation	1	\$ 6,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SmartCare CalMHSA Package	141	\$ 15,538.20	\$ 93,229.20	\$ 93,229.20	\$ 93,229.20	\$ 93,229.20	\$ 93,229.20	\$ 62,152.80
SmartCare Rx Prescribers Subscription	5	\$ 1,196.00	\$ 7,176.00	\$ 7,176.00	\$ 7,176.00	\$ 7,176.00	\$ 7,176.00	\$ 4,784.00
SmartCare Patient Portal Subscription	250	\$ 46.00	\$ 276.00	\$ 276.00	\$ 276.00	\$ 276.00	\$ 276.00	\$ 184.00
SmartCare HIE / MCO Interface via FHIR Subscription	1	\$ 575.00	\$ 3,450.00	\$ 3,450.00	\$ 3,450.00	\$ 3,450.00	\$ 3,450.00	\$ 2,300.00
SmartCare Lab Interface Subscription	1	\$ 488.76	\$ 2,932.56	\$ 2,932.56	\$ 2,932.56	\$ 2,932.56	\$ 2,932.56	\$ 1,955.04
Disaster Recovery Subscription	1	\$ 846.00	\$ 5,076.00	\$ 5,076.00	\$ 5,076.00	\$ 5,076.00	\$ 5,076.00	\$ 3,384.00
Annual %3 Fee Increase - Subscription	1	\$ 560.70	\$ 3,397.83	\$ 3,499.77	\$ 3,604.76	\$ 3,712.91	\$ 3,824.29	\$ 2,600.01
RAND Evaluation	1	\$ 150,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SMS/Text Notification Reminders - Implementation	1	\$ 3,200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SMS/Text Notification Reminders - Subscription	1	\$ 592.25	\$ 3,589.04	\$ 3,696.71	\$ 3,807.61	\$ 3,921.84	\$ 4,039.49	\$ 2,746.32
Total Amount by Fiscal Year		\$ 657,479.24	\$ 148,357.40	\$ 119,336.24	\$ 119,552.13	\$ 119,774.50	\$ 120,003.54	\$ 80,106.17
Total Participant-Specific Committed Funds	\$ 1,364,609							

Committed Funds Payment Terms For Additional Purchases

The table below describes the additional component purchases incorporated by this Amendment, effective as of the date of execution of this Participation Agreement Amendment No. 1. The components listed are in addition to those included in the original Agreement No. 1655-EHR-2022-KC.

Description	Fee Type Description	Payment Term
SMS/Text Notification Reminders Implementation	One-Time Fee associated with the implementation efforts to support SMS/Text Notification Reminders.	The fee for this implementation service shall be due upon execution of this Participation Agreement Amendment.
SMS/Text Notification Reminders - Subscription	SmartCare Notification-SMS/Text sends notification of upcoming appointments with date and time.	The annual subscription amount shall be invoiced on a monthly basis. Monthly payments shall be due upon receipt of invoice.

EXHIBIT D-1 – PARTICIPANT CONTINGENCY BUDGET

Participant Contingency Budget

1. Exhibit D of Participation Agreement No. 1655-EHR-2022-KC: The table below reflects the Contingency Budget included in Exhibit D of the original Participation Agreement No. 1655-EHR-2022-KC, executed on August 2, 2022, for a maximum Participant Contingency Budget Funding not to exceed **\$178,352** for the program term, as stated below:

Description	7/1/22 - 6/30/23	7/1/23 - 6/30/24	7/1/24 - 6/30/25	7/1/25 - 6/30/26	7/1/26 - 6/30/27	7/1/27 - 6/30/28	7/1/28 - 3/18/29
Subscription Costs for Anticipated User Growth (25 additional SmartCare users per year and 5 additional	\$ 5,095.78	\$ 5,095.78	\$ 5,095.78	\$ 5,095.78	\$ 5,095.78	\$ 5,095.78	\$ 5,095.78
Subscription Costs for Additional	\$ 3,398.89	\$ 3,398.89	\$ 3,398.89	\$ 3,398.89	\$ 3,398.89	\$ 3,398.89	\$ 3,398.89
Discretionary Development Budget for Participant Specific Requirements	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12
Professional Services	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12	\$ 8,492.12
Total Amount by Fiscal Year	\$ 25,478.91						
Total Participant Contingency Funds	\$ 178,352						

2. Exhibit D-1: The table below reflects the **reduction of \$25,593** to the Contingency Budget affected by this Participation Agreement Amendment No. 1, and replaces EXHIBIT D in the original Participation Agreement No. 1655-EHR-2022-KC, effective upon execution of this Participation Agreement Amendment. The revised maximum Contingency Budget Funding shall not exceed **\$152,759** for the program term, as stated below:

Description	7/1/22 - 6/30/23	7/1/23 - 6/30/24	7/1/24 - 6/30/25	7/1/25 - 6/30/26	7/1/26 - 6/30/27	7/1/27 - 6/30/28	7/1/28 - 3/18/29
Subscription Costs for Anticipated User Growth (25 additional SmartCare users per year and 5 additional Prescribers)	\$ 4,364.55	\$ 4,364.55	\$ 4,364.55	\$ 4,364.55	\$ 4,364.55	\$ 4,364.55	\$ 4,364.55
Subscription Costs for Additional Modules	\$ 2,908.96	\$ 2,908.96	\$ 2,908.96	\$ 2,908.96	\$ 2,908.96	\$ 2,908.96	\$ 2,908.96
Discretionary Development Budget for Participant Specific Requirements	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61
Professional Services	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61	\$ 7,274.61
Total Amount by Fiscal Year	\$ 21,822.74						
Total Participant Contingency Funds	\$ 152,759						

EXHIBIT E - INSURANCE REQUIREMENTS

This Participation Agreement Amendment No. 1 adds and incorporates the following insurance requirements:

1. Requirement to Obtain, Maintain, and Deliver Proof of Insurance Prior to Execution of the Agreement or Commencement of Work. Without limiting the County's right to obtain indemnification from Contractor or any third parties, prior to the commencement of work or execution of this Agreement, Contractor shall purchase and maintain the following types of insurance for the minimum limits indicated below throughout the term of this Agreement. Contractor shall provide an Endorsed Additional Insured page from Contractor's Insurance Carrier to the County's Risk Manager guaranteeing such coverage to the County prior to the execution of this Agreement. Contractor shall deliver proof of insurance and all endorsements in accordance with this Agreement's Notice Section, or as otherwise agreed between the Parties. Failure to obtain, maintain, or provide proof of insurance coverage is a material breach of this Agreement and may result in the immediate suspension or termination of this Agreement for cause, in addition to any other remedies the County may have under the law.
2. Endorsement of Policies. Contractor shall cause each policy outlined below to be endorsed designating the County and its Board members, officials, officers, employees, and agents as additional insureds, using ISO form CG 20 26 or an alternate form that is at least as broad as form CG 20 26, as to any liability arising from the performance of this Agreement.
3. Waiver of Subrogation Rights against the County. To the extent possible, each insurance policy must include a waiver of the insurer's subrogation rights against the County.
4. Insurance Limits. Contractor shall obtain the required insurance policies for the amounts set forth below, unless otherwise approved by the County's Risk Manager in writing prior to the execution of this Agreement.
 - A. Commercial General Liability. Two Million Dollars (\$2,000,000) per occurrence and Five Million Dollars (\$5,000,000) annual aggregate covering bodily injury, personal injury and property damage.
 - B. Automobile Liability. Comprehensive Automobile Liability Insurance with limits for bodily injury of not less than Five Hundred Thousand Dollars (\$500,000) per person, One Million Dollars (\$1,000,000) per accident, and not less than One Hundred Thousand Dollars (\$100,000) for property damages, or such coverage with a combined single limit of One Million Dollars (\$1,000,000). Coverage should include owned and non-owned vehicles used in connection with this Agreement.

- C. Workers Compensation. Statutory coverage, if and as required according to the California Labor Code. Contractor shall cause the policy to be endorsed to waive the insurer's subrogation rights against the County. (The waiver of subrogation should be on a separate sheet).
 - D. Professional Liability. One Million Dollars (\$1,000,000) limit per occurrence or claim and Three Million Dollars (\$3,000,000) annual aggregate limit covering Contractor's wrongful acts, errors, and omissions.
5. Rating of Insurers. Insurance is to be placed with admitted insurers rated by A.M. Best Co. as A:VII or higher. Lower rated, or approved but not admitted insurers, may be accepted if prior approval is given by the County's Risk Manager.
6. Notice of Cancellation to the County and Payment of Premiums. Contractor shall cause each of the above insurance policies to be endorsed to provide the County with thirty (30) days' prior written notice of cancellation. The County is not liable for the payment of premiums or assessments on the policy. No cancellation provisions in the insurance policy shall be construed in derogation of the continuing duty of the Contractor to furnish insurance during the term of this Agreement

All other terms or provisions in the original Agreement No. 1655-EHR-2022-KC, not cited in this Participation Agreement Amendment No. 1, shall remain in full force and effect.

A copy of the original Participation Agreement No. 1655-EHR-2022-KC, executed on August 2, 2022, shall be attached.

CalMHSA

Signed: *Amie Miller*
B5E963DA03B844D2B3198ADA1C8F11B8 readysign Name (Printed): Dr. Amie Miller, Psy.D., MFT
Title: Executive Director Date: 08/09/2023

Participant:

Signed: _____ Name (Printed): _____
Title: Chair, Board of Supervisors Date: _____

Signed: *Sarah Poots*
912BB2CAD2655817F55582489257E37C readysign Name (Printed): Sarah Poots
Title: Kings County RISK Manager Date: 08/07/2023

Signed: *Diane Freeman*
52DA2F874E65B3089E0E9F2495BF31F1 readysign Name (Printed): Diane Freeman
Title: County Counsel Date: 08/08/2023



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: County Counsel – Diane Freeman

SUBJECT: APPOINTMENT OF TRUSTEE TO THE LEMOORE CEMETERY DISTRICT

SUMMARY:

Overview:

The Lemoore Cemetery District has requested the Board of Supervisors appoint Rick Rossiter to the District's Board of Trustees to fill a vacancy in office with a term set to expire on January 1, 2026.

Recommendation:

Appoint Rick Rossiter as a Trustee of the Lemoore Cemetery District for a term set to expire on January 1, 2026.

Fiscal Impact:

None.

BACKGROUND:

Pursuant to Health and Safety Code Section 9024, the Board of Supervisors is the appointing authority for the Lemoore Cemetery District ("District"). On August 10, 2023, the District notified the Board of Supervisors of a vacancy in office created on June 22, 2023, by the passing of one of its members. The District requested appointment of Rick Rossier to fill the vacancy. The District selected Mr. Rossiter for appointment after posting notices to invite applications for the open seat and evaluating all applicants. No other person has expressed an interest in the position by filing an application for appointment with the Clerk of the Board of Supervisors.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



Lemoore Cemetery District
PO Box 244, Lemoore, California, 93245
E-mail: office@lemoorecemeterydistrict.com
Tel: (559) 924-0101

Filed with the Kings County
Clerk of the Board

AUG 10 2023

Received by:

August 10, 2023

Kings County Board of Supervisors

The Lemoore Cemetery District Board of Trustees term of John Camara ended upon his passing on June 22, 2023. This position started on January 1, 2022 and will expire on January 1, 2026. The Lemoore Cemetery District posted notices to apply for the midterm open seat. The Board of Trustees evaluated all applicants. The current Board is recommending that the Kings County Board of Supervisors appoint Rick Rossiter to the Lemoore Cemetery District Board of Trustees for the remainder of the term.

Sincerely,

A handwritten signature in black ink, appearing to read 'RRhoads', with a stylized flourish at the end.

Richard Rhoads
District Manager



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Community Development Agency – Chuck Kinney

SUBJECT: UTILIZATION OF SOLARAPP+ AND STRIPE

SUMMARY:

Overview:

The Community Development Agency is requesting approval for utilization of SolarAPP+ and Stripe for implementation of online, automated solar permitting as per guidelines from Senate Bill 379, and to enter into agreement with Stripe for use of their financial system for the processing of payments for solar permits. Senate Bill 379 requires local governments to utilize SolarAPP+ or a similar program for automated permitting. SolarAPP+ employs Stripe for payment processing.

Recommendation:

- a. Approve the use of SolarAPP+ for online, automated solar permitting;
- b. Authorize the Community Development Agency Director to sign and submit the documents required for utilization of Stripe, Inc.'s services and products.

Fiscal Impact:

There is no fiscal impact to the County.

BACKGROUND:

Senate Bill 379 (SB 379) requires most California cities and counties to implement an online, automated permitting platform that verifies code compliance and issues permits in real time or allows the city, county, or city and county to issue permits in real time for a residential solar energy system, as defined, that is no larger than 38.4 kilowatts alternating current nameplate rating and a residential energy storage system, as defined, paired with a residential solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating. This requirement is to be satisfied by September 30, 2023. The bill requires local government to report to the Energy Commission when it is in compliance with specified requirements, in addition to other information.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

UTILIZATION OF SOLARAPP+ AND STRIPE

August 29, 2023

Page 2 of 2

Reporting will focus on the number of permits issued for residential solar energy systems and residential energy storage systems paired with residential solar energy systems, and the relevant characteristics of those systems. SolarAPP+ is the preferred program for compliance with SB 379 and is used to expedite the process for standardized plan review. Stripe, Inc. is a 3rd party payment vendor that is utilized by SolarAPP+ for payments and fee processing. SolarAPP+ in conjunction with Stripe, Inc. will be used to automate plan review and the process for issuing permits to qualified businesses or individuals to install code-compliant residential photovoltaic (PV) systems and subsequently process payment for those permits. Additionally, a separate bank account will be established for the processing of these payments. This allows the County to be in compliance with the State, monitor payments and permitting, while also circumventing any unforeseen or unauthorized transactions within County funds or accounts.

THE SOLARAPP+ AND STRIPE INC. AGREEMENTS ARE ON FILE WITH THE CLERK OF THE BOARD.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: District Attorney – Sarah M. Hacker

SUBJECT: ANNUAL REPORT OF THE REAL ESTATE FRAUD PROSECUTION TRUST
FUND PROGRAM

SUMMARY:

Overview:

The Real Estate Fraud Prosecution Trust Fund was established by the Board on July 27, 2010. The program imposes a fee for investigative and prosecution purposes. The focus of the program is to deter, investigate, and prosecute real estate fraud crimes. At the end of every fiscal year, the District Attorney prepares an annual report, which consists of revenue, expenditures, and statistical data for the most recent full fiscal year.

Recommendation:

Receive the Annual Report of the Real Estate Fraud Prosecution Trust Fund Program for the period of July 1, 2022 through June 30, 2023.

Fiscal Impact:

The beginning fund balance on July 1, 2022 was \$414,408, and the total real estate document fees collected during the fiscal year was \$40,260 plus interest earned in the amount of \$6,745, totaling \$47,005. This brings the total program revenue received for the fiscal year to \$461,413 in Fund 100302, with zero expenditures to report.

BACKGROUND:

Each fiscal year, the District Attorney has an obligation to report the revenues and expenditures from the Real Estate Fraud Prosecution Trust Fund Program; therefore, an annual report has been compiled and is submitted to the Board and the California Legislative Analyst's Office as required. The report is presented below for the Board's review.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

ANNUAL REPORT OF THE REAL ESTATE FRAUD PROSECUTION TRUST FUND PROGRAM

August 29, 2023

Page 2 of 3

Real Estate Fraud Prosecution Program Caseload and Financial Data Summary

I. Case Statistics

1. Name of reporting county:	Kings
2. Reporting Period (Fiscal Year):	FY 22-23
3. Number of referrals entering in the fiscal year:	1
4. Number of referrals initiated during the fiscal year:	0
5. Total number of referrals:	1
6. Number of investigations entering in the fiscal year:	2
7. Number of investigations initiated in the fiscal year:	0
8. Total number of investigations:	2
9. Number of filed cases entering in the fiscal year:	2
10. Number of filed cases initiated in the fiscal year:	0
11. Total number of filed cases:	2
12. Number of victims in filed cases entering in the fiscal year:	2
13. Number of victims in filed cases initiated in the fiscal year:	0
14. Total number of victims in filed cases:	2
15. Number of convictions obtained in the fiscal year:	0
16. Aggregate monetary loss suffered by victims for cases entering in the fiscal year:	unknown
17. Aggregate monetary loss suffered by victims for cases initiated during the fiscal year:	unknown
18. Aggregated monetary loss suffered by victims in cases in which there has been an investigation, filing, or conviction:	unknown

II. Accounting

19. Beginning fund balance in Real Estate Fraud Prosecution Trust Fund:	\$414,408
20. Real estate document fees collected:	\$47,005
21. Total program revenue:	\$461,413

Agenda Item

ANNUAL REPORT OF THE REAL ESTATE FRAUD PROSECUTION TRUST FUND PROGRAM

August 29, 2023

Page 3 of 3

Program expenditures for fiscal year:

22. Salaries and benefits:	\$0
23. Operation and support costs:	\$0
24. Administrative fees: <i>(retained by County Clerk-Recorder's Office for Fund Admin.)</i>	\$0
25. Total program expenditures:	\$0
26. Non Real Estate Fraud Prosecution Trust Fund monies used to fund activities in the fiscal year:	\$0
27. Ending balance in Real Estate Prosecution Trust Fund:	\$461,413
28. Was Real Estate Prosecution Trust Fund money used distributed to a law enforcement agency other than the district attorney's office in the fiscal year?	No

The real estate fraud trust fund monies were used to fund the following expenses:

<u>Category</u>	<u>Amount</u>
Net program revenue funds received by the District Attorney	\$0
Salary and Benefits: District Attorney Investigators	
<u>Subtotal Salary and Benefits</u>	\$0
Real Estate Fraud Prosecution	
<u>Subtotal Services/Supplies/Equipment</u>	\$0
Total Funds Expended	\$0
Unmet Program Cost to the District Attorney's Office	\$0



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Job Training Office – Julieta Martinez/Cobi Revious

SUBJECT: CLOSEOUT OF WORKFORCE INNOVATION AND OPPORTUNITY ACT
SUBGRANTS

SUMMARY:

Overview:

This action is to close out the Workforce Innovation and Opportunity Act subgrant from the California Employment Development Department, acting as a pass-through entity for the United States Department of Labor. The grant funding was previously approved by the Kings County Board of Supervisors and a detailed accounting of the funding is included with this item.

Recommendation:

Approve the documents to close out the Workforce Innovation and Opportunity Act Subgrant.

Fiscal Impact:

Subgrant AA211010 provided \$2,433,739 in Federal Workforce Innovation and Opportunity Act funding to support local businesses and residents to connect, bolstering the local economy.

BACKGROUND:

Subgrant AA211010 allocated Workforce Innovation and Opportunity Act training funds provided to Kings County for use in the local area. From July 1, 2021, through June 30, 2023, over 500 services comprising of work experience, vocational training, on-the-job training, and other services designed to assist Kings County residents in obtaining permanent employment were provided.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

**WORKFORCE INNOVATION AND OPPORTUNITY ACT
SUBRECIPIENT RELEASE**

(Use only for a full subgrant closeout)

Pursuant to the terms of Subgrant Number AA211010

with a total allocation amount of \$2,433,739.00 (dollars/cents),

a total expenditure amount of \$2,433,739.00 (dollars/cents),

and a total cash paid (drawn) amount of \$2,433,739.00 (dollars/cents),

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

(Subrecipient’s Name and Address)

(hereafter called the subrecipient) or to its assignees, if any, the subrecipient upon payment of the said sum by the State of California, Employment Development Department (hereafter called the state) does remit, release, and discharge the state, its officers, agents, and employees, of and from all liabilities, obligations, claims and demand whatsoever under or rising from the said subgrant.

IN WITNESS WHEREOF, this release has been executed this _____ day of _____, 2023.

Subrecipient’s Authorized Representative

Name (please print)

Signature

Chair – Kings County Board of Supervisors

Title

WORKFORCE INNOVATION AND OPPORTUNITY ACT
SUBRECIPIENT'S ASSIGNMENT OF REFUNDS, REBATES AND CREDITS

(Use only for a full subgrant closeout)

Subrecipient Name COUNTY OF KINGS – JOB TRAINING OFFICE

Subgrant Number AA211010

Street Address 124 NORTH IRWIN STREET

City, State, & Zip HANFORD, CA 93230

Pursuant to the terms of Subgrant Number AA211010, and for the total allocation of \$2,433,739.00 and in consideration of the reimbursement costs and payment of fee, as provided in the said agreement and any assignment thereunder the County of Kings – Job Training Office (hereafter called the subrecipient) does hereby:

Assign, transfer, set over and release to the Central Office Workforce Services Division, Employment Development Department, the State of California (hereafter called COWSD), all right, title and interest thereon, arising out of the performance of said subgrant together with all the rights of action accrued or hereafter accrue thereunder.

Agree to take whatever action may be necessary to effect prompt collection of all such refunds, rebates, credits, or other amounts (including any interest thereon), due or which may become due, and forward to COWSD checks (made payable to the Employment Development Department), for all proceeds so collected. The reasonable costs of any such action to effect the collection shall constitute allowable costs when approved by the Chief of COWSD, as stated in the said subgrant and may be applied to reduce any amounts otherwise payable to the COWSD under the terms thereof.

Agree to cooperate fully with COWSD as to any claims or suit in connection with such refunds, rebates, credits, or other amounts due (including any interest thereon); to execute any protest, pleading, application, power of attorney, or other papers in connection therewith; and to permit COWSD to represent it at any hearing, trial or other proceeding arising out of such claim or suit.

IN WITNESS WHEREOF, this assignment has been executed on this ____ day of _____, 2023.

Subrecipient's Authorized Representative

Name (please print)

Signature

Chair – Kings County Board of Supervisors

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT TAX CERTIFICATION
(Use only for a full subgrant closeout)

Subrecipient's Name County of Kings

Employer ID Number 94-6000814

In the performance of Subgrant Number AA211010,
I certify that I have complied with the requirements of the law, and the Central Office Workforce Services Division, Employment Development Department, State of California, regarding the obtaining of employer identification/account numbers, collection, payment, deposit, and reporting of federal, state and local taxes and the provision of W-2 forms to employees who are not now my employees. For present employees, formerly under the award, W-2 forms will be required as per the California Employers Guide. Information on W-2 form reporting requirements is contained in Internal Revenue Service publication, "Employer's Tax Guide," (Publication 15, Circular E).

IN WITNESS WHEREOF, this certification has been executed this _____ day of _____, 20____.

Subrecipient's Authorized Representative

Name (please print)

Signature

CHAIR – KINGS CO BOARD OF SUPERVISORS

Title

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
(Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 201

Project Term 07/01/2021 to 06/30/2023

Total allocation for this grant code: \$151,898.00

1. How much cash has been drawn down
under this grant code? \$151,898.00

2. Total expenditures reported in Section II
of the WIOA Summary of Expenditures Report \$151,898.00

3. Unexpended balance to be deobligated? \$0.00

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE
 Grant Code: 201
 Grant Term: 07/01/2021-06/30/2023
 Report Type: Q
 Report Period: 202306

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$151,898.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program) \$151,898.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$12,698.68
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$12,698.68

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

	Cash Expenditure	Accrued Expenditure	Total Expenditure
1. Core Self Services			\$0.00
2. Core Registration/WIOA Career Services Basic			\$6,212.63
3. Intensive Services/WIOA Career Services Ind.			\$5,999.97
4. Career Services Follow-Up			\$0.00
5. WIOA Training Services			
a. WIOA Training Payments			\$120,865.23
b. WIOA Other Training Services			\$0.00
c. WIOA Training Supportive Services			\$6,121.49
6. Other			\$0.00
7. Total Program Expenditure	\$139,199.32	\$0.00	\$139,199.32

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
a. Unliquidated Obligations-Core and Intensive Services/Career Services	\$0.00
b. Unliquidated Obligations-Training Services	\$0.00
c. Unliquidated Obligations-Other	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
5. Leveraged Training Resources			\$0.00
6. Fed Share of Unliquidated Obligations for PFP			\$0.00
7. PFP Contract Expenditures			\$0.00
8. Transitional Jobs Expenditures			\$0.00
9. Incumbent Worker Training Expenditures			\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 201 ADULT CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Cobi Revious

8/14/23

Signature

Date

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
 (Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 202

Project Term 10/01/2021 to 06/30/2023

Total allocation for this grant code: \$715,913.00

- | | |
|---|---|
| 1. How much cash has been drawn down under this grant code? | <u> \$715,913.00 </u> |
| 2. Total expenditures reported in Section II of the WIOA Summary of Expenditures Report | <u> \$715,913.00 </u> |
| 3. Unexpended balance to be deobligated? | <u> \$0.00 </u> |

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE Report Type: Q
 Grant Code: 202
 Grant Term: 10/01/2021-06/30/2023 Report Period: 202306

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$715,913.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program) \$715,913.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$35,156.13
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$35,156.13

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

	Cash Expenditure	Accrued Expenditure	Total Expenditure
1. Core Self Services			\$0.00
2. Core Registration/WIOA Career Services Basic			\$25,246.64
3. Intensive Services/WIOA Career Services Ind.			\$289,569.94
4. Career Services Follow-Up			\$0.00
5. WIOA Training Services			
a. WIOA Training Payments			\$308,565.18
b. WIOA Other Training Services			\$0.00
c. WIOA Training Supportive Services			\$57,375.11
6. Other			\$0.00
7. Total Program Expenditure	\$680,756.87	\$0.00	\$680,756.87

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
a. Unliquidated Obligations-Core and Intensive Services/Career Services	\$0.00
b. Unliquidated Obligations-Training Services	\$0.00
c. Unliquidated Obligations-Other	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$54,785.00	\$54,785.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
5. Leveraged Training Resources			\$0.00
6. Fed Share of Unliquidated Obligations for PFP			\$0.00
7. PFP Contract Expenditures			\$0.00
8. Transitional Jobs Expenditures			\$0.00
9. Incumbent Worker Training Expenditures			\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 202 ADULT CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023



Signature



Date

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
 (Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 292

Project Term 07/01/2021 to 09/30/2022

Total allocation for this grant code: \$5,586.00

1. How much cash has been drawn down
under this grant code? \$5,586.00

2. Total expenditures reported in Section II
of the WIOA Summary of Expenditures Report \$5,586.00

3. Unexpended balance to be deobligated? \$0.00

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE
 Grant Code: 292
 Grant Term: 07/01/2021-09/30/2022
 Report Type: Q
 Report Period: 202209

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$5,586.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program) \$5,586.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$0.00
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$0.00

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

1. Program Cash Expenditures	\$5,586.00
2. Program Accrued Expenditures	\$0.00
3. Total 25% Rapid Response	\$5,586.00

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 292 RAPID RESPONSE LAYOFF AVERSION CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Coti Reviews

Signature

8/14/23

Date

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
 (Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 293

Project Term 10/01/2021 to 09/30/2022

Total allocation for this grant code: \$23,764.00

- | | |
|---|--|
| 1. How much cash has been drawn down under this grant code? | <u> \$23,764.00 </u> |
| 2. Total expenditures reported in Section II of the WIOA Summary of Expenditures Report | <u> \$23,764.00 </u> |
| 3. Unexpended balance to be deobligated? | <u> \$0.00 </u> |

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE Report Type: Q
 Grant Code: 293
 Grant Term: 10/01/2021-09/30/2022 Report Period: 202209

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$23,764.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program) \$23,764.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$0.00
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$0.00

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

1. Program Cash Expenditures	\$23,764.00
2. Program Accrued Expenditures	\$0.00
3. Total 25% Rapid Response	\$23,764.00

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 293 RAPID RESPONSE LAYOFF AVERSION CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Cobi Revius

Signature

8/14/23

Date

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
(Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 301

Project Term 04/01/2021 to 06/30/2023

Total allocation for this grant code: \$801,863.00

1. How much cash has been drawn down under this grant code? \$801,863.00

2. Total expenditures reported in Section II of the WIOA Summary of Expenditures Report \$801,863.00

3. Unexpended balance to be deobligated? \$0.00

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE
 Grant Code: 301
 Grant Term: 04/01/2021-06/30/2023
 Report Type: Q
 Report Period: 202306

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$801,863.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program) \$801,863.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$31,305.74
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$31,305.74

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

	Cash Expenditure	Accrued Expenditure	Total Expenditure
1. Youth In School			\$91,343.24
2. Youth Out Of School			\$679,214.02
3. Total Program Expenditures	\$770,557.26	\$0.00	\$770,557.26
a. Youth Summer Employment Opportunities			\$0.00
b. WIOA Paid and Unpaid Work Experience			\$93,010.41

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
5. Fed Share of Unliquidated Obligations for PFP			\$0.00
6. PFP Contract Expenditures			\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 301 YOUTH CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Cobi Revious

Signature

8/14/23

Date

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
(Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 500

Project Term 10/01/2021 to 06/30/2023

Total allocation for this grant code: \$400,000.00

1. How much cash has been drawn down
under this grant code? \$400,000.00

2. Total expenditures reported in Section II
of the WIOA Summary of Expenditures Report \$400,000.00

3. Unexpended balance to be deobligated? \$0.00

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE Report Type: Q
 Grant Code: 500
 Grant Term: 10/01/2021-06/30/2023 Report Period: 202306

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$400,000.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program) \$400,000.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$14,612.56
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$14,612.56

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

	Cash Expenditure	Accrued Expenditure	Total Expenditure
1. Core Self Services			\$0.00
2. Core Registration/WIOA Career Services Basic			\$17,791.68
3. Intensive Services/WIOA Career Services Ind.			\$180,095.85
4. Career Services Follow-Up			\$0.00
5. WIOA Training Services			
a. WIOA Training Payments			\$158,065.82
b. WIOA Other Training Services			\$0.00
c. WIOA Training Supportive Services			\$29,434.09
6. Other			\$0.00
7. Total Program Expenditure	\$385,387.44	\$0.00	\$385,387.44

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
a. Unliquidated Obligations-Core and Intensive Services/Career Services	\$0.00
b. Unliquidated Obligations-Training Services	\$0.00
c. Unliquidated Obligations-Other	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
5. Leveraged Training Resources			\$0.00
6. Fed Share of Unliquidated Obligations for PFP			\$0.00
7. PFP Contract Expenditures			\$0.00
8. Transitional Jobs Expenditures			\$0.00
9. Incumbent Worker Training Expenditures			\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 500 ADULT CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Cobi Revious

Signature

8/14/23

Date

**WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH**
(Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 501

Project Term 07/01/2021 to 06/30/2023

Total allocation for this grant code: \$121,120.00

- | | |
|---|---|
| 1. How much cash has been drawn down under this grant code? | <u> \$121,120.00 </u> |
| 2. Total expenditures reported in Section II of the WIOA Summary of Expenditures Report | <u> \$121,120.00 </u> |
| 3. Unexpended balance to be deobligated? | <u> \$0.00 </u> |

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE
 Grant Code: 501
 Grant Term: 07/01/2021-06/30/2023
 Report Type: Q
 Report Period: 202306

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$121,120.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program)

\$121,120.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$12,112.00
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$12,112.00

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

	Cash Expenditure	Accrued Expenditure	Total Expenditure
1. Core Self Services			\$0.00
2. Core Registration/WIOA Career Services Basic			\$5,208.16
3. Intensive Services/WIOA Career Services Ind.			\$46,207.28
4. Career Services Follow-Up			\$0.00
5. WIOA Training Services			
a. WIOA Training Payments			\$50,907.28
b. WIOA Other Training Services			\$0.00
c. WIOA Training Supportive Services			\$6,685.28
6. Other			\$0.00
7. Total Program Expenditure	\$109,008.00	\$0.00	\$109,008.00

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
a. Unliquidated Obligations-Core and Intensive Services/Career Services	\$0.00
b. Unliquidated Obligations-Training Services	\$0.00
c. Unliquidated Obligations-Other	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
5. Leveraged Training Resources			\$0.00
6. Fed Share of Unliquidated Obligations for PFP			\$0.00
7. PFP Contract Expenditures			\$0.00
8. Transitional Jobs Expenditures			\$0.00
9. Incumbent Worker Training Expenditures			\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 501 DISLOC CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Cobi Revious

Signature

8/14/23

Date

**WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH**
(Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 502

Project Term 10/01/2021 to 06/30/2023

Total allocation for this grant code:	<u> \$115,421.00 </u>
1. How much cash has been drawn down under this grant code?	<u> \$115,421.00 </u>
2. Total expenditures reported in Section II of the WIOA Summary of Expenditures Report	<u> \$115,421.00 </u>
3. Unexpended balance to be deobligated?	<u> \$0.00 </u>

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE Report Type: Q
 Grant Code: 502
 Grant Term: 10/01/2021-06/30/2023 Report Period: 202306

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$115,421.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program)

\$115,421.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$508.28
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$508.28

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

	Cash Expenditure	Accrued Expenditure	Total Expenditure
1. Core Self Services			\$0.00
2. Core Registration/WIOA Career Services Basic			\$968.44
3. Intensive Services/WIOA Career Services Ind.			\$20,146.27
4. Career Services Follow-Up			\$0.00
5. WIOA Training Services			
a. WIOA Training Payments			\$93,798.01
b. WIOA Other Training Services			\$0.00
c. WIOA Training Supportive Services			\$0.00
6. Other			\$0.00
7. Total Program Expenditure	\$114,912.72	\$0.00	\$114,912.72

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
a. Unliquidated Obligations-Core and Intensive Services/Career Services	\$0.00
b. Unliquidated Obligations-Training Services	\$0.00
c. Unliquidated Obligations-Other	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
5. Leveraged Training Resources			\$0.00
6. Fed Share of Unliquidated Obligations for PFP			\$0.00
7. PFP Contract Expenditures			\$0.00
8. Transitional Jobs Expenditures			\$0.00
9. Incumbent Worker Training Expenditures			\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 502 DISLOC CLOSEOUT REPORTS

X. CERTIFICATION

1. Name	2. Title	3. Phone Number	
COBI, REVIOUS	FISCAL ANALYST III	(559) 852-4973	
4. Contact Name	5. Contact Title	6. Phone Number	7. Date Submitted
COBI L REVIOUS	FISCAL ANALYST III	(559) 852-4973	8/14/2023

Cobi Revious

Signature

8/14/23

Date

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
(Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 540

Project Term 07/01/2021 to 09/30/2022

Total allocation for this grant code: \$18,682.00

1. How much cash has been drawn down under this grant code? \$18,682.00

2. Total expenditures reported in Section II of the WIOA Summary of Expenditures Report \$18,682.00

3. Unexpended balance to be deobligated? \$0.00

Subrecipient's Authorized Representative

Cobi Revious
Name (please print)

Cobi Revious
Signature

Fiscal Analyst III
Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE
 Grant Code: 540
 Grant Term: 07/01/2021-09/30/2022
 Report Type: Q
 Report Period: 202209

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$18,682.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program) \$18,682.00

III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$0.00
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$0.00

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

1. Program Cash Expenditures	\$18,682.00
2. Program Accrued Expenditures	\$0.00
3. Total 25% Rapid Response	\$18,682.00

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 540 RAPID RESPONSE CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Cobi Revious

Signature

8/14/23

Date

WORKFORCE INNOVATION AND OPPORTUNITY ACT
CLOSEOUT STATUS OF CASH
 (Use for all closeouts)

Subrecipient Name and Address

County of Kings – Job Training Office

124 North Irwin Street

Hanford, CA 93230

Subrecipient Code KNG

Subgrant Number AA211010

Grant Code 541

Project Term 10/01/2021 to 09/30/2022

Total allocation for this grant code: \$79,492.00

1. How much cash has been drawn down
under this grant code? \$79,492.00

2. Total expenditures reported in Section II
of the WIOA Summary of Expenditures Report \$79,492.00

3. Unexpended balance to be deobligated? \$0.00

Subrecipient's Authorized Representative

Cobi Revious

Name (please print)

Cobi Revious

Signature

Fiscal Analyst III

Title

Subgrantee Code: KINGS COUNTY JOB TRAINING OFFICE
 Grant Code: 541
 Grant Term: 10/01/2021-09/30/2022
 Report Type: Q
 Report Period: 202209

I. SUBGRANT INFORMATION

1. Year Of Appropriation	2021
2. Report Revision Number	1
3. Subgrant Number	AA211010
4. Subgrant Term From-To:	4/1/2021-6/30/2023
5. Total Allotment	\$79,492.00
6. Closeout Report (Y/N)	Yes

II. TOTAL EXPENDITURES (Admin + Program)	\$79,492.00
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III. ADMINISTRATIVE EXPENDITURES

1. Administrative Cash Expenditures	\$0.00
2. Administrative Accrued Expenditures	\$0.00
3. Total Admin Expenditures	\$0.00

IV. OTHER REPORTABLE ITEMS (ADMIN)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

V. CUMULATIVE EXPENDITURES (PROGRAM)

1. Program Cash Expenditures	\$79,492.00
2. Program Accrued Expenditures	\$0.00
3. Total 25% Rapid Response	\$79,492.00

VI. OTHER REPORTABLE ITEMS (PROGRAM)

1. Non-Federal Support (Stand-in)	\$0.00
2. Unliquidated Obligations	\$0.00
3. Program Income Earned	\$0.00
4. Program Income Expended	\$0.00

VII. MISCELLANEOUS ITEMS (ADMIN AND/OR PROGRAM)

	Cash Contributions	In-Kind Contributions	Total
1. Federal Mandated Match	\$0.00	\$0.00	\$0.00
2. State Mandated Match	\$0.00	\$0.00	\$0.00
3. Federal Leveraged Resources	\$0.00	\$0.00	\$0.00
4. Non-Federal Leveraged Resources	\$0.00	\$0.00	\$0.00

VIII. 9130 - RECIPIENT SHARE OF EXPENDITURES

1. Total Recipient Share of Expenditures	\$0.00
2. Total Program Income Earned	\$0.00
3. Total Program Income Expended	\$0.00

IX. COMMENTS

AA211 541 RAPID RESPONSE CLOSEOUT REPORT

X. CERTIFICATION

1. Name COBI, REVIUOUS	2. Title FISCAL ANALYST III	3. Phone Number (559) 852-4973	
4. Contact Name COBI L REVIUOUS	5. Contact Title FISCAL ANALYST III	6. Phone Number (559) 852-4973	7. Date Submitted 8/14/2023

Cobi Reviews

Signature

8/14/23

Date



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Department of Public Health – Rose Mary Rahn

SUBJECT: ADVANCED STEP HIRE

SUMMARY:

Overview:

The Kings County Department of Public Health is requesting the approval to hire Jesus Gaona as an Environmental Health Officer IV, Extra Help at Step 5, which requires Board approval under Personnel Rule 13051.

Recommendation:

Authorize the advance step hire of Jesus Gaona as an Environmental Health Officer IV, Extra Help at Salary Range 229.0, Step 5.

Fiscal Impact:

Funding for the recommended action is included in the Fiscal Year 2023-2024 adopted budget under budget unit 411500.

BACKGROUND:

Mr. Gaona has more than twenty years of experience working in Environmental Health and will be an asset to the Environmental Health Services Division. Mr. Gaona is currently employed with the County of Tulare, as an Environmental Health Supervisor, and will be aiding Kings County address unmet needs due to difficulty recruiting and retaining staff.

Historically, it has been difficult for Kings County to hire experienced Environmental Health Officers that have their Registered Environmental Health Services (REHS) certificate. The department currently has five vacancies for Environmental Health Officers. Additionally, Environmental Health Officers must complete a significant period of training to obtain their REHS certification and work in the field independently. Mr. Gaona possesses a REHS certification, which will allow him to start in the field much sooner than someone without the certification. County Human Resources supports the request for the advance step hire.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Department of Public Health – Rose Mary Rahn/Everardo Legaspi

SUBJECT: HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANT AGREEMENT

SUMMARY:

Overview:

The State Office of AIDS will compensate Kings County up to \$440,431 for expenses related to the operation of the Housing Opportunities for Persons with AIDS program by the California Department of Public Health from July 1, 2023 through June 30, 2028.

Recommendation:

- a. Approve the California Department of Public Health’s Housing Opportunities for Persons with AIDS grant agreement retroactively effective from July 1, 2023 through June 30, 2028;
- b. Adopt the budget change. (4/5 vote required)

Fiscal Impact:

Kings County Public Health has been allocated \$94,610 for Fiscal Year 2023-24. The Fiscal Year 2023-24 adopted County budget includes \$83,863 in Intergovernmental Revenue – Federal Grant account 86037. The recommended action will result in an increase of \$10,747 to Intergovernmental Revenue – Federal Grant account 86037 and increase Special Departmental account 92063 by \$10,747 in budget unit 418500. The remaining annual allocations will be included in the respective years adopted budgets.

BACKGROUND:

The California Housing Opportunities for Persons with AIDS (HOPWA) program was established in 1990 by the U.S. Department of Housing and Urban Development (HUD) and the California Department of Public Health (CDPH) Office of AIDS is the fiscal agent responsible for the allocation.

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANT AGREEMENT

August 29, 2023

Page 2 of 2

HOPWA was established as a response to the growing housing needs of people living with HIV/AIDS, who often face housing instability and homelessness due to the economic and health challenges associated with the disease. The program provides housing assistance and supportive services to low-income individuals and families living with HIV/AIDS.

This agreement will provide the department \$440,431 to assist low-income residents of Kings County with HIV/AIDS from July 1, 2023 through June 30, 2028. Funds can be used for various housing-related services, including short term rent or mortgage assistance to avoid eviction or foreclosure; emergency hotel stay, housing information services, supportive services, and case management to help individuals maintain stable housing and improve their overall well-being; and financial assistance to help cover the cost of utilities. Eligibility for the HOPWA program is based on income and HIV status criteria. All recipients in Kings County must be an enrollment participant in the Ryan White Care Program.

The Ryan White Care Program is a federally funded program that addresses the healthcare needs of individuals and communities affected by HIV/AIDS. Initiated in 1990, the program provides financial assistance to help people living with HIV/AIDS access medical care, medication, support services, and other essential resources. It aims to enhance the quality of life for those impacted by the disease and reduce health disparities within this vulnerable population.

The item is being presented for retroactive approval due to delays at CDPH announcing the grant award recipients and providing the associated agreement.

This agreement has been reviewed and approved by County Counsel as to form.

California Housing Opportunities for Persons with AIDS (HOPWA) Program

Awarded By

**THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, hereinafter “Department”
TO
County of Kings, hereinafter “Grantee”**

Implementing the “HOPWA Program” hereinafter “Project”

GRANT AGREEMENT NUMBER 23-10395

The Department awards this Grant and the Grantee accepts and agrees to use the Grant funds as follows:

AUTHORITY: The Department has authority to grant funds for the Project under Health and Safety Code, Section 131085.

PURPOSE: The Department shall provide a grant to and for the benefit of the Grantee; the purpose of the Grant is to provide HIV/AIDS housing assistance and supportive services under the Housing Opportunities for Persons with AIDS program to low income people living with HIV throughout California.

GRANT AMOUNT: The maximum amount payable under this Grant Agreement shall not exceed the amount of \$440,431.00.

TERM OF GRANT AGREEMENT: The term of the Grant shall begin on July 1, 2023 and terminates on June 30, 2028. No funds may be requested or invoiced for services performed or costs incurred after June 30, 2028.

PROJECT REPRESENTATIVES. The Project Representatives during the term of this Grant will be:

California Department of Public Health	County of Kings
Christopher Kent, Chief 1616 Capitol Avenue, Suite 616, MS 7700 Sacramento, CA 95814 Telephone: (916) 449-5958 Fax: (916) 449-5959 Email: chris.kent@cdph.ca.gov	Nichole Fisher, Supervising Public Health Nurse 330 Campus Drive Hanford, CA 93230-4375 Telephone: (559) 852-2586 Email: nichole.fisher@co.kings.ca.us

Direct all inquiries to the following representatives:

California Department of Public Health	County of Kings
Abigail West, HOPWA Program Advisor 1616 Capitol Avenue, Suite 616, MS 7700 Sacramento, CA 95814 Telephone: (916) 512-9518 Fax: (916) 449-5959 Email: Abigail.west@cdph.ca.gov	Rose Mary Rahn, Director of Public Health 1400 Lacey Blvd. Hanford, CA 93230 Telephone: (559) 852-2625 Email: rosemary.rahn@co.kings.ca.us

All payments from CDPH to the Grantee; shall be sent to the following address:

Remittance Address
County of Kings Attention: Juana Sierra-Perez, Fiscal Analyst I 1400 Lacey Blvd Hanford, CA 93230 Telephone: (559) 852-4595 Email: juana.sierra-perez@co.kings.ca.us

Either party may make changes to the Project Representatives, or remittance address, by giving a written notice to the other party, said changes shall not require an amendment to this agreement but must be maintained as supporting documentation. Note: Remittance address changes will require the Grantee to submit a completed CDPH 9083 Governmental Entity Taxpayer ID Form or STD 204 Payee Data Record Form and the STD 205 Payee Data Supplement which can be requested through the CDPH Project Representatives for processing.

STANDARD GRANT PROVISIONS. The Grantee must adhere to all Exhibits listed and any subsequent revisions. The following Exhibits are attached hereto or attached by reference and made a part of this Grant Agreement:

- EXHIBIT A LETTER OF AWARD
- EXHIBIT AI LIST OF ALLOCATIONS
- EXHIBIT B BUDGET DETAIL AND PAYMENT PROVISIONS
- EXHIBIT C STANDARD GRANT CONDITIONS*
- EXHIBIT D ADDITIONAL PROVISIONS
- EXHIBIT E INFORMATION PRIVACY AND SECURITY REQUIREMENTS
- EXHIBIT F FEDERAL TERMS AND CONDITIONS
- EXHIBIT G CONTRACTOR'S RELEASE

* In Exhibit C, #15, paragraph 1, the statement “the Request for Applications (Exhibit D) and the Grant Application (Exhibit A)” shall now read “the Letter of Award (Exhibit A).”

GRANTEE REPRESENTATIONS: The Grantee(s) accept all terms, provisions, and conditions of this grant, including those stated in the Exhibits incorporated by reference above. The Grantee(s) shall fulfill all assurances and commitments made in the application, declarations, other accompanying documents, and written communications (e.g., e-mail, correspondence) filed in support of the request for grant funding. The Grantee(s) shall comply with and require its subgrantee's to comply with all applicable laws, policies, and regulations.

IN WITNESS THEREOF, the parties have executed this Grant on the dates set forth below.

Executed By:

Date: _____

Richard Valle, Chairman, Board of Supervisors
County of Kings
1400 Lacey Blvd.
Hanford, CA 93230

Date: _____

Javier Sandoval, Chief
Contracts Management Unit
California Department of Public Health
1616 Capitol Avenue, Suite 74.262
P.O. Box 997377, MS 1800-1804
Sacramento, CA 95899-7377



TOMÁS J. ARAGÓN, MD, DrPH
 Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
 Governor

Exhibit A
 Letter of Award

May 1, 2023

Rose Mary Rahn
 Director of Public Health
 1400 Lacey Blvd
 Hanford, CA 93230

Dear Rose Mary Rahn,

The California Department of Public Health (CDPH), Office of AIDS (OA) is pleased to announce the intent to award funds to County of Kings for the Housing Opportunities for Persons With AIDS (HOPWA) program.

The goals of OA are: (1) to minimize new HIV infections; (2) to maximize the number of people with HIV who access appropriate care, treatment, support, and (3) reduce HIV/AIDS-related health disparities. To support these goals, OA utilizes U.S. Department of Housing and Urban Development (HUD) funds to administer the HOPWA program to provide housing assistance and supportive services to meet the needs of persons living with HIV (PLWH) who are homeless or at risk of becoming homeless. The goal of the HOPWA program is to assist PLWH in maintaining housing stability and to improve their access to HIV care, treatment, and support. As the designated State of California HOPWA grantee, OA allocates funds to local government and nonprofit organizations to undertake HOPWA activities that meet the most urgent needs of PLWH not being met by other available public and private resources.

These funds will be available to County of Kings annually from July 1, 2023 through June 30, 2028. The funding amount is allocated through a non-competitive formula. Your maximum amount for the five-year grant period is \$440,431 for the purpose of serving persons living with HIV in Kings County.

Please see the Allocation Table:

FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	Total
\$ 94,610	\$ 94,610	\$ 83,737	\$ 83,737	\$ 83,737	\$ 440,431

This agreement is valid and enforceable only if sufficient funds are made available to the State by the United States Government for the fiscal years covered by the term of this Agreement. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions



enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms, or funding of this Agreement in any manner. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Grantee to reflect the reduced amount.

The funds must be used to provide allowable services under HOPWA. For guidance, please see the Scope of Work (https://www.cdph.ca.gov/Programs/CID/DOA/CDPH Document Library/HOPWA_Scope_of_Work_2023_Final_ADA.pdf). All Grantees must adhere to the Scope of Work, and any subsequent revisions, along with all instructions, policy memorandums, or directives issued by OA. OA will make any changes and/or additions to these guidelines in writing and, whenever possible, notification of such changes shall be made 30 days prior to implementation.

In order to apply for these funds, you must return the required budget documents by **May 15, 2023**. The documents should be e-mailed to hopwarfa@cdph.ca.gov and cc' Abigail West at abigail.west@cdph.ca.gov. Please note that no funds are secured until the contract is fully executed.

If you have any questions, please contact me at (916) 449-5958 or chris.kent@cdph.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'C Kent', written in a cursive style.

Christopher Kent, MA
Chief, Care Housing Unit
Office of AIDS, California Department of Public Health

Exhibit AI
List of Allocations

Agency	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
Ampla Health (Butte, Colusa, Glenn, Shasta, Sutter, Tehama, Trinity, and Yuba)	\$ 368,500	\$ 368,500	\$ 326,188	\$ 326,188	\$ 326,188
Community Care (Lake and Mendocino)	\$ 146,572	\$ 146,572	\$ 129,741	\$ 129,741	\$ 129,741
Community Impact Central Valley (Stanislaus)	\$ 667,256	\$ 211,801	\$ 211,801	\$ 211,801	\$ 211,801
Family Services of Tulare County (Tulare)	\$ 216,250	\$ 216,250	\$ 216,250	\$ 216,250	\$ 216,250
Housing Authority of County of Marin (Marin)	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
Humboldt (Del Norte and Humboldt)	\$ 121,422	\$ 121,422	\$ 107,477	\$ 107,477	\$ 107,477
Imperial County (Imperial)	\$ 161,780	\$ 161,780	\$ 161,780	\$ 161,780	\$ 161,780
Kings County (Kings)	\$ 94,610	\$ 94,610	\$ 83,737	\$ 83,737	\$ 83,737
Madera County (Madera and Mariposa)	\$ 100,186	\$ 100,186	\$ 88,672	\$ 88,672	\$ 88,672
Merced County Community Action Agency (Merced)	\$ 148,425	\$ 148,425	\$ 148,425	\$ 148,425	\$ 148,425
Nevada County (Nevada)	\$ 77,607	\$ 77,607	\$ 70,858	\$ 70,858	\$ 70,858
Provider Pending (Solano)	\$ 0	\$ 455,455	\$ 403,306	\$ 403,306	\$ 403,306
Plumas (Lassen, Modoc, Plumas, Sierra, and Siskiyou)	\$ 50,262	\$ 50,262	\$ 44,490	\$ 44,490	\$ 44,490
Provider Pending (Santa Cruz)	\$ 215,353	\$ 215,353	\$ 215,353	\$ 215,353	\$ 215,353
Queen of the Valley Medical Center (Napa)	\$ 116,263	\$ 116,263	\$ 102,955	\$ 102,955	\$ 102,955
San Joaquin County (San Joaquin)	\$ 528,412	\$ 528,412	\$ 528,412	\$ 528,412	\$ 528,412
San Luis Obispo Co Access Support Network (San Luis Obispo and Monterey)	\$ 477,306	\$ 477,306	\$ 422,619	\$ 422,619	\$ 422,619
Sarah House (Santa Barbara)	\$ 272,565	\$ 272,565	\$ 241,349	\$ 241,349	\$ 241,349
Sierra Hope (Alpine, Amador, Calaveras, Inyo, Mono, and Tuolumne)	\$ 80,863	\$ 80,863	\$ 71,583	\$ 71,583	\$ 71,583
Ventura County (Ventura)	\$ 495,768	\$ 495,768	\$ 439,014	\$ 439,014	\$ 439,014
TOTAL	\$ 4,689,400	\$ 4,689,400	\$ 4,364,010	\$ 4,364,010	\$ 4,364,010

Exhibit B
Budget Detail and Payment Provisions

1. Invoicing and Payment

- A. Upon completion of project activities as provided in Exhibit A Grant Application, and upon receipt and approval of the invoices, the State agrees to reimburse the Grantee for activities performed and expenditures incurred in accordance with the costs specified herein.\
- B. Invoices shall include the Grant Number and shall be e-mailed as signed copies of HOPWA invoices (PDF format), including HOPWA Summary Tracking (Excel format) and detailed supporting documentation directly to the HOPWA invoice inbox:

HOPWARFA@cdph.ca.gov

C. Invoices shall:

- 1) Be prepared on Grantee letterhead. If invoices are not on produced letterhead invoices must be signed by an authorized official, employee or agent certifying that the expenditures claimed represent activities performed and are in accordance with Exhibit A Grant Application under this Grant.
- 2) Bear the Grantee's name as shown on the Grant.
- 3) Identify the billing and/or performance period covered by the invoice.
- 4) Itemize costs for the billing period in the same or greater level of detail as indicated in this Grant. Subject to the terms of this Grant, reimbursement may only be sought for those costs and/or cost categories expressly identified as allowable and approved by CDPH.

D. Amount awarded under this Grant is identified in the CDPH 1229 Grant Agreement.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to fulfill any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Grantee to reflect the reduced amount.

3. Prompt Payment Clause

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

4. Amounts Payable

- A. The amounts payable under this Grant shall not exceed \$440,431.
- B. Payment allocations shall be made for allowable expenses up to the amount annually encumbered commensurate with the state fiscal year in which services are fulfilled and/or goods are received.

Exhibit B
 Budget Detail and Payment Provisions

5. Timely Submission of Invoices

- A. An invoice shall be submitted for payment no more than thirty (30) calendar days following the end of each quarterly service period or thirty (30) calendar days following each monthly service period. The quarterly and monthly invoicing deadlines are as follows:

Quarter	Invoice Due Date
Quarter 1 (July – September)	October 30
Quarter 2 (October – December)	January 30
Quarter 3 (January – March)	April 30
Quarter 4 (April – June)	July 30 Note: No extensions will be approved as this date is a hard deadline for the purposes of closing out the federal grant. Invoices received after this date may not be reimbursed.

Monthly	Invoice Due Date
July – June (see exceptions below)	Due on the 30 th of the following month.
January	March 2
June	July 30 Note: No extensions will be approved as this date is a hard deadline for the purposes of closing out the federal grant. Invoices received after this date may not be reimbursed.

- B. If invoice is not submitted by the deadline, and extension may be offered for a MAXIMUM of fourteen (14) calendar days. NO EXTENSIONS MAY BE GRANTED FOR THE Q4 INVOICE. If the invoice is not submitted after the two-week extension, current quarterly/monthly expenditures shall be combined in the next invoice submission, but this may cause significant delays in reimbursement for all invoices for the current FY. Q4 invoice (including any charges from previous quarters) has a hard deadline of July 30.

6. Grant Closure

- A. Upon the expiration or termination date of this Grant:
- 1) A final undisputed invoice shall be submitted for payment no more than forty-five (45) calendar days following this date. Said invoice should be clearly marked “Final Invoice”, indicating that all payment obligations of the State under this Grant have ceased and that no further payments are due or outstanding.
 - 2) A Contractor Release Form (CDPH 2532) must be completed and emailed to the HOPWARFA@cdph.ca.gov inbox along with the final invoice.

Exhibit B
Budget Detail and Payment Provisions

B. The State may, at its discretion, choose not to honor any delinquent final invoice.

7. Travel and Per Diem Reimbursement

Any reimbursement for necessary travel and per diem shall be at the rates currently in effect as established by the California Department of Human Resources (CalHR).

EXHIBIT C

STANDARD GRANT CONDITIONS

1. **APPROVAL:** This Grant is of no force or effect until signed by both parties and approved by the Department of General Services, if required. The Grantee may not commence performance until such approval has been obtained
2. **AMENDMENT:** No amendment or variation of the terms of this Grant shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or Agreement not incorporated in the Grant is binding on any of the parties. In no case shall the Department materially alter the scope of the Project set forth in Exhibit A.
3. **ASSIGNMENT:** This Grant is not assignable by the Grantee, either in whole or in part, without the written consent of the Grant Manager in the form of a written amendment to the Grant.
4. **AUDIT:** Grantee agrees that the Department, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to this Grant. Grantee agrees to maintain such records for a possible audit for a minimum of three (3) years after final payment or completion of the project funded with this Grant, unless a longer period of records retention is stipulated. Grantee agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Grantee agrees to include a similar right of the State to audit records and interview staff in any subcontract related to the project.
5. **CONFLICT OF INTEREST:** Grantee certifies that it is in compliance with all applicable state and/or federal conflict of interest laws.
6. **INDEMNIFICATION:** Grantee agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the project, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Grantee in the performance of any activities related to the Project.
7. **FISCAL MANAGEMENT SYSTEMS AND ACCOUNTING STANDARDS:** Grantee agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit tracing of all grant funds to a level of expenditure adequate to establish that such funds have not been used in violation of any applicable state or federal law, or the provisions of this Grant. Grantee further agrees that it will maintain separate Project accounts in accordance with generally accepted accounting principles.
8. **GOVERNING LAW:** This Grant is governed by and shall be interpreted in accordance with the laws of the State of California.

- 9. INCOME RESTRICTIONS:** Grantee agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Grantee under this Grant shall be paid by the Grantee to the Department, to the extent that they are properly allocable to costs for which the Grantee has been reimbursed by the Department under this Grant.
- 10. INDEPENDENT CONTRACTOR:** Grantee, and its agents and employees of Grantee, in the performance of the Project, shall act in an independent capacity and not as officers, employees or agents of the Department.
- 11. MEDIA EVENTS:** Grantee shall notify the Department's Grant Manager in writing at least twenty (20) working days before any public or media event publicizing the accomplishments and/or results of the Project and provide the opportunity for attendance and participation by Department's representatives.
- 12. NO THIRD-PARTY RIGHTS:** The Department and Grantee do not intend to create any rights or remedies for any third- party as a beneficiary of this Grant or the project.
- 13. NOTICE:** Grantee shall promptly notify the Department's Grant Manager in writing of any events, developments or changes that could affect the completion of the project or the budget approved for this Grant.
- 14. PROFESSIONALS:** Grantee agrees that only licensed professionals will be used to perform services under this Grant where such services are called for.
- 15. RECORDS:** Grantee certifies that it will maintain Project accounts in accordance with generally accepted accounting principles. Grantee further certifies that it will comply with the following conditions for a grant award as set forth in the Request for Applications (Exhibit D) and the Grant Application (Exhibit A).
- A. Establish an official file for the Project which shall adequately document all significant actions relative to the Project;
 - B. Establish separate accounts which will adequately and accurately depict all amounts received and expended on this Project, including all grant funds received under this Grant;
 - C. Establish separate accounts which will adequately depict all income received which is attributable to the Project, especially including any income attributable to grant funds disbursed under this Grant;
 - D. Establish an accounting system which will adequately depict final total costs of the Project, including both direct and indirect costs; and,
 - E. Establish such accounts and maintain such records as may be necessary for the state to fulfill federal reporting requirements, including any and all reporting requirements under federal tax statutes or regulations.
- 16. RELATED LITIGATION:** Under no circumstances may Grantee use funds from any disbursement under this Grant to pay for costs associated with any litigation between the Grantee and the Department.

17. RIGHTS IN DATA: Grantee and the Department agree that all data, plans, drawings, specifications, reports, computer programs, operating manuals, notes, and other written or graphic work submitted under Exhibit A in the performance of the Project funded by this Grant shall be in the public domain. Grantee may disclose, disseminate and use in whole or in part, any final form data and information received, collected, and developed under this Project, subject to appropriate acknowledgment of credit to the Department for financial support. Grantee shall not utilize the materials submitted to the Department (except data) for any profit making venture or sell or grant rights to a third-party who intends to do so. The Department has the right to use submitted data for all governmental purposes.

18. VENUE: (This provision does not apply to Local Governmental Entities)

The Department and Grantee agree that any action arising out of this Grant shall be filed and maintained in the Superior Court, California. Grantee waives any existing sovereign immunity for the purposes of this Grant, if applicable.

19. STATE-FUNDED RESEARCH GRANTS:

- A. Grantee shall provide for free public access to any publication of a department-funded invention or department-funded technology. Grantee further agrees to all terms and conditions required by the California Taxpayer Access to Publicly Funded Research Act (Chapter 2.5 (commencing with Section 13989) of Part 4.5 of Division 3 of Title 2 of the Government Code).
- B. As a condition of receiving the research grant, Grantee agrees to the following terms and conditions which are set forth in Government Code section 13989.6 ("Section 13989.6"):
- 1) Grantee is responsible for ensuring that any publishing or copyright agreements concerning submitted manuscripts fully comply with Section 13989.6.
 - 2) Grantees shall report to the Department the final disposition of the research grant, including, but not limited to, if it was published, when it was published, where it was published, when the 12-month time period expires, and where the manuscript will be available for open access.
 - 3) For a manuscript that is accepted for publication in a peer-reviewed journal, the Grantee shall ensure that an electronic version of the peer-reviewed manuscript is available to the department and on an appropriate publicly accessible database approved by the Department, including, but not limited to, the University of California's eScholarship Repository at the California Digital Library, PubMed Central, or the California Digital Open Source Library, to be made publicly available not later than 12 months after the official date of publication. Manuscripts submitted to the California Digital Open Source Library shall be exempt from the requirements in subdivision (b) of Section 66408 of the Education Code. Grantee shall make reasonable efforts to comply with this requirement by ensuring that their manuscript is accessible on an approved publicly accessible database, and notifying the Department that the manuscript is available on a department-approved database. If Grantee is unable to ensure that their manuscript is accessible on an approved publicly accessible database, Grantee may comply by providing the manuscript to the Department not later than 12 months after the official date of publication.

- 4) For publications other than those described in paragraph B.3 above,, including meeting abstracts, Grantee shall comply by providing the manuscript to the Department not later than 12 months after the official date of publication.
- 5) Grantee is authorized to use grant money for publication costs, including fees charged by a publisher for color and page charges, or fees for digital distribution.

Exhibit D
Additional Provisions

1. Cancellation / Termination

- A. This Grant may be cancelled by CDPH without cause upon thirty (30) calendar days advance written notice to the Grantee.
- B. CDPH reserves the right to cancel or terminate this Grant immediately for cause. The Grantee may submit a written request to terminate this Grant only if CDPH substantially fails to perform its responsibilities as provided herein.
- C. The term “for cause” shall mean that the Grantee fails to meet the terms, conditions, and/or responsibilities of this agreement. Causes for termination include, but are not limited to the following occurrences:
 - 1) If the Grantee knowingly furnishes any statement, representation, warranty, or certification in connection with the agreement, which representation is materially false, deceptive, incorrect, or incomplete.
 - 2) If the Grantee fails to perform any material requirement of this Grant or defaults in performance of this agreement.
 - 3) If the Grantee files for bankruptcy, or if CDPH determines that the Grantee becomes financially incapable of completing this agreement.
- D. Grant termination or cancellation shall be effective as of the date indicated in CDPH’s notification to the Grantee. The notice shall stipulate any final performance, invoicing or payment requirements.
- E. In the event of early termination or cancellation, the Grantee shall be entitled to compensation for services performed satisfactorily under this agreement and expenses incurred up to the date of cancellation and any non-cancelable obligations incurred in support of this Grant.
- F. In the event of termination, and at the request of CDPH, the Grantee shall furnish copies of all proposals, specifications, designs, procedures, layouts, copy, and other materials related to the services or deliverables provided under this Grant, whether finished or in progress on the termination date.
- G. The Grantee will not be entitled to reimbursement for any expenses incurred for services and deliverables pursuant to this agreement after the effective date of termination.
- H. Upon receipt of notification of termination of this Grant, and except as otherwise specified by CDPH, the Grantee shall:

Exhibit D
Additional Provisions

- 1) Place no further order or subgrants for materials, services, or facilities.
 - 2) Settle all outstanding liabilities and all claims arising out of such termination of orders and subgrants.
 - 3) Upon the effective date of termination of the Grant and the payment by CDPH of all items properly changeable to CDPH hereunder, Grantee shall transfer, assign and make available to CDPH all property and materials belonging to CDPH, all rights and claims to any and all reservations, grants, and arrangements with owners of media/PR materials, or others, and shall make available to CDPH all written information regarding CDPH's media/PR materials, and no extra compensation is to be paid to Grantee for its services.
 - 4) Take such action as may be necessary, or as CDPH may specify, to protect and preserve any property related to this agreement which is in the possession of the Grantee and in which CDPH has or may acquire an interest.
- I. CDPH may, at its discretion, require the Grantee to cease performance of certain components of the Scope of Work as designated by CDPH and complete performance of other components prior to the termination date of the Grant.

2. Avoidance of Conflicts of Interest by Grantee

- A. CDPH intends to avoid any real or apparent conflict of interest on the part of the Grantee, subgrants, or employees, officers and directors of the Grantee or subgrants. Thus, CDPH reserves the right to determine, at its sole discretion, whether any information, assertion or claim received from any source indicates the existence of a real or apparent conflict of interest; and, if a conflict is found to exist, to require the Grantee to submit additional information or a plan for resolving the conflict, subject to CDPH review and prior approval.
- B. Conflicts of interest include, but are not limited to:
- 1) An instance where the Grantee or any of its subgrants, or any employee, officer, or director of the Grantee or any subgrant or has an interest, financial or otherwise, whereby the use or disclosure of information obtained while performing services under the grant would allow for private or personal benefit or for any purpose that is contrary to the goals and objectives of the grant.
 - 2) An instance where the Grantee's or any subgrant's employees, officers, or directors use their positions for purposes that are, or give the appearance of being, motivated by a desire for private gain for themselves or others, such as those with whom they have family, business or other ties.

Exhibit D
Additional Provisions

- C. If CDPH is or becomes aware of a known or suspected conflict of interest, the Grantee will be given an opportunity to submit additional information or to resolve the conflict. A Grantee with a suspected conflict of interest will have five (5) working days from the date of notification of the conflict by CDPH to provide complete information regarding the suspected conflict. If a conflict of interest is determined to exist by CDPH and cannot be resolved to the satisfaction of CDPH, the conflict will be grounds for terminating the grant. CDPH may, at its discretion upon receipt of a written request from the Grantee, authorize an extension of the timeline indicated herein.

3. Dispute Resolution Process

- A. A Grantee grievance exists whenever there is a dispute arising from CDPH's action in the administration of an agreement. If there is a dispute or grievance between the Grantee and CDPH, the Grantee must seek resolution using the procedure outlined below.
- 1) The Grantee should first informally discuss the problem with the CDPH Program Grant Manager. If the problem cannot be resolved informally, the Grantee shall direct its grievance together with any evidence, in writing, to the program Branch Chief. The grievance shall state the issues in dispute, the legal authority or other basis for the Grantee's position and the remedy sought. The Branch Chief shall render a decision within ten (10) working days after receipt of the written grievance from the Grantee. The Branch Chief shall respond in writing to the Grantee indicating the decision and reasons therefore. If the Grantee disagrees with the Branch Chief's decision, the Grantee may appeal to the second level.
 - 2) When appealing to the second level, the Grantee must prepare an appeal indicating the reasons for disagreement with Branch Chief's decision. The Grantee shall include with the appeal a copy of the Grantee's original statement of dispute along with any supporting evidence and a copy of the Branch Chief's decision. The appeal shall be addressed to the Deputy Director of the division in which the branch is organized within ten (10) working days from receipt of the Branch Chief's decision. The Deputy Director of the division in which the branch is organized or his/her designee shall meet with the Grantee to review the issues raised. A written decision signed by the Deputy Director of the division in which the branch is organized or his/her designee shall be directed to the Grantee within twenty (20) working days of receipt of the Grantee's second level appeal.
- B. If the Grantee wishes to appeal the decision of the Deputy Director of the division in which the branch is organized or his/her designee, the Grantee shall follow the procedures set forth in Division 25.1 (commencing with Section 38050) of the Health and Safety Code and the regulations adopted thereunder. (Title 1, Division 2, Chapter 2, Article 3 (commencing with Section 1140) of the California Code of Regulations).

Exhibit D
Additional Provisions

- C. Disputes arising out of an audit, examination of an agreement or other action not covered by subdivision (a) of Section 20204, of Chapter 2.1, Title 22, of the California Code of Regulations, and for which no procedures for appeal are provided in statute, regulation or the Agreement, shall be handled in accordance with the procedures identified in Sections 51016 through 51047, Title 22, California Code of Regulations.
- D. Unless otherwise stipulated in writing by CDPH, all dispute, grievance and/or appeal correspondence shall be directed to the CDPH Grant Manager.
- E. There are organizational differences within CDPH's funding programs and the management levels identified in this dispute resolution provision may not apply in every contractual situation. When a grievance is received and organizational differences exist, the Grantee shall be notified in writing by the CDPH Grant Manager of the level, name, and/or title of the appropriate management official that is responsible for issuing a decision at a given level.

Exhibit E
Information Privacy and Security Requirements
(For Non-HIPAA/HITECH Act Contracts)

This Information Privacy and Security Requirements Exhibit (For Non-HIPAA/HITECH Act Contracts) (hereinafter referred to as "this Exhibit") sets forth the information privacy and security requirements Contractor is obligated to follow with respect to all personal and confidential information (as defined herein) disclosed to Contractor, or collected, created, maintained, stored, transmitted or used by Contractor for or on **behalf** of the California Department of Public Health (hereinafter "CDPH"), pursuant to Contractor's agreement with CDPH. (Such personal and confidential information is referred to herein collectively as "CDPH PCI".) CDPH and Contractor desire to protect the privacy and provide for the security of CDPH PCI pursuant to this Exhibit and in compliance with state and federal laws applicable to the CDPH PCI.

- I. Order of Precedence: With respect to information privacy and security requirements for all CDPH PCI, the terms and conditions of this Exhibit shall take precedence over any conflicting terms or conditions set forth in any other part of the agreement between Contractor and CDPH, including Exhibit A (Scope of Work), all other exhibits and any other attachments, and shall prevail over any such conflicting terms or conditions.
- II. Effect on lower tier transactions: The terms of this Exhibit shall apply to all contracts, subcontracts, and subawards, and the information privacy and security requirements Contractor is obligated to follow with respect to CDPH PCI disclosed to Contractor, or collected, created, maintained, stored, transmitted or used by Contractor for or on behalf of CDPH, pursuant to Contractor's agreement with CDPH. When applicable the Contractor shall incorporate the relevant provisions of this Exhibit into each subcontract or subaward to its agents, subcontractors, or independent consultants.
- III. Definitions: For purposes of the agreement between Contractor and CDPH, including this Exhibit, the following definitions shall apply:
 - A. Breach:

"Breach" means:

 1. the unauthorized acquisition, access, use, or disclosure of CDPH PCI in a manner which compromises the security, confidentiality or integrity of the information; or
 2. the same as the definition of "breach of the security of the system" set forth in California Civil Code section 1798.29(f).
 - B. Confidential Information: "Confidential information" means information that:
 1. does not meet the definition of "public records" set forth in California Government Code section 6252(e), or is exempt from disclosure under any of the provisions of Section 6250, et seq. of the California Government Code or any other applicable state or federal laws; or
 2. is contained in documents, files, folders, books or records that are clearly labeled, marked or designated with the word "confidential" by CDPH.

Exhibit E
Information Privacy and Security Requirements
(For Non-HIPAA/HITECH Act Contracts)

- C. Disclosure: “Disclosure” means the release, transfer, provision of, access to, or divulging in any manner of information outside the entity holding the information.
- D. PCI: “PCI” means “personal information” and “confidential information” (as these terms are defined herein:
- E. Personal Information: “Personal information” means information, in any medium (paper, electronic, oral) that:
1. directly or indirectly collectively identifies or uniquely describes an individual; or
 2. could be used in combination with other information to indirectly identify or uniquely describe an individual, or link an individual to the other information; or
 3. meets the definition of “personal information” set forth in California Civil Code section 1798.3, subdivision (a) or
 4. is one of the data elements set forth in California Civil Code section 1798.29, subdivision (g)(1) or (g)(2); or
 5. meets the definition of “medical information” set forth in either California Civil Code section 1798.29, subdivision (h)(2) or California Civil Code section 56.05, subdivision (j); or
 6. meets the definition of “health insurance information” set forth in California Civil Code section 1798.29, subdivision (h)(3); or
 7. is protected from disclosure under applicable state or federal law.
- F. Security Incident: “Security Incident” means:
1. an attempted breach; or
 2. the attempted or successful unauthorized access or disclosure, modification or destruction of CDPH PCI, in violation of any state or federal law or in a manner not permitted under the agreement between Contractor and CDPH, including this Exhibit; or
 3. the attempted or successful modification or destruction of, or interference with, Contractor’s system operations in an information technology system, that negatively impacts the confidentiality, availability or integrity of CDPH PCI; or
 4. any event that is reasonably believed to have compromised the confidentiality, integrity, or availability of an information asset, system, process, data storage, or transmission. Furthermore, an information security incident may also include an event that constitutes a violation or imminent threat of violation of information security policies or procedures, including acceptable use policies.
- G. Use: “Use” means the sharing, employment, application, utilization, examination, or analysis of information.

Exhibit E
Information Privacy and Security Requirements
(For Non-HIPAA/HITECH Act Contracts)

- IV. Disclosure Restrictions: The Contractor and its employees, agents, and subcontractors shall protect from unauthorized disclosure any CDPH PCI. The Contractor shall not disclose, except as otherwise specifically permitted by the agreement between Contractor and CDPH (including this Exhibit), any CDPH PCI to anyone other than CDPH personnel or programs without prior written authorization from the CDPH Program Contract Manager, except if disclosure is required by State or Federal law.
- V. Use Restrictions: The Contractor and its employees, agents, and subcontractors shall not use any CDPH PCI for any purpose other than performing the Contractor's obligations under its agreement with CDPH.
- VI. Safeguards: The Contractor shall implement administrative, physical, and technical safeguards that reasonably and appropriately protect the privacy, confidentiality, security, integrity, and availability of CDPH PCI, including electronic or computerized CDPH PCI. At each location where CDPH PCI exists under Contractor's control, the Contractor shall develop and maintain a written information privacy and security program that includes administrative, technical and physical safeguards appropriate to the size and complexity of the Contractor's operations and the nature and scope of its activities in performing its agreement with CDPH, including this Exhibit, and which incorporates the requirements of Section VII, Security, below. Contractor shall provide CDPH with Contractor's current and updated policies within five (5) business days of a request by CDPH for the policies.
- VII. Security: The Contractor shall take any and all steps reasonably necessary to ensure the continuous security of all computerized data systems containing CDPH PCI. These steps shall include, at a minimum, complying with all of the data system security precautions listed in the Contractor Data Security Standards set forth in Attachment 1 to this Exhibit.
- VIII. Security Officer: At each place where CDPH PCI is located, the Contractor shall designate a Security Officer to oversee its compliance with this Exhibit and to communicate with CDPH on matters concerning this Exhibit.
- IX. Training: The Contractor shall provide training on its obligations under this Exhibit, at its own expense, to all of its employees who assist in the performance of Contractor's obligations under Contractor's agreement with CDPH, including this Exhibit, or otherwise use or disclose CDPH PCI.
- A. The Contractor shall require each employee who receives training to certify, either in hard copy or electronic form, the date on which the training was completed.
- B. The Contractor shall retain each employee's certifications for CDPH inspection for a period of three years following contract termination or completion.
- C. Contractor shall provide CDPH with its employee's certifications within five (5) business days of a request by CDPH for the employee's certifications.
- X. Employee Discipline: Contractor shall impose discipline that it deems appropriate (in its sole discretion) on such employees and other Contractor workforce members under Contractor's direct control who intentionally or negligently violate any provisions of this Exhibit.

Exhibit E
Information Privacy and Security Requirements
(For Non-HIPAA/HITECH Act Contracts)

XI. Breach and Security Incident Responsibilities:

- A. Notification to CDPH of Breach or Security Incident: The Contractor shall notify CDPH **immediately by telephone call plus email or fax** upon the discovery of a breach (as defined in this Exhibit), **and within twenty-four (24) hours by email or fax** of the discovery of any security incident (as defined in this Exhibit), unless a law enforcement agency determines that the notification will impede a criminal investigation, in which case the notification required by this section shall be made to CDPH immediately after the law enforcement agency determines that such notification will not compromise the investigation. Notification shall be provided to the CDPH Program Contract Manager, the CDPH Privacy Officer and the CDPH Chief Information Security Officer, using the contact information listed in Section XI(F), below. If the breach or security incident is discovered after business hours or on a weekend or holiday and involves CDPH PCI in electronic or computerized form, notification to CDPH shall be provided by calling the CDPH Information Security Office at the telephone numbers listed in Section XI(F), below. For purposes of this Section, breaches and security incidents shall be treated as discovered by Contractor as of the first day on which such breach or security incident is known to the Contractor, or, by exercising reasonable diligence would have been known to the Contractor. Contractor shall be deemed to have knowledge of a breach if such breach is known, or by exercising reasonable diligence would have been known, to any person, other than the person committing the breach, who is a employee or agent of the Contractor.

Contractor shall take:

1. prompt corrective action to mitigate any risks or damages involved with the breach or security incident and to protect the operating environment; and
 2. any action pertaining to a breach required by applicable federal and state laws, including, specifically, California Civil Code section 1798.29.
- B. Investigation of Breach and Security Incidents: The Contractor shall immediately investigate such breach or security incident. As soon as the information is known and subject to the legitimate needs of law enforcement, Contractor shall inform the CDPH Program Contract Manager, the CDPH Privacy Officer, and the CDPH Chief Information Security Officer of:
1. what data elements were involved and the extent of the data disclosure or access involved in the breach, including, specifically, the number of individuals whose personal information was breached; and
 2. a description of the unauthorized persons known or reasonably believed to have improperly used the CDPH PCI and/or a description of the unauthorized persons known or reasonably believed to have improperly accessed or acquired the CDPH PCI, or to whom it is known or reasonably believed to have had the CDPH PCI improperly disclosed to them; and
 3. a description of where the CDPH PCI is believed to have been improperly used or disclosed; and

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4. a description of the probable and proximate causes of the breach or security incident; and
 5. whether Civil Code section 1798.29 or any other federal or state laws requiring individual notifications of breaches have been triggered.
- C. Written Report: The Contractor shall provide a written report of the investigation to the CDPH Program Contract Manager, the CDPH Privacy Officer, and the CDPH Chief Information Security Officer as soon as practicable after the discovery of the breach or security incident. The report shall include, but not be limited to, the information specified above, as well as a complete, detailed corrective action plan, including information on measures that were taken to halt and/or contain the breach or security incident, and measures to be taken to prevent the recurrence or further disclosure of data regarding such breach or security incident.
- D. Notification to Individuals: If notification to individuals whose information was breached is required under state or federal law, and regardless of whether Contractor is considered only a custodian and/or non-owner of the CDPH PCI, Contractor shall, at its sole expense, and at the sole election of CDPH, either:
1. make notification to the individuals affected by the breach (including substitute notification), pursuant to the content and timeliness provisions of such applicable state or federal breach notice laws. Contractor shall inform the CDPH Privacy Officer of the time, manner and content of any such notifications, prior to the transmission of such notifications to the individuals; or
 2. cooperate with and assist CDPH in its notification (including substitute notification) to the individuals affected by the breach.
- E. Submission of Sample Notification to Attorney General: If notification to more than 500 individuals is required pursuant to California Civil Code section 1798.29, and regardless of whether Contractor is considered only a custodian and/or non-owner of the CDPH PCI, Contractor shall, at its sole expense, and at the sole election of CDPH, either:
1. electronically submit a single sample copy of the security breach notification, excluding any personally identifiable information, to the Attorney General pursuant to the format, content and timeliness provisions of Section 1798.29, subdivision (e). Contractor shall inform the CDPH Privacy Officer of the time, manner and content of any such submissions, prior to the transmission of such submissions to the Attorney General; or
 2. cooperate with and assist CDPH in its submission of a sample copy of the notification to the Attorney General.
- F. CDPH Contact Information: To direct communications to the above referenced CDPH staff, the Contractor shall initiate contact as indicated herein. CDPH reserves the right to make changes to the contact information below by verbal or written notice to the Contractor. Said changes shall not require an amendment to this Exhibit or the agreement to which it is incorporated.

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CDPH Program Contract Manager	CDPH Privacy Officer	CDPH Chief Information Security Officer
See the Scope of Work exhibit for Program Contract Manager	Privacy Officer Privacy Office Office of Legal Services California Dept. of Public Health 1415 L Street, 5 th Floor Sacramento, CA 95814 Email: privacy@cdph.ca.gov Telephone: (877) 421-9634	Chief Information Security Officer Information Security Office California Dept. of Public Health P.O. Box 997377 MS6302 Sacramento, CA 95899-7413 Email: cdphiso@cdph.ca.gov Telephone: (855) 500-0016

- XII. Documentation of Disclosures for Requests for Accounting: Contractor shall document and make available to CDPH or (at the direction of CDPH) to an Individual such disclosures of CDPH PCI, and information related to such disclosures, necessary to respond to a proper request by the subject Individual for an accounting of disclosures of personal information as required by Civil Code section 1798.25, or any applicable state or federal law.
- XIII. Requests for CDPH PCI by Third Parties: The Contractor and its employees, agents, or subcontractors shall promptly transmit to the CDPH Program Contract Manager all requests for disclosure of any CDPH PCI requested by third parties to the agreement between Contractor and CDPH (except from an Individual for an accounting of disclosures of the individual's personal information pursuant to applicable state or federal law), unless prohibited from doing so by applicable state or federal law.
- XIV. Audits, Inspection and Enforcement CDPH may inspect the facilities, systems, books and records of Contractor to monitor compliance with this Exhibit. Contractor shall promptly remedy any violation of any provision of this Exhibit and shall certify the same to the CDPH Program Contract Manager in writing.
- XV. Return or Destruction of CDPH PCI on Expiration or Termination: Upon expiration or termination of the agreement between Contractor and CDPH for any reason, Contractor shall securely return or destroy the CDPH PCI. If return or destruction is not feasible, Contractor shall provide a written explanation to the CDPH Program Contract Manager, the CDPH Privacy Officer and the CDPH Chief Information Security Officer, using the contact information listed in Section XI(F), above.
- A. Retention Required by Law: If required by state or federal law, Contractor may retain, after expiration or termination, CDPH PCI for the time specified as necessary to comply with the law.
- B. Obligations Continue Until Return or Destruction: Contractor's obligations under this Exhibit shall continue until Contractor returns or destroys the CDPH PCI or returns the CDPH PCI to CDPH; provided however, that on expiration or termination of the agreement between Contractor and CDPH, Contractor shall not further use or disclose the CDPH PCI except as required by state or federal law.

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- C. Notification of Election to Destroy CDPH PCI: If Contractor elects to destroy the CDPH PCI, Contractor shall certify in writing, to the CDPH Program Contract Manager, the CDPH Privacy Officer and the CDPH Chief Information Security Officer, using the contact information listed in Section XI(F), above, that the CDPH PCI has been securely destroyed. The notice shall include the date and type of destruction method used.
- XVI. Amendment: The parties acknowledge that federal and state laws regarding information security and privacy rapidly evolves and that amendment of this Exhibit may be required to provide for procedures to ensure compliance with such laws. The parties specifically agree to take such action as is necessary to implement new standards and requirements imposed by regulations and other applicable laws relating to the security or privacy of CDPH PCI. The parties agree to promptly enter into negotiations concerning an amendment to this Exhibit consistent with new standards and requirements imposed by applicable laws and regulations.
- XVII. Assistance in Litigation or Administrative Proceedings: Contractor shall make itself and any subcontractors, workforce employees or agents assisting Contractor in the performance of its obligations under the agreement between Contractor and CDPH, available to CDPH at no cost to CDPH to testify as witnesses, in the event of litigation or administrative proceedings being commenced against CDPH, its director, officers or employees based upon claimed violation of laws relating to security and privacy, which involves inactions or actions by the Contractor, except where Contractor or its subcontractor, workforce employee or agent is a named adverse party.
- XVIII. No Third-Party Beneficiaries: Nothing express or implied in the terms and conditions of this Exhibit is intended to confer, nor shall anything herein confer, upon any person other than CDPH or Contractor and their respective successors or assignees, any rights, remedies, obligations or liabilities whatsoever.
- XIX. Interpretation: The terms and conditions in this Exhibit shall be interpreted as broadly as necessary to implement and comply with regulations and applicable State laws. The parties agree that any ambiguity in the terms and conditions of this Exhibit shall be resolved in favor of a meaning that complies and is consistent with federal and state laws and regulations.
- XX. Survival: If Contractor does not return or destroy the CDPH PCI upon the completion or termination of the Agreement, the respective rights and obligations of Contractor under Sections VI, VII and XI of this Exhibit shall survive the completion or termination of the agreement between Contractor and CDPH.

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Attachment 1
Contractor Data Security Standards

1. General Security Controls

- A. **Confidentiality Statement.** All persons that will be working with CDPH PCI must sign a confidentiality statement. The statement must include at a minimum, General Use, Security and Privacy safeguards, Unacceptable Use, and Enforcement Policies. The statement must be signed by the workforce member prior to access to CDPH PCI. The statement must be renewed annually. The Contractor shall retain each person's written confidentiality statement for CDPH inspection for a period of three (3) years following contract termination.
- B. **Background check.** Before a member of the Contractor's workforce may access CDPH PCI, Contractor must conduct a thorough background check of that worker and evaluate the results to assure that there is no indication that the worker may present a risk for theft of confidential data. The Contractor shall retain each workforce member's background check documentation for a period of three (3) years following contract termination.
- C. **Workstation/Laptop encryption.** All workstations and laptops that process and/or store CDPH PCI must be encrypted using a FIPS 140-2 certified algorithm, such as Advanced Encryption Standard (AES), with a 128bit key or higher. The encryption solution must be full disk unless approved by the CDPH Information Security Office.
- D. **Server Security.** Servers containing unencrypted CDPH PCI must have sufficient administrative, physical, and technical controls in place to protect that data, based upon a risk assessment/system security review.
- E. **Minimum Necessary.** Only the minimum necessary amount of CDPH PCI required to perform necessary business functions may be copied, downloaded, or exported.
- F. **Removable media devices.** All electronic files that contain CDPH PCI data must be encrypted when stored on any removable media or portable device (i.e. USB thumb drives, floppies, CD/DVD, smart devices tapes etc.). PCI must be encrypted using a FIPS 140-2 certified algorithm, such as Advanced Encryption Standard (AES), with a 128bit key or higher.
- G. **Antivirus software.** All workstations, laptops and other systems that process and/or store CDPH PCI must install and actively use a comprehensive anti-virus software solution with automatic updates scheduled at least daily.
- H. **Patch Management.** All workstations, laptops and other systems that process and/or store CDPH PCI must have operating system and application security patches applied, with system reboot if necessary. There must be a documented patch management process which determines installation timeframe based on risk assessment and vendor recommendations. At a maximum, all applicable patches must be installed within 30 days of vendor release.
- I. **User IDs and Password Controls.** All users must be issued a unique user name for accessing CDPH PCI. Username must be promptly disabled, deleted, or the password changed upon the transfer or termination of an employee with knowledge of the password.

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Passwords are not to be shared. Must be at least eight characters. Must be a non-dictionary word. Must not be stored in readable format on the computer. Must be changed every 60 days. Must be changed if revealed or compromised. Must be composed of characters from at least three of the following four groups from the standard keyboard:

- Upper case letters (A-Z)
- Lower case letters (a-z)
- Arabic numerals (0-9)
- Non-alphanumeric characters (punctuation symbols)

J. **Data Sanitization.** All CDPH PCI must be sanitized using NIST Special Publication 800-88 standard methods for data sanitization when the CDPH PCI is no longer needed.

2. System Security Controls

- A. **System Timeout.** The system must provide an automatic timeout, requiring reauthentication of the user session after no more than 20 minutes of inactivity.
- B. **Warning Banners.** All systems containing CDPH PCI must display a warning banner each time a user attempts access, stating that data is confidential, systems are logged, and system use is for business purposes only. User must be directed to log off the system if they do not agree with these requirements.
- C. **System Logging.** The system must maintain an automated audit trail which can identify the user or system process which initiates a request for CDPH PCI, or which alters CDPH PCI. The audit trail must be date and time stamped, must log both successful and failed accesses, must be read only, and must be restricted to authorized users. This logging must be included for all user privilege levels including, but not limited to, systems administrators. If CDPH PCI is stored in a database, database logging functionality must be enabled. Audit trail data must be archived for at least 3 years after occurrence.
- D. **Access Controls.** The system must use role based access controls for all user authentications, enforcing the principle of least privilege.
- E. **Transmission encryption.** All data transmissions of CDPH PCI outside the contractor's secure internal network must be encrypted using a FIPS 140-2 certified algorithm, such as Advanced Encryption Standard (AES), with a 128bit key or higher. Encryption can be end to end at the network level, or the data files containing CDPH PCI can be encrypted. This requirement pertains to any type of CDPH PCI in motion such as website access, file transfer, and E-Mail.
- F. **Intrusion Detection.** All systems involved in accessing, holding, transporting, and protecting CDPH PCI that are accessible via the Internet must be protected by a comprehensive intrusion detection and prevention solution.

3. Audit Controls

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- A. **System Security Review.** All systems processing and/or storing CDPH PCI must have at least an annual system risk assessment/security review which provides assurance that administrative, physical, and technical controls are functioning effectively and providing adequate levels of protection. Reviews shall include vulnerability scanning tools.
- B. **Log Reviews.** All systems processing and/or storing CDPH PCI must have a routine procedure in place to review system logs for unauthorized access.
- C. **Change Control.** All systems processing and/or storing CDPH PCI must have a documented change control procedure that ensures separation of duties and protects the confidentiality, integrity and availability of data.

4. Business Continuity / Disaster Recovery Controls

- A. **Disaster Recovery.** Contractor must establish a documented plan to enable continuation of critical business processes and protection of the security of electronic CDPH PCI in the event of an emergency. Emergency means any circumstance or situation that causes normal computer operations to become unavailable for use in performing the work required under this agreement for more than 24 hours.
- B. **Data Backup Plan.** Contractor must have established documented procedures to securely backup CDPH PCI to maintain retrievable exact copies of CDPH PCI. The backups shall be encrypted. The plan must include a regular schedule for making backups, storing backups offsite, an inventory of backup media, and the amount of time to restore CDPH PCI should it be lost. At a minimum, the schedule must be a weekly full backup and monthly offsite storage of CDPH data.

5. Paper Document Controls

- A. **Supervision of Data.** CDPH PCI in paper form shall not be left unattended at any time, unless it is locked in a file cabinet, file room, desk or office. Unattended means that information is not being observed by an employee authorized to access the information. CDPH PCI in paper form shall not be left unattended at any time in vehicles or planes and shall not be checked in baggage on commercial airplanes.
- B. **Escorting Visitors.** Visitors to areas where CDPH PCI is contained shall be escorted and CDPH PHI shall be kept out of sight while visitors are in the area.
- C. **Confidential Destruction.** CDPH PCI must be disposed of through confidential means, using NIST Special Publication 800-88 standard methods for data sanitization when the CDPH PSCI is no longer needed.
- D. **Removal of Data.** CDPH PCI must not be removed from the premises of the Contractor except with express written permission of CDPH.
- E. **Faxing.** Faxes containing CDPH PCI shall not be left unattended and fax machines shall be in secure areas. Faxes shall contain a confidentiality statement notifying persons receiving

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faxes in error to destroy them. Fax numbers shall be verified with the intended recipient before sending.

- F. ***Mailing.*** CDPH PCI shall only be mailed using secure methods. Large volume mailings of CDPH PHI shall be by a secure, bonded courier with signature required on receipt. Disks and other transportable media sent through the mail must be encrypted with a CDPH approved solution, such as a solution using a vendor product specified on the CALIFORNIA STRATEGIC SOURCING INITIATIVE.

Exhibit F
Federal Terms and Conditions

(For Federally Funded Grant Agreements)

This exhibit contains provisions that require strict adherence to various contracting laws and policies.

Index of Special Terms and Conditions

1. Federal Funds
2. Federal Equal Employment Opportunity Requirements
3. Debarment and Suspension Certification
4. Covenant Against Contingent Fees
5. Lobbying Restrictions and Disclosure Certification
6. Additional Restrictions
7. Human Subjects Use Requirements
8. Audit and Record Retention
9. Federal Requirements

1. Federal Funds

(Applicable only to that portion of an agreement funded in part or whole with federal funds.)

- a. It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of congressional appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays which would occur if the Agreement were executed after that determination was made.
- b. This Agreement is valid and enforceable only if sufficient funds are made available to the State by the United States Government for the fiscal years covered by the term of this Agreement. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms or funding of this Agreement in any manner.
- c. It is mutually agreed that if the Congress does not appropriate sufficient funds for the program, this Agreement shall be amended to reflect any reduction in funds.
- d. CDPH has the option to invalidate or cancel the Agreement with 30-days advance written notice or to amend the Agreement to reflect any reduction in funds.

2. Federal Equal Opportunity Requirements

(Applicable to all federally funded grants entered into by the California Department of Public Health (CDPH) formerly known as California Department of Health Services (CDHS).)

- a. The Grantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. The Grantee will take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and career development opportunities and selection for training, including apprenticeship. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Federal Government or CDPH, setting forth the provisions of the Equal Opportunity clause, Section 503 of the Rehabilitation Act of 1973 and the affirmative action clause required by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212). Such notices shall state the Grantee's obligation under the law to take affirmative action to employ and advance in employment qualified applicants without discrimination based on their race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era and the rights of applicants and employees.
- b. The Grantee will, in all solicitations or advancements for employees placed by or on behalf of the Grantee, state that all qualified applicants will receive consideration for employment

without regard to race, color, religion, sex, national origin physical or mental handicap, disability, age or status as a disabled veteran or veteran of the Vietnam era.

- c. The Grantee will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice, to be provided by the Federal Government or the State, advising the labor union or workers' representative of the Grantee's commitments under the provisions herein and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The Grantee will comply with all provisions of and furnish all information and reports required by Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212) and of the Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e. The Grantee will furnish all information and reports required by Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," and the Rehabilitation Act of 1973, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the State and its designated representatives and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- f. In the event of the Grantee's noncompliance with the requirements of the provisions herein or with any federal rules, regulations, or orders which are referenced herein, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Grantee may be declared ineligible for further federal and state contracts in accordance with procedures authorized in Federal Executive Order No. 11246 as amended and such other sanctions may be imposed and remedies invoked as provided in Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Grantee will include the provisions of Paragraphs a through g in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Federal Executive Order No. 11246 as amended, including by Executive Order 11375, 'Amending Executive Order 11246 Relating to Equal Employment Opportunity,' and as supplemented by regulation at 41 CFR part 60, "Office of the Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," or Section 503 of the Rehabilitation Act of 1973 or (38 U.S.C. 4212) of the Vietnam Era Veteran's Readjustment Assistance Act, so that such provisions will be binding upon each subgrantee or vendor. The Grantee will take such action with

respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs or CDPH may direct as a means of enforcing such provisions including sanctions for noncompliance provided, however, that in the event the Grantee becomes involved in, or is threatened with litigation by a subgrantee or vendor as a result of such direction by CDPH, the Grantee may request in writing to CDPH, who, in turn, may request the United States to enter into such litigation to protect the interests of the State and of the United States.

3. Debarment and Suspension Certification

- a. By signing this Grant, the Grantee agrees to comply with applicable federal suspension and debarment regulations including, but not limited to 7 CFR Part 3017, 45 CFR 76, 40 CFR 32 or 34 CFR 85.
- b. By signing this Grant, the Grantee certifies to the best of its knowledge and belief, that it and its principals:
 - (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
 - (2) Have not within a three-year period preceding this application/proposal/agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph b(2) herein; and
 - (4) Have not within a three-year period preceding this application/proposal/agreement had one or more public transactions (Federal, State or local) terminated for cause or default.
 - (5) Shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under federal regulations (i.e., 48 CFR part 9, subpart 9.4), debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction, unless authorized by the State.
 - (6) Will include a clause entitled, "Debarment and Suspension Certification" that essentially sets forth the provisions herein, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- c. If the Grantee is unable to certify to any of the statements in this certification, the Grantee shall submit an explanation to the CDPH Program Contract Manager.
- d. The terms and definitions herein have the meanings set out in the Definitions and Coverage sections of the rules implementing Federal Executive Order 12549.

- e. If the Grantee knowingly violates this certification, in addition to other remedies available to the Federal Government, the CDPH may terminate this Agreement for cause or default.

4. Covenant Against Contingent Fees

The Grantee warrants that no person or selling agency has been employed or retained to solicit/secure this Grant upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except *bona fide* employees or *bona fide* established commercial or selling agencies retained by the Grantee for the purpose of securing business. For breach or violation of this warranty, CDPH shall have the right to annul this Grant without liability or in its discretion to deduct from the Grant price or consideration, or otherwise recover, the full amount of such commission, percentage, and brokerage or contingent fee.

5. Lobbying Restrictions and Disclosure Certification

(Applicable to federally funded grants in excess of \$100,000 per Section 1352 of the 31, U.S.C.)

a. Certification and Disclosure Requirements

- (1) Each person (or recipient) who requests or receives a grant, subgrant, which is subject to Section 1352 of the 31, U.S.C., and which exceeds \$100,000 at any tier, shall file a certification (in the form set forth in Attachment 1, consisting of one page, entitled “Certification Regarding Lobbying”) that the recipient has not made, and will not make, any payment prohibited by Paragraph b of this provision.
- (2) Each recipient shall file a disclosure (in the form set forth in Attachment 2, entitled “Standard Form-LLL ‘disclosure of Lobbying Activities’”) if such recipient has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered federal action) in connection with a grant or any extension or amendment of that grant, which would be prohibited under Paragraph b of this provision if paid for with appropriated funds.
- (3) Each recipient shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affect the accuracy of the information contained in any disclosure form previously filed by such person under Paragraph a(2) herein. An event that materially affects the accuracy of the information reported includes:
 - (a) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered federal action;
 - (b) A change in the person(s) or individuals(s) influencing or attempting to influence a covered federal action; or
 - (c) A change in the officer(s), employee(s), or member(s) contacted for the purpose of influencing or attempting to influence a covered federal action.
- (4) Each person (or recipient) who requests or receives from a person referred to in

Paragraph a(1) of this provision a grant or subgrant exceeding \$100,000 at any tier under a grant shall file a certification, and a disclosure form, if required, to the next tier above.

(5) All disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the person referred to in Paragraph a(1) of this provision. That person shall forward all disclosure forms to CDPH Program Contract Manager.

b. Prohibition

Section 1352 of Title 31, U.S.C., provides in part that no appropriated funds may be expended by the recipient of a federal contract or agreement, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered federal actions: the awarding of any federal contract or agreement, the making of any federal grant, the making of any federal loan, entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract or agreement, grant, loan, or cooperative agreement.

6. Additional Restrictions

Grantee shall comply with the restrictions under Division F, Title V, Section 503 of the Consolidated Appropriations Act, 2012 (H.R. 2055), which provides that:

“SEC. 503.(a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.”

7. Human Subjects Use Requirements

(Applicable only to federally funded agreements in which performance, directly or through a subgrantee/subaward, includes any tests or examination of materials derived from the human body.)

By signing this Agreement, Grantee agrees that if any performance under this Agreement or any subcontract or subagreement includes any tests or examination of materials derived from the human body for the purpose of providing information, diagnosis, prevention, treatment or assessment of disease, impairment, or health of a human being, all locations at which such examinations are performed shall meet the requirements of 42 U.S.C. Section 263a (CLIA) and the regulations thereunder.

8. Audit and Record Retention

(Applicable to agreements in excess of \$10,000.)

- a. The Grantee shall maintain books, records, documents, and other evidence, accounting procedures and practices, sufficient to properly reflect all direct and indirect costs of whatever nature claimed to have been incurred in the performance of this Agreement, including any matching costs and expenses. The foregoing constitutes "records" for the purpose of this provision.
- b. The Grantee's facility or office or such part thereof as may be engaged in the performance of this Agreement and his/her records shall be subject at all reasonable times to inspection, audit, and reproduction.
- c. Grantee agrees that CDPH, the Bureau of State Audits, or their designated representatives including the Comptroller General of the United States shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Grantee agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Grantee agrees to include a similar right of the State to audit records and interview staff in any subgrantee related to performance of this Agreement. (GC 8546.7, CCR Title 2, Section 1896).
- d. The Grantee shall preserve and make available his/her records (1) for a period of three years from the date of final payment under this Agreement, and (2) for such longer period, if any, as is required by applicable statute, by any other provision of this Agreement, or by subparagraphs (1) or (2) below.
 - (1) If this Agreement is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.
 - (2) If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.

- f. The Grantee may, at its discretion, following receipt of final payment under this Agreement, reduce its accounts, books and records related to this Agreement to electronic data storage device. Upon request by an authorized representative to inspect, audit or obtain copies of said records, the Grantee and/or Subgrantee must supply or make available applicable devices, hardware, and/or software necessary to view, copy and/or print said records.

9. Federal Requirements

Grantee agrees to comply with and shall require all subgrantee's, if any, to comply with all applicable Federal requirements including but not limited to the United States Code, the Code of Federal Regulations, the Funding Opportunity Announcement, the Notice of Award, the funding agreement, and any memoranda or letter regarding the applicable Federal requirements.

Attachment 1

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making, awarding or entering into of this Federal contract, Federal grant, or cooperative agreement, and the extension, continuation, renewal, amendment, or modification of this Federal contract, grant, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency of the United States Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities" in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subGrantees, subgrants, and contracts under grants and cooperative agreements) of \$100,000 or more, and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C., any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name of Grantee

Printed Name of Person Signing for Grantee

Contract / Grant Number

Signature of Person Signing for Grantee

Date

Title

After execution by or on behalf of Grantee, please return to:

California Department of Public Health
Office of AIDS
P.O. Box 997426. MS 7700
Sacramento, CA 95899-7426

|

CDPH reserves the right to notify the Grantee in writing of an alternate submission address.

Attachment 2

CERTIFICATION REGARDING LOBBYING

Approved by OMB Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 13520348-0046
(See reverse for public burden disclosure)

<p>1. Type of Federal Action:</p> <p><input type="checkbox"/> a. contract</p> <p><input type="checkbox"/> b. grant</p> <p><input type="checkbox"/> c. cooperative agreement</p> <p><input type="checkbox"/> d. loan</p> <p><input type="checkbox"/> e. loan guarantee</p> <p><input type="checkbox"/> f. loan insurance</p>	<p>2. Status of Federal Action:</p> <p><input type="checkbox"/> a. bid/offer/application</p> <p><input type="checkbox"/> b. initial award</p> <p><input type="checkbox"/> c. post-award</p>	<p>3. Report Type:</p> <p><input type="checkbox"/> a. initial filing</p> <p><input type="checkbox"/> b. material change</p> <p>For Material Change Only:</p> <p>Year _____ quarter _____</p> <p>date of last report _____.</p>
<p>4. Name and Address of Reporting Entity:</p> <p><input type="checkbox"/> Prime <input type="checkbox"/> Subawardee</p> <p>Tier _____, if known:</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p>	
<p>6. Federal Department/Agency _____</p>	<p>7. Federal Program Name/Description:</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known:</p>	
<p>10.a. Name and Address of Lobbying Registrant (If individual, last name, first name, MI):</p>	<p>b. Individuals Performing Services (including address if different from 10a. (Last name, First name, MI):</p>	
<p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. required disclosure shall be subject to a not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p>	
	<p>Print Name: _____</p>	
	<p>Title: _____</p> <p>Telephone No.: _____ Date: _____</p>	
<p>Federal Use Only</p>		<p>Authorized for Local Reproduction Standard Form-LLL (Rev. 7-97)</p>

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
- (b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Contractor's Release

Instructions to Contractor:

With final invoice(s) submit one (1) original and one (1) copy. The original must bear the original signature of a person authorized to bind the Contractor. The additional copy may bear photocopied signatures.

Submission of Final Invoice

Pursuant to **contract number** 23-10395 entered into between the California Department of Public Health (CDPH) and the Contractor (identified below), the Contractor does acknowledge that final payment has been requested via **invoice number(s)** _____, in the **amount(s) of \$** _____ and **dated** _____.

If necessary, enter "See Attached" in the appropriate blocks and attach a list of invoice numbers, dollar amounts and invoice dates.

Release of all Obligations

By signing this form, and upon receipt of the amount specified in the invoice number(s) referenced above, the Contractor does hereby release and discharge the State, its officers, agents and employees of and from any and all liabilities, obligations, claims, and demands whatsoever arising from the above referenced contract.

Repayments Due to Audit Exceptions / Record Retention

By signing this form, Contractor acknowledges that expenses authorized for reimbursement does not guarantee final allowability of said expenses. Contractor agrees that the amount of any sustained audit exceptions resulting from any subsequent audit made after final payment will be refunded to the State.

All expense and accounting records related to the above referenced contract must be maintained for audit purposes for no less than three years beyond the date of final payment, unless a longer term is stated in said contract.

Recycled Product Use Certification

By signing this form, Contractor certifies under penalty of perjury that a minimum of 0% unless otherwise specified in writing of post consumer material, as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether it meets the requirements of Public Contract Code Section 12209. Contractor specifies that printer or duplication cartridges offered or sold to the State comply with the requirements of Section 12156(e).

Reminder to Return State Equipment/Property (If Applicable)

(Applies only if equipment was provided by CDPH or purchased with or reimbursed by contract funds)

Unless CDPH has approved the continued use and possession of State equipment (as defined in the above referenced contract) for use in connection with another CDPH agreement, Contractor agrees to promptly initiate arrangements to account for and return said equipment to CDPH, at CDPH's expense, if said equipment has not passed its useful life expectancy as defined in the above referenced contract.

Patents / Other Issues

By signing this form, Contractor further agrees, in connection with patent matters and with any claims that are not specifically released as set forth above, that it will comply with all of the provisions contained in the above referenced contract, including, but not limited to, those provisions relating to notification to the State and related to the defense or prosecution of litigation.

ONLY SIGN AND DATE THIS DOCUMENT WHEN ATTACHING IT TO THE FINAL INVOICE

Contractor's Legal Name (as on contract): County of Kings

Signature of Contractor or Official Designee: _____ Date: _____

Printed Name/Title of Person Signing: _____

Distribution: Accounting (Original) Program

Contractor Certification Clauses

CCC 04/2017

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

Contractor/Bidder Firm Name (Printed)	Federal ID Number
---------------------------------------	-------------------

By (Authorized Signature)

Printed Name and Title of Person Signing

Date Executed	Executed in the County of
---------------	---------------------------

CONTRACTOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 11102) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

- 1) the dangers of drug abuse in the workplace;
- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,

2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that Contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably

required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.3.

8. GENDER IDENTITY: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.35.

DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and

Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

Pursuant to Public Contract Code section 2010, a person that submits a bid or proposal to, or otherwise proposes to enter into or renew a contract with, a state agency with respect to any contract in the amount of \$100,000 or above shall certify, under penalty of perjury, at the time the bid or proposal is submitted or the contract is renewed, all of the following:

1. **CALIFORNIA CIVIL RIGHTS LAWS:** For contracts executed or renewed after January 1, 2017, the contractor certifies compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code); and
2. **EMPLOYER DISCRIMINATORY POLICIES:** For contracts executed or renewed after January 1, 2017, if a Contractor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor certifies that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

CERTIFICATION

I, the official named below, certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Proposer/Bidder Firm Name (Printed)	Federal ID Number
-------------------------------------	-------------------

By (Authorized Signature)

Printed Name and Title of Person Signing

Executed in the County of	Executed in the State of
---------------------------	--------------------------

Date Executed

Submit

GOVERNMENT AGENCY TAXPAYER ID FORM

The principal purpose of the information provided is to establish the unique identification of the government entity.

Instructions: You may submit one form for the principal government agency and all subsidiaries sharing the same TIN. Subsidiaries with a different TIN must submit a separate form. Fields bordered in red are required. Please print the form to sign prior to submittal. You may email the form to: GovSuppliers@cdph.ca.gov or fax it to (916) 650-0100, or mail it to the address above.

Principal Government Agency Name: COUNTY OF KINGS

Remit-To Address (Street or PO Box): 1400 W. LACEY BLVD.

City: HANFORD State: CA Zip Code+4: 93230

Government Type:
 City
 County
 Special District
 Federal
 Other (Specify)

Federal Employer Identification Number (FEIN): 94-6000814

List other subsidiary Departments, Divisions or Units under your principal agency's jurisdiction who share the same FEIN and receives payment from the State of California.

FI\$Cal ID# <small>(if known)</small>	<input type="text"/>	Dept/Division/Unit Name	Kings County Department of Public Health	Complete Address	330 Campus Drive Hanford, CA 93230
FI\$Cal ID# <small>(if known)</small>	<input type="text"/>	Dept/Division/Unit Name	Kings County Department of Public Health	Complete Address	PO Box 13728 Sacramento, CA 95853
FI\$Cal ID# <small>(if known)</small>	<input type="text"/>	Dept/Division/Unit Name	<input type="text"/>	Complete Address	<input type="text"/>
FI\$Cal ID# <small>(if known)</small>	<input type="text"/>	Dept/Division/Unit Name	<input type="text"/>	Complete Address	<input type="text"/>

Contact Person: Crystal Hommerding Title: Fiscal Analyst III

Phone number: 559-852-4593 E-mail address: crystal.hommerding@co.kings.ca.us

Signature: Crystal Hommerding Digitally signed by Crystal Hommerding Date: 2023.07.13 11:56:55 -07'00' Date: 7/13/2023

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only	
Date	
J/E No.	
Page	of

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
GENERAL	HEALTH – AIDS PROGRAM (HOPWA)	SPECIAL DEPARTMENTAL	100000	418500 /41830 0	92063	\$10,747
TOTAL						\$10,747

Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
GENERAL	HEALTH – AIDS PROGRAM (HOPWA)	INTERGOVT'L REV-FED GRANT	100000	418500 /41830 0	86037	\$10,747
TOTAL						\$10,747

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
TOTAL						

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount Transferred In
TOTAL						

Explanation: In Fiscal Year 2023-2024, the recommended action will increase Intergovernmental Revenue – Federal Grant account 86037 by \$10,747 and increase Special Departmental account 92063 by \$10,747 in budget unit 418500. The remaining annual allocations will be included in the respective years adopted budgets.

Dept. of Finance Approval _____ Department Head Rose Mary Rahn
990E4008E21399DDE7E1F7CE2152D177 readySign

Administration Approval Dominique C. Cruz _____ Board Approval _____

BOS meeting date: _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Public Works Department – Dominic Tyburski

SUBJECT: RESOLUTION CERTIFYING KINGS COUNTY'S MAINTAINED ROAD MILEAGE FOR 2022

SUMMARY:

Overview:

The County is required to certify the number of road miles the County maintains to the State on an annual basis. This information is used to calculate Highway User Tax apportionments.

Recommendation:

Adopt a Resolution certifying the County's maintained road mileage for calendar year 2022.

Fiscal Impact:

There is no impact to the General Fund or the Road Fund.

BACKGROUND:

The State uses the number of road miles maintained by local jurisdictions in the various formulas to calculate the distribution of gas tax revenues to the counties throughout the State. As a result, the Board is required to certify the amount of road miles maintained each year to the State Controller. In 2022, there were no changes to the County's maintenance responsibility. The maintained mileage to be certified for 2022 is 920.0 miles.

This Resolution has been reviewed and approved by County Counsel as to form.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF PETITION TO
CALIFORNIA STATE CONTROLLER/

RESOLUTION NO. _____

WHEREAS, the Public Works Department on Aug 29, 2022, certified to the State Controller the total mileage of maintained County Roads in the unincorporated territory of the County of Kings to be 920.0 miles;

WHEREAS, under the provisions of Section 2121 of the Street and Highways Code, the County of Kings requests that its mileage of maintained roads remain at 920.0 miles.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Kings requests this petition be approved and the mileage of County maintained roads be certified to the State Controller.

The foregoing Resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____, at a regular meeting held on the 29th of August, 2023, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Richard Valle
Chairman of the Board of Supervisors
County of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this 29th day of August, 2023.

Clerk of Said Board of Supervisors



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Public Works Department – Dominic Tyburski/Natalie Brinson

SUBJECT: PARKS EQUIPMENT PURCHASE

SUMMARY:

Overview:

The Parks and Grounds division continues to face increased responsibility with a limited number of staff. Many tasks needing to be completed by staff are labor intensive and require multiple hands to accomplish the goal. Parks and Grounds staffing has decreased from 10 to 9 since FY 2017-2018 while also facing county-wide hiring and retention obstacles. Adaptability is necessary to meet increasing needs. As such, parks is requesting new equipment to adapt to these challenges.

Recommendation:

Authorize the Purchasing Manager to approve the purchase order for a Vermeer CST100 mini utility loader using Sourcewell (formerly known as the National Joint Powers Alliance) purchasing consortium.

Fiscal Impact:

There is no impact to the General Fund. The lease to own (purchase) amount of the new Vermeer equipment is currently quoted at \$76,021. Once the equipment is secured through this purchase order, a lease-financing agreement will be presented to the Board with locked-in finance rates for final approval. This is included in the Parks and Grounds Division's Adopted FY 2023-2024 budget. This payment amount will be included in subsequent annual Parks budgets. The purchase will be paid out of Public Works Fund 500300, Budget Unit 925300, Account 92060 (Capital Lease).

BACKGROUND:

The Vermeer CXT100 is a compact utility loader that has versatile features including dual hydraulic auxiliary controls, a 40-horsepower turbocharged engine, a compact footprint, and an array of available attachments that help increase productivity and efficiency.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: ____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

PARKS EQUIPMENT PURCHASE

August 29, 2023

Page 2 of 2

This equipment includes five interchangeable attachments: a 36” bucket, a 48” backhoe, a 48” multipurpose blade, a 42” pickup broom, and a 42” brush cutter. These attachments will allow a single user the ability to load, dig, scrape, sweep, and cut. Currently, a 2-acre plot of land may take 3-4 groundworkers multiple hours to properly trim with string trimmers and brush cutters. A mini track loader with a brush cutting attachment that is one-man operated will be able to clear the same plot of land in a matter of minutes, while freeing up other workers to invest their time elsewhere.

The purchase of a new Vermeer utility loader and five attachments is necessary to help meet the need of increased demand with decreased staffing. Once the equipment is secured, a lease-financing agreement will be presented to the Board with locked-in finance rates for final approval.

The Parks Department has used Sourcewell as it serves government, education and nonprofit organizations with a cooperative purchasing program that manages solicitation requirements and offers a network of awarded contracts. The County has utilized this service for a number of years, and it complies with the County approved purchasing requirements.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Sheriff's Office – David Robinson

SUBJECT: DONATION FROM THE JAMES G. BOSWELL FOUNDATION

SUMMARY:

Overview:

The Sheriff's Office would like to retroactively accept a donation of \$60,000 from the James G. Boswell Foundation.

Recommendation:

Retroactively accept the donation of \$60,000 from the James G. Boswell Foundation.

Fiscal Impact:

There is no impact to the general fund. The funds were previously deposited into the Sheriff Donations Fund 100800 for internal control and security reasons. They will remain in that fund until the Sheriff determines how they will be used to benefit various Sheriff's Office divisions or specialty units.

BACKGROUND:

The James G. Boswell Foundation donated \$60,000 to the Kings County Sheriff's Office. \$10,000 of the donation is intended to be used for the Rural Crime Unit of the Sheriff's Office. The remaining \$50,000 was donated as recognition of Sheriff Robinson's outstanding leadership during the recent floods and is intended to be used at the discretion of the Sheriff.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Sheriff's Office – David Robinson

SUBJECT: DENTAL X-RAY MACHINES FOR THE KINGS COUNTY JAIL

SUMMARY:

Overview:

The Kings County Sheriff's Office is seeking retroactive permission to purchase dental x-ray machines for the Kings County Jail.

Recommendation:

- a. Retroactively authorize the purchase of the two new dental x-ray machines;
- b. Adopt the budget change. (4/5 vote required)

Fiscal Impact:

There is no fiscal impact on the general fund. The dental x-ray machines were ordered via a purchase order in the Sheriff's Detentions budget unit 223000 and the full cost of \$11,765 will be reimbursed from the Prison Inmate Welfare Fund (Fund 100810) once the payment has been completed.

BACKGROUND:

The Kings County Jail is required to provide dental care to incarcerated people. The Jail population can have more acute dental issues because many incarcerated people receive little dental care prior to incarceration. The current dental x-ray machine in the Kings County Jail became inoperable. Without x-ray capabilities, dental services would have been delayed which would open the Sheriff's Office and County to grievances and complaints being filed by the incarcerated population. Due to the emergency, the Kings County Sheriff's Office ordered two new dental x-ray machines through purchase orders. The purchase consisted of a stationary wall unit replacement and a handheld unit. The handheld unit will be utilized for those individuals that the stationary wall unit will not accommodate.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only	
Date	
J/E No.	
Page	of

(A) New Appropriation

Expenditures:			FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Sheriff Detentions	Capital Assets	100000	223000	94000	\$11,765
TOTAL						\$11,765

Funding Sources:			FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
General	Sheriff Detentions	Revenue Transfer in	100000	223000	89000	\$11,765
TOTAL						\$11,765

(B) Budget Transfer:

Transfer From:			FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TO BE TRANSFERRED OUT
TOTAL						\$0

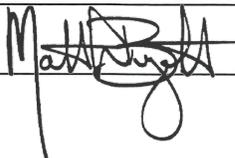
Transfer To:			FUND NO.	DEPT. NO.	ACCOUNT NO.	AMOUNT TRANSFERRED IN
TOTAL						\$0

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed.)

To purchase two dental x-ray machines to be used in the Dental Unit at the Kings County Jail. To be reimbursed by the Prison Inmate Welfare Fund.

Dept. of Finance Approval _____

Department Head  _____

Administration Approval  _____

Board Approval _____

BOS meeting date ____ 8/29/2023



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: District Attorney's Office – Sarah M. Hacker

SUBJECT: ANNUAL REPORT OF MILITARY EQUIPMENT

SUMMARY:

Overview:

The Kings County District Attorney's Office is submitting their Annual Report of Military Equipment.

Recommendation:

Approve the annual reporting of the District Attorney's Office military equipment.

Fiscal Impact:

None.

BACKGROUND:

On June 21, 2022, the Board adopted Ordinance No. 702 approving a Military Equipment Use Policy pursuant to Assembly Bill 481 (AB 481). In accordance with AB 481 and the Policy, a military equipment report must be submitted to the Board annually for each type of military equipment approved within one year of approval and annually thereafter for as long as the military equipment is available for use. AB 481 also requires law enforcement agencies to submit to the Board an annual military equipment report on the use of the equipment, any complaint(s), or concern(s) regarding the use of the equipment, results of any internal audits on the use of the equipment, the annual costs for the equipment, the quantity possessed by the agency and the intention to purchase additional equipment in the following year.

In compliance with AB 481, attached is the Annual Military Equipment Report for the period of May 2022 through May 2023.

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

**KINGS COUNTY DISTRICT ATTORNEY BUREAU OF INVESTIGATIONS
ANNUAL MILITARY EQUIPMENT REPORT
DATED MARCH 18, 2022**

I. MILITARY EQUIPMENT INVENTORY

The Kings County District Attorney Bureau of Investigations (the “Department”) utilizes the equipment listed below for law enforcement purposes only, in a manner that is consistent with the equipment’s description and purpose. The Department’s use complies with state and federal law, including any licensing or certification requirements, and County and Department policies and procedures. All equipment is used in a manner that protects public and officer safety and the community’s civil rights and civil liberties, with the goal of minimizing injury to persons and property, including when exigent circumstances arise that may require a related use not explicitly described below. Deployments are relegated to those who have completed requisite training or qualification, including that from the Department and the Commission on Peace Officer Standards and Training (POST).

1. Unmanned Aircraft System (UAS): An unmanned aircraft along with the associated equipment necessary to control it remotely.

a. Description, quantity, capabilities, and purchase cost of current UAS:

- i. DJI Inspire 1, cost \$1999 each, quantity: 1. Weighing approximately 2845 grams and is capable of recording audio and video, with approximately 20 minutes of flight time. Acquired in 2017.
- ii. DJI Mini 2, cost \$599 each, quantity 1. Weighing 249 g and is capable of recording audio and video, with approximately 30 minutes of flight time. Acquired in 2021.

b. Purpose

To be deployed when its view would assist Investigators or incident commanders with the following situations, which include but are not limited to:

- i. Major collision investigations resulting in loss of life.
- ii. Search for missing persons.
- iii. Natural disaster management.
- iv. Crime scene photography.
- v. During tactical operations or other public safety and life preservation missions.
- vi. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the UAS during approved applications.

d. Expected Life Span

All UAS equipment, 3-5 years

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$500.

f. Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a department training and ongoing training.

g. Legal and Procedural Rules

Use is established under General Order 525.09, FAA Regulation 14 CFR Part 107, and the Kings County District Attorney's Office UAS policy. It is the policy of the KCDA to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

2. 40 MM Launchers and Less Lethal Munitions: 40MM Launchers are utilized by department personnel as a less lethal tool to launch less lethal munitions.

a. Description, quantity, capabilities, and purchase cost:

- i. ALSTAC-40, 40MM SINGLE SHOT LAUNCHER, cost: \$735, quantity: 2. The 40MM Single Launcher is a double/single action, single shot launcher that is designed to launch 40 mm less lethal munitions. The ALSTAC launcher features an expandable folding stock, quad Picatinny rails and integrated sights.
- ii. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: \$18, quantity: 19 (recommended quantity 30). A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.
- iii. DEFENSE TECHNOLOGY, 40MM DIRECT IMPACT OC, #6320, cost: \$30, quantity: 19 (recommended quantity 25). A less lethal 40MM lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm launcher with a rifled barrel at 295 FPS. The 39-gram crushable foam projectile delivers 120 ft/lbs of energy upon impact in addition to dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and

as far as 120 feet from the target.

- iv. DEFENSE TECHNOLOGY, DIRECT IMPACT EXTENDED RANGE MARKING CRUSHABLE FOAM ROUND, #6326LE, cost: \$23, quantity: 9 (recommended quantity 15). A less lethal 40mm lightweight plastic and crushable foam projectile filled with a green marking agent and intended to be used in applications that exceed the performance capability of the standard DIRECT IMPACT munition. This marking munition can be used to incapacitate a single subject or visibly mark a specific vehicle or location. This munition provides accurate and effective performance from approved distances of not less than thirty three (33) feet and up to two hundred and thirty (230) feet.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by a POST certified Range Master.

e. Lifespan

ALSTAC-40 40MM Launcher - 25 years.
Model 6325 Exact Impact Sponge – 5 Years.
Model 6320 Direct Impact OC – 5 Years.
Model 6326LE Direct Impact Marking – 5 years

f. Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

g. Legal and Procedural Rules

Use is established under General Order 303. It is the policy of the KCDA to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

3. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge drag stabilized bean bag.

a. Description, quantity, capabilities, and purchase cost

- i. MOSSBERG 590 LESS LETHAL SHOTGUN, cost: \$400, quantity: 1. The Mossberg 590 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Defense Technology Drag Stabilized Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.
- ii. 12-GAUGE Defense Technology Drag Stabilized Beanbag Round, cost: \$5.35, quantity: 40 (recommended quantity 40) The Drag Stabilized 12-gauge round is a translucent 12-gauge shell loaded with a 40 gram tear shaped bad made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-gauge drag stabilized round has secured its place as the Law Enforcement Communities' number one choice for specialty impact munitions. This round has a velocity of 270 feet per second with a maximum effective range of 75 feet.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Lifespan

Mossberg 590 Less Lethal Shotgun- 15 years.

e. Fiscal Impact

Annual maintenance is approximately \$50 for each shotgun.

f. Training

All Investigators are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. Training is provided by POST certified instructors assigned to the training unit.

g. Legal and Procedural Rules

It is the policy of the KCDA to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

II. ACQUISITIONS

For the following calendar year, the Department seeks to increase the present inventory of military equipment to the noted desired levels above. Thus, the Department seeks the Board of Supervisors' acquisition approval to make further purchases or in-kind replacements when stock of approved military equipment has reached significantly low levels, has been exhausted, has completed the viable life cycle, or has been rendered unusable. The Department also seeks the Board of Supervisors' approval to receive equipment having no initial cost to the Department, such as that which is acquired as a result of a court order or is gifted.

III. CONFIRMED NON-COMPLIANCE

The Kings County District Attorney Bureau of Investigations has no reportable instances of confirmed non-compliance with its Military Equipment Use Policy to report to the Board of Supervisors.

IV. JUSTIFICATION

In order to ensure that the Department's military equipment provides the best value to meet the County's needs in comparison to alternatives, if any were available, and to achieve officer and civilian safety, the Department's past and future acquisitions of military equipment comply with the Kings County Purchasing Policy.

In accordance with Cal. Gov Code 7072 request:

- (1) A summary of how the military equipment was used and the purpose of its use.
 - a. Throughout this reporting period, the Kings County DA's Office Unmanned Aircraft System (UAS) was not utilized.
 - b. Throughout this reporting period, the Kings County DA's Office 40mm Launchers and Less Lethal Munitions were not utilized.
 - c. Throughout this reporting period, the Kings County DA's Office Less Lethal Shotgun was not utilized.
- (2) A summary of any complaints or concerns received concerning the military equipment.
 - a. The Kings County DA's Office has received no complaints or concerns
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - a. The Kings County DA's Office has conducted an internal audit and found no violations of the military equipment use policy.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 - a. See attached report (last year report)
- (5) The quantity possessed for each type of military equipment.
 - a. See attached report (last year report)
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, The quantity sought for each type of military equipment.
 - a. Not currently.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Fire Department – William Lynch/Matt San Filippo
SUBJECT: AGREEMENT WITH FRESNO CITY COLLEGE FIRE ACADEMY
SUMMARY:

Overview:

The Fire Department is seeking approval to enter into an Instructional Service Agreement with Fresno City College Fire Academy. This agreement will provide significant revenues to increase and expand the training division and employee instructional opportunities.

Recommendation:

- a. Approve the Master Instructional Service Agreement with Fresno City College Fire Academy to provide educational services to in-service personnel;
- b. Authorize the Fire Chief to sign the Instructor Agreement with Fresno City College Fire Academy for instructor services.

Fiscal Impact:

Approval and signing of the Agreement will result in the department receiving \$15,000 of the instructional Full-Time Equivalent Student Hours for Fiscal Year 2023-24.

BACKGROUND:

Fresno City College Fire Academy offers Instructional Service Agreements to both Fire and Law Enforcement Agencies as a way for them to generate revenue towards their training budget. College courses are created for the mandated training that agencies provide to their firefighters or sworn officers. The members are registered in these courses, and the resulting revenue that is paid to the college from the state is shared with the agency according to the Instructional Service Agreement Contract. That revenue can be used to augment the training budget of the partnering agencies. Fresno City College Fire Academy currently has partnerships with 12 local fire agencies of various sizes and each of those agencies have benefited as a result.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

AGREEMENT WITH FRESNO CITY COLLEGE FIRE ACADEMY

August 29, 2023

Page 2 of 2

The Fire Department has since its inception taken great pride in its completion of required training. By collaborating with Fresno City College, the department will be able to tap into funds that will serve to bolster training capacity, increase opportunity to learn new and evolving techniques, and remain reliable in its quest to fulfill its mission of service to the citizens of Kings County.

Community College Districts may claim full-time equivalent students (FTES) and state apportionment for courses given through instructional service agreements and/or contracts, provided that California Education Code and Title 5 requirements are met. The regulations are contained in California Education Code Sections 78015, 84752 and California Code of Regulations, Title 5, Sections 51006, 53410, 55002, 55003, 55005, 55300, 58050, 58051(c)-(g), 58081.5, 58055, 58056, 58058(b), 58102-58106, 58108.

These agreements have been reviewed and approved by County Counsel as to form.

STATE CENTER COMMUNITY COLLEGE DISTRICT CONTRACT/AGREEMENT/GRANT APPROVAL COVER SHEET

Title of Contract/Agreement/Grant: Kings County Fire Department

Please select as many as apply:

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> New | <input type="checkbox"/> Continuing
(no changes) | <input type="checkbox"/> Continuing
(with changes, note
changes in description) | <input type="checkbox"/> Addendum to Existing |
| <input checked="" type="checkbox"/> SCCCDC Generated | <input checked="" type="checkbox"/> Requires Legal
Review | <input checked="" type="checkbox"/> Requires Insurance
(If yes, complete
Insurance form) | <input type="checkbox"/> Resolution Required |

Additional Required Information:

Check One:

- Grant
 Agreement/Contract
 Application
 Draft
 Final

Total Amount: _____ Date Final Approved: _____

Yr 1: _____ Yr 2: _____ Yr 3: _____ Yr 4: _____ Yr 5: _____

Budget No. _____ Match: _____ Period: _____

Description of Funding Source: _____

Approval Signature District Senior Accountant (grants only): _____ Date: _____

Description/Notes (Explanation of grant/agreement and changes from prior agreement, if any):

The contract being routed is an Instructional Service Agreement between Fresno City College and City of Hanford Fire Department to form a partnership and offer college credit to their trainees. In addition, it will allow the college to share the revenue associated with the FTES generated from this training. This benefits both the college (added FTES and apportionment) as well as giving the partnering agency additional revenue. The contract establishes the specifics of the partnership and outlines the responsibilities of the college and the agency for the college to be able to collect and share the apportionment generated by the trainings. The contract also outlines how the apportionment will be split with the agency. The college provides the documentation of training hours approved curriculum, registration processing of training hours, corresponding college credit (FTES), and the submission of reporting to the State Chancellor's Office for apportionment to be collected and distributed. The funding of this contract is provided by the partnering agencies' training budget and the college's general fund as allocated through XX0 funds to the FCC Fire Academy for the purpose of processing the training hours submitted by the agency.

Please route through FCC President, then back to originator for routing to Kings County.

Approval Signatures: **They require college signatures first.**

1. Initiator Signature & Date:



Becky Barabe (Jul 30, 2023 17:18 PDT)
 Date: _____
 Dr. Becky Barabe, Applied Technology Dean

2. Approval Signature & Date:



Ghada Al-Masri (Jul 31, 2023 17:53 PDT)
 Date: _____
 Ghada Al-Masri, Interim VPI

3. VP Admin Services Approval Signature & Date:



Omar Gutierrez
 Date: _____
 Omar Gutierrez, VP of Admin Svcs

4. President Approval Signature & Date:



Roberto Pimentel (Aug 1, 2023 13:36 PDT)
 Date: _____
 Dr. Robert Pimentel, President

Please note: Upon full execution of the contract, a copy must be submitted to the office of the Vice Chancellor of Finance and Administration.

MASTER INSTRUCTIONAL SERVICE AGREEMENT
BETWEEN
FRESNO CITY COLLEGE
AND
KINGS COUTNY FIRE DEPARTMENT

This Agreement is made and entered into this 1st day of August, 2023 by and between Fresno City College (FCC), a college of the State Center Community College District (SCCCD), and KINGS COUNTY FIRE DEPARTMENT (KCFD), a municipal corporation, (together, “the parties”).

WITNESSETH

WHEREAS, FCC is authorized by the California Education Code (“Education Code”) and Title 5 of the California Code of Regulations (“Title 5”), to conduct Contract Instruction, Assessment and Counseling Services to serve community needs; and

WHEREAS, KCFD desires to contract with FCC for to provide educational services to its in-service personnel as set forth herein; and

WHEREAS, the parties mutually desire cooperation of the parties to provide quality instruction and training to meet community needs, as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the covenants, conditions, and promises hereinafter contained to be kept and performed by the respective parties, FCC and KCFD mutually agree as follows:

Section 1. RESPONSIBILITIES OF FCC

- a. FCC shall offer approved courses to meet educational needs and requirements of the KCFD’s in-service personnel, as specified by KCFD (all class participants are in-service fire personnel and shall hereafter be referred to as “students”).
- b. FCC shall provide a coordinator to work with KCFD. Said coordinator shall act as the KCFD co-director for all FCC affiliated educational courses. Under no circumstances, however, shall the coordinator have authority over the remaining operations of KCFD, including but not limited to, personnel issues concerning KCFD employees, operational budget, or the use, maintenance, or scheduling of KCFD facilities.
- c. FCC and KCFD will mutually ensure ancillary and support services are provided for the students. (e.g., Counseling, Guidance, & Placement Assistance).
- d. FCC shall assist the KCFD in registration and other support services to students in order to adequately manage and control its course offerings.
- e. FCC shall approve of the selection of instructors and facilitators and evaluate the quality of instruction to ensure that it meets the needs of the students and the accreditation requirements of FCC. FCC shall have the primary right to control and direct the instructional activities of all instructors.
- f. FCC shall ensure that course offerings meet all appropriate requirements of the Education Code and Title 5.
- g. FCC shall consult the KCFD on any revisions to existing FCC courses designed for the

KCFD program, initiation of new courses, or any other changes, in order to ensure the quality of educational services and to meet the needs of the KCFD.

- h. FCC shall provide the use of its facilities and equipment free of charge for use by the KCFD, on an as-needed, space available basis for affiliated programs. FCC shall attempt to provide use of said facilities and equipment during normal business hours.
- i. FCC shall demonstrate control and direction through such actions as: providing the instructor of record an orientation, instructor's manual, Title 5 course outlines, curriculum materials, testing and grading procedures and any other materials and services it would provide its hourly instructors on campus.
- j. By signing this Agreement, FCC certifies it does not receive full compensation for direct education costs of the course from any public or private agency, individual or group.
- k. FCC has the primary right and responsibility to control and direct the activities of the person or persons furnished by the KCFD during the term of the Agreement.

Section 2. RESPONSIBILITIES OF KCFD

- a. KCFD shall provide classroom space for use as off-campus sites by FCC, free of charge for Instructional Service Agreement (ISA) courses.
- b. KCFD shall provide instructors, facilitators, equipment, materials, day-to-day management support, and all other related overhead necessary to conduct FCC's ISA courses.
- c. KCFD shall cooperate with FCC to ensure all personnel, equipment, and materials used in carrying out its responsibilities under this Agreement conform to Education Code and Title 5 mandated standards governing instructional programs, including minimum qualifications for instructors.
- d. KCFD shall use the money received as compensation for services under this Agreement for educational and training related purposes as they relate to fire and public safety training programs.
- e. KCFD shall assist FCC in collecting all instructional fees associated with the class offerings under this Agreement.
- f. KCFD shall pay the tuition fee of \$46.00 per unit for all KCFD students enrolled in ISA courses.
- g. KCFD shall pay the off-site health fee of \$13.00 per semester for all KCFD students.
- h. Records of student attendance and achievement shall be submitted by KCFD to FCC regularly and then maintained by FCC. Records will be open for review at all times by officials of the college and submitted on a schedule developed by FCC by no later than July 1st annually (see Appendix A).
- i. By signing this Agreement, KCFD certifies the training facility is open to the public and the instructional activities agreed upon herein will not be fully funded by other sources.

Section 3. PAYMENT FOR SERVICES

- a. In consideration of the services provided herein, FCC shall pay KCFD 59% of the state base apportionment earned from eligible instructional Full-Time Equivalent Student (FTES) hours (See Appendix B). FCC shall pay KCFD 60% in academic year 2023-2024.
- b. Above hours shall not exceed 50,000 Student Instructional Hours (50-minute hours) per

academic year, only applicable in academic years when the California Community College Chancellor's Office (CCCCO) implements apportionment caps for its colleges. A notice would be provided to KCFD no later than October 30th annually if CCCCCO apportionment caps will be in place for the academic year.

- c. KCFD shall submit to FCC an invoice for all mutually agreed upon instructional Full-Time Equivalent Student (FTES) hours provided under this agreement. FCC shall pay KCFD the agreed contract price within the agreed upon timeline for the fiscal year, to be established no later than August 1st annually (see Appendix C). Any adjustments to the fiscal year timeline must be presented a minimum of forty-five (45) days prior to the end of any given course section.
- d. Instructional Full-Time Equivalent Student (FTES) hours are defined as those hours reported on SCCC's CCFS-320, California Community Colleges Apportionment Attendance Reports, which are subject to audit by SCCC's independent auditor and the California Community Colleges Chancellor's Office.

Section 4. INDEMNIFICATION

- a. KCFD shall indemnify, hold harmless and defend FCC, and each of its officers, officials, agents, and volunteers from and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by KCFD, FCC or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly from the negligent or intentional acts or omissions of KCFD or any of its officers, officials, employees, agents or volunteers in the performance of this Agreement; provided nothing herein shall constitute a waiver by KCFD of governmental immunities including California Government Code Section 810 et seq.
- b. FCC shall indemnify, hold harmless and defend KCFD and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by the KCFD, FCC or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly from the negligent or intentional acts or omissions of FCC or any of its officers, officials, employees, agents or volunteers in the performance of this Agreement; provided nothing herein shall constitute a waiver by FCC of governmental immunities including California Government Code Section 810 et seq.
- c. In the event of concurrent negligence on the part of FCC or any of its officers, officials, employees, agents or volunteers, and KCFD or any of its officers, officials, employees, agents or volunteers, the liability for any and all such claims, demands and actions in law or equity for such losses, fines, penalties, forfeitures, costs and damages shall be apportioned under the State of California's theory of comparative negligence as presently established or as may be modified hereafter.
- d. This section shall survive expiration or termination of this Agreement.

Section 5. INSURANCE

- a. Each party shall insure its activities in connection with this Agreement and maintain at all times insurance in coverage and limit amounts reasonably necessary to protect itself against injuries and damages arising from the acts or omissions caused by each party, their respective Boards, officers, employees and agents in the performance of this Agreement. This insurance requirement may be satisfied through a program of self-insurance, or insurance coverage afforded to public entities through a Joint Powers Authority (JPA) risk pool.

Section 6. MISCELLANEOUS PROVISIONS

- a. If any provisions of this Agreement are found to be, or become, contrary to applicable law or regulations, or court decisions, FCC and KCFD agree that the Agreement shall be renegotiated as it relates to said provision, and the remainder of the Agreement shall remain in full force and effect.
- b. Term and Termination. The term of this Agreement shall start on August 1, 2023 and terminate on June 30, 2024. Notwithstanding the foregoing, this Agreement may be terminated at any time, with or without cause, upon written notice given to the other party at least thirty (30) days prior to the end of the term in which classes are currently in session. In the event of such termination, each party shall fully pay and discharge all obligations accruing to the other party up to and including the date of termination. Neither party shall incur any additional liability to the other by reason of such termination.
- c. Either party hereto maintains the right to cancel services prior to the beginning of each course at no cost to either party to this Agreement.
- d. Nondiscrimination. To the extent required by controlling federal, state and local law, the parties shall not employ discriminatory practices in the provision of services, course instruction, employment of personnel, or in any other respect based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era.
- e. This Agreement supersedes any and all other agreements, oral or written, between the parties hereto with respect to the use of the aforesaid facilities or services and contains all covenants and agreements between the parties with respect hereto. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, oral or otherwise, have been made by any party, or by anyone acting on behalf of any parties, which are not embodied herein, and that no other agreement, statement, or promise not contained herein shall be valid or binding. Any modification to this Agreement shall be effective only if it is in writing and signed by the KCFD and FCC in the form of an amendment to this Agreement.
- f. Compliance with Law. In providing the services required under this Agreement, FCC shall always comply with all applicable laws of the United States, the State of California, and KCFD, and with all applicable regulations promulgated by federal, state, regional, or local administrative and regulatory agencies, now in force and as they may be enacted, issued, or amended during the term of this Agreement.
- g. Governing Law and Venue. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding, however, any conflict of laws rule which would apply the law of another jurisdiction. Venue for purposes of

the filing of any action regarding the enforcement or interpretation of this Agreement and any rights and duties hereunder shall be Fresno County, California.

- h. Cumulative Remedies. No remedy or election hereunder shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law or in equity.
- i. No Third-Party Beneficiaries. The rights, interests, duties, and obligations defined within this Agreement are intended for the specific parties hereto as identified in the preamble of this Agreement. Notwithstanding anything stated to the contrary in this Agreement, it is not intended that any rights or interests in this Agreement benefit or flow to the interest of any third parties.
- j. Attorney's Fees. If either party is required to commence any proceeding or legal action to enforce or interpret any term, covenant or condition of this Agreement, the prevailing party in such proceeding or action shall be entitled to recover from the other party its reasonable attorney's fees and legal expenses.
- k. Notice or correspondence required by this Agreement shall be delivered electronically, personally or by United States mail as follows:

FCC: Peter Cacossa
peter.cacossa@fresnocitycollege.edu
Career & Technology Center
2930 East Annadale Avenue
Fresno, CA 93725

KCFD: Bill Lynch, Fire Chief
bill.lynch@co.kings.ca.us
Kings County Fire Department
280 Campus Drive
Hanford, CA 93230

- l. The specific courses covered under this Agreement are described in Appendix D, which are incorporated herein by this reference.
- m. KCFD shall provide FCC a request to add existing courses or sections a minimum of 40 days prior to the desired class start date. Each additional course of instruction shall require a written agreement to offer the course signed by KCFD's Fire Chief or designee and the FCC President or designee. The course details must be set forth in writing as with the courses listed above and will become attachments to this Agreement.
- n. ELECTRONIC SIGNATURE: The parties agree that this Agreement may be executed by electronic signature as provided in this section. An "electronic signature" means any symbol or process intended by an individual signing this Agreement to represent their signature, including but not limited to (1) a digital signature; (2) a faxed version of an original handwritten signature; or (3) an electronically scanned and transmitted (for example by PDF document) of a handwritten signature. Each electronic signature affixed or attached to this Agreement (1) is deemed equivalent to a valid original handwritten signature of the person signing this Agreement for all purposes, including but not limited to evidentiary proof in any administrative or judicial proceeding, and (2) has the same force and effect as the valid original handwritten signature of that person. The provisions of this section satisfy the requirements of Civil Code section 1633.5, subdivision (b), in the Uniform Electronic Transaction Act (Civil Code, Division 3, Part 2, Title 2.5, beginning with section 1633.1). Each party using a digital signature represents that it has undertaken and satisfied the requirements of Government Code section 16.5, subdivision (a), paragraphs (1) through (5), and agrees that each other party may rely upon that representation. This Agreement is not conditioned upon the parties conducting the transactions under it by electronic means and either party may sign this Agreement with an original handwritten signature.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement at Fresno, California to be effective August 1, 2023.

<p>COUNTY OF KINGS</p> <p>_____</p> <p>Richard Valle, Chairman County of Kings Board of Supervisors</p> <p>_____</p> <p>Date</p> <p>Approved as to form by:</p> <p> _____</p> <p>Diane Freeman, County Counsel</p> <p>_____</p> <p>Date</p> <p>ATTEST:</p> <p>Clerk of the Board of Supervisors</p> <p>_____</p> <p>Catherine Venturella, Clerk to the Board</p> <p>_____</p> <p>Date</p> <p>RISK MANAGEMENT APPROVED AS TO INSURANCE</p> <p> _____</p> <p>Risk Manager</p> <p>08/14/2023 _____</p> <p>Date</p>	<p>Fresno City College, a college of the State Center Community College District</p> <p>_____</p> <p>W. Andrew Dunn, SCCCDC Interim Vice Chancellor Finance & Administration</p> <p>_____</p> <p>Date</p> <p>REVIEWED AND RECOMMENDED FOR APPROVAL</p> <p>_____</p> <p>Dr. Robert Pimentel, President Fresno City College</p> <p>_____</p> <p>Date</p> <p>APPROVED AS TO LEGAL FORM:</p> <p>_____</p> <p>Kristen Corey, SCCCDC General Counsel</p> <p>_____</p> <p>Date</p>
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ISA Contract Appendix A Addendum – Revised Dates for 2023-2024 and 2024-2025 Academic Years

ISA Term for Fall 2022 (11/26/22 - 6/16/23)

- **Training Hours Due Date:** 5/26/23
- **Training Hours Due Date:** 6/2/23
- Invoice schedule for payments:
 - Invoice amount sent to agency by 7/28/23
 - Agency submits invoice by 8/4/23
 - FCC sends invoice for payment by 8/11/23
 - SCCCCD sends check to agency by 8/30/23

ISA Term for Summer 2023 (5/27/23 - 12/15/23) CURRENT TERM

- **Training Hours Cut Off Date** 11/24/23
- **Training Hours Due Date:** 12/1/23
- Invoice schedule for payments:
 - Invoice amount sent to agency by 1/26/24
 - Agency submits invoice by 2/2/24
 - FCC sends invoice for payment by 2/9/24
 - SCCCCD sends check to agency by 2/28/24

ISA Term for Fall 2023 (11/25/23 - 6/14/24)

- **Training Hours Cut Off Date:** 5/24/24
- **Training Hours Due Date:** 5/31/24
- Invoice schedule for payments:
 - Invoice amount sent to agency by 7/26/24
 - Agency submits invoice by 8/2/24
 - FCC sends invoice for payment by 8/9/24
 - SCCCCD sends check to agency by 8/30/24

ISA Term for Summer 2024 (5/25/24 - 12/13/24)

- **Training Hours Cut Off Date:** 11/22/24
- **Training Hours Due Date:** 11/29/24
- Invoice schedule for payments:
 - Invoice amount sent to agency by 1/24/25
 - Agency submits invoice by 1/31/25
 - FCC sends invoice for payment: by 2/7/25
 - SCCCCD sends check to agency: by 2/28/25

ISA Term for Fall 2024 (11/23/24 - 6/13/25)

- **Training Hours Cut Off Date:** 5/23/25
- **Training Hours Due Date:** 5/30/25
- Invoice schedule for payments:
 - Invoice amount sent to agency by 7/25/25
 - Agency submits invoice by 8/1/25
 - FCC sends invoice for payment: by 8/8/25
 - SCCCCD sends check to agency: by 8/29/25

APPENDIX A

Student Attendance & Registration Records Schedule for 2020-2021:

1. Training Hours & Student Applications Agency Cut Off Date (Fire Agencies Only) on the last Friday of each month:
 - a. Wednesday, July 15, 2020
 - b. Saturday, August 15, 2020
 - c. Tuesday, September 15, 2020
 - d. Friday, October 30, 2020
 - e. Friday, November 27, 2020
 - f. Friday, December 25, 2020
 - g. Friday, January 29, 2021
 - h. Friday, February 26, 2021
 - i. Friday, March 26, 2021
 - j. Friday, April 30, 2021
 - k. Friday, May 28, 2021
 - l. Friday, June 25, 2021

2. Due date to FCC FIRET (Fire Agencies Only) program staff is first Friday of the following month:
 - a. Wednesday, July 15, 2020
 - b. Saturday, August 15, 2020
 - c. Tuesday, September 15, 2020
 - d. Friday, November 6, 2020
 - e. Friday, December 4, 2020
 - f. Friday, January 1, 2021
 - g. Friday, February 5, 2021
 - h. Friday, March 5, 2021
 - i. Friday, April 2, 2021
 - j. Friday, May 7, 2021
 - k. Friday, June 4, 2021

3. Deadlines for Any Final Student Applications and Unresolved Academic and/or Financial Holds for the Section:
 - a. Friday, July 31, 2020 (AJ Only)
 - b. Sunday, August 9, 2020 (FIRET Only)
 - c. Friday, November 27, 2020
 - d. Friday, May 28, 2021

APPENDIX A (continued)

Projected Student Attendance & Registrati on Records Schedule for 2021-2022:

1. Training Hours & Student Applications Agency Cut Off Date (Fire Agencies Only) on the last Friday of each month:
 - a. Friday, July 30, 2021
 - b. Friday, August 27, 2021
 - c. Friday, September 24, 2021
 - d. Friday, October 29, 2021
 - e. Friday, November 26, 2021
 - f. Friday, December 31, 2021
 - g. Friday, January 28, 2022
 - h. Friday, February 25, 2022
 - i. Friday, March 25, 2022
 - j. Friday, April 29, 2022
 - k. Friday, May 27, 2022
 - l. Friday, June 24, 2022

2. Due date to FCC FIRET (Fire Agencies Only) program staff is first Friday of the following month:
 - a. Friday, July 2, 2021
 - b. Friday, August 6, 2021
 - c. Friday, September 3, 2021
 - d. Friday, October 1, 2021
 - e. Friday, November 5, 2021
 - f. Friday, December 3, 2021
 - g. Friday, January 7, 2022
 - h. Friday, February 4, 2022
 - i. Friday, March 4, 2022
 - j. Friday, April 1, 2022
 - k. Friday, May 6, 2022
 - l. Friday, June 3, 2022

3. Deadlines for Any Final Student Applications and Unresolved Academic and/or Financial Holds for the Section:
 - a. Friday, November 26, 2021
 - b. Friday, May 27, 2022

APPENDIX B

FCC Payment Split:

First method is to generate Full-Time Equivalent Student numbers in order to calculate the percentage split of apportionment collected. Full-Time Equivalent Student hours are then multiplied by a percentage split based on the State Base Apportionment determined on an annual basis. The following are a few examples per a single Instructional Service Agreement (ISA) course:

58% in academic year 2021-2022 of the instructional Full- Time Equivalent Student (FTES) eligible for state base apportionment based on Daily Student Contact Hours (DSCHs). The following is the formula that will be applied for payment:

$$\text{DSCH} = \frac{\# \text{ of Students} \times \# \text{ of Hours Per Unit}}{525} = \# \text{ of FTES}$$

$$\# \text{ of FTES} \times 58\% \text{ of State Base Apportionment } (\$4,013.61 \text{ for } 19\text{-}20) = \$ \text{ Amount to be Paid}$$

Three examples would be as follows:

FIRET-233 (0.4 unit):

Units and Hours: 0.4 unit					
Summary					
Minimum Credit Units	0.4	Total Course In-Class (Contact) Hours	24.12	Total Student Learning Hours	24.12
Maximum Credit Units	0.4	Total Course Out-of-Class Hours	No value	Faculty Load	1.01
Detail					
Weekly Student Hours		Course Student Hours			
In Class	Out of Class	Course Duration (Weeks)	18		
Lecture No value	No value	Hours per unit divisor	54		
Hours		Course In-Class (Contact) Hours			
Lab 1.34	No value	Lecture	No value		
Hours		Lab	24.12		
Activity No value	No value	Activity	No value		
Hours		Total	24.12		
		Course Out-of-Class Hours			
		Lecture	No value		
		Lab	No value		
		Activity	No value		
		Total	No value		

$$\text{DSCH} = \frac{15 \text{ students} \times 24.12 \text{ hours for } 0.4 \text{ Unit}}{525} = 0.6891428 \text{ FTES} \times 58\% \text{ of } \$4,013.61 = \$1,604.25$$

APPENDIX B (continued)

FIRET-233 (1.0 unit):

Units and Hours: 1 unit					
Summary					
Minimum Credit Units	1	Total Course In-Class (Contact) Hours	80.1	Total Student Learning Hours	80.1
Maximum Credit Units	1	Total Course Out-of-Class Hours	No value	Faculty Load	3.34
<hr/>					
Detail					
Weekly Student Hours		Course Student Hours			
In Class		Course Duration (Weeks)			
Lecture	No value	18			
Hours	No value	Hours per unit divisor			
Lab	4.45	54			
Hours	No value	Course In-Class (Contact) Hours			
Activity	No value	Lecture			
Hours	No value	No value			
		Lab			
		80.1			
		Activity			
		No value			
		Total			
		80.1			
		Course Out-of-Class Hours			
		Lecture			
		No value			
		Lab			
		No value			
		Activity			
		No value			
		Total			
		No value			

$$\text{DSCH} = \frac{15 \text{ students} \times 80.1 \text{ hours for 1.0 Unit}}{525} = 2.2885714 \text{ FTES} \times 58\% \text{ of } \$4,013.61 = \$5,327.55$$

FIRET-133 (21.5 unit):

Units and Hours: 1 unit					
Summary					
Minimum Credit Units	1	Total Course In-Class (Contact) Hours	80.1	Total Student Learning Hours	80.1
Maximum Credit Units	1	Total Course Out-of-Class Hours	No value	Faculty Load	3.34
<hr/>					
Detail					
Weekly Student Hours		Course Student Hours			
In Class		Course Duration (Weeks)			
Lecture	No value	18			
Hours	No value	Hours per unit divisor			
Lab	4.45	54			
Hours	No value	Course In-Class (Contact) Hours			
Activity	No value	Lecture			
Hours	No value	No value			
		Lab			
		80.1			
		Activity			
		No value			
		Total			
		80.1			
		Course Out-of-Class Hours			
		Lecture			
		No value			
		Lab			
		No value			
		Activity			
		No value			
		Total			
		No value			

$$\text{DSCH} = \frac{15 \text{ students} \times 576 \text{ hours for 21.5 Unit}}{525} = 16.457142 \text{ FTES} \times 58\% \text{ of } \$4,013.61 = \$38,310.48$$

APPENDIX B (continued)

AJ-233R (0.1 unit):

Units and Hours: 10.8 Hours (0.2)					
Summary					
Minimum Credit Units	0.1	Total Course In-Class (Contact) Hours	10.8	Total Student Learning Hours	10.8
Maximum Credit Units	0.1	Total Course Out-of-Class Hours	No value	Faculty Load	0.44
Detail					
Weekly Student Hours		Course Student Hours			
In Class		Course Duration (Weeks)			
Lecture	No value	Out of Class	No value	Hours per unit divisor	54
Hours					
Lab	0.58	No value		Course In-Class (Contact) Hours	
Hours				Lecture	No value
Activity	No value	No value		Lab	10.8
Hours				Activity	No value
				Total	10.8
				Course Out-of-Class Hours	
				Lecture	No value
				Lab	No value
				Activity	No value
				Total	No value

$$DSCH = \frac{15 \text{ students} \times 10.8 \text{ hours for } 0.1 \text{ Unit}}{525} = 0.3085714 \text{ FTES} \times 58\% \text{ of } \$4,013.61 = \$718.32$$

APPENDIX C

2020-2021

- March 14, 2020-August 9, 2020 (FIRET Only)
- May 23, 2020-July 31, 2020 (AJ Only)
- August 1, 2020-December 18, 2020 (AJ Only)
- August 10, 2020-December 18, 2020 (FIRET Only)
- August 10, 2020-April 30, 2021 (FIRET-136 Only)
- November 28, 2020-June 18, 2021 (Both AJ & FIRET)
- January 6, 2020-July 3, 2020 (Paramedic ONLY – Class 52)
- July 6, 2020-July 2, 2021 (Paramedic ONLY – Class 52)
- August 3, 2020-January 1, 2021 (Paramedic ONLY – Class 53)
- January 4, 2021-December 31, 2021 (Paramedic ONLY – Class 53)
- January 4, 2021-July 2, 2021 (Paramedic ONLY – Class 54)

Timelines for 2020-2021 Submission of Applications and Hours, Registration and Grades, as well as 320 Reports, Invoicing, and Payments per section:

Section Dates: 5/26/20-7/31/20 (AJ courses) or 3/13/20-8/9/20 (FIRET courses)

Section Dates: 8/1/20 (AJ courses) or 8/10/20 (FIRET courses)-12/18/20

- Training Hours Cut Off for Agency: 11/27/20
- Training Hours Submitted by Agency: 12/4/20
- Yellow Apps (Sr. Program Specialist): 12/7/20-12/11/20
- Registrations (Sr. Program Specialist): 12/14/20-12/16/20
- Positive Attendance Forms (A&R): 12/17/20-12/18/20
- Grades & Attendance Entered (ISA Coordinator): 12/17/20-12/21/20 by noon
- Due to DO: 1/1/21
- 320 Report Submitted: 1/15/21
- A&R Send 320 Report to FCC Academy Director: 1/22/21
- OPTIONAL (or can be combined with next section for payment):
 - FCC Academy Director Confirms and Authorizes Invoice Amounts per Agency: 1/29/21
 - Agency Submit Invoice to FCC Academy Director: 2/5/21
 - FCC Sends Invoice for Payment: 2/12/21
 - SCCCD Sends Check to Agency: 2/15/21-2/26/21

Section Dates: 11/28/20-6/18/21

- Training Hours Cut Off for Agency: 5/29/21
- Training Hours Submitted by Agency: 6/4/21
- Yellow Apps (Sr. Program Specialist): 6/7/21-6/11/21
- Registrations (Sr. Program Specialist): 6/14/21-6/16/21
- Positive Attendance Forms (A&R): 6/17/21-6/18/21
- Grades & Attendance Entered (ISA Coordinator): 6/17/21-6/21/21 by noon
- Due to DO: 7/1/21
- 320 Report Submitted: 7/16/21
- A&R Send 320 Report to FCC Academy Director: 7/23/21

APPENDIX C (continued)

- FCC Academy Director Confirms and Authorizes Invoice Amounts per Agency: 7/30/21
- Agency Submit Invoice to FCC Academy Director: 8/6/21
- FCC Sends Invoice for Payment: 8/13/21
- SCCCD Sends Check to Agency: 8/16/21-8/27/21

Section Dates: Paramedic ONLY

- Student Names & IDs from Agency: 10 business days prior to the start of the section
 - Registrations (Sr. Program Specialist): 5 business days prior to the start of the section
 - Training Hours Cut Off for Agency: Last day of the section
 - Training Hours Submitted by Agency: Last day of the section
 - Positive Attendance Forms (A&R): within 2 business days of the end of the section
 - Grades & Attendance Entered (ISA Coordinator): within 3 business days of the end of the section
 - 320 Report Submitted: 1/15/21 or 7/16/21
 - A&R Send 320 Report to FCC Academy Director: 1/22/21 or 7/23/21
 - FCC Academy Director Confirms and Authorizes Invoice Amount: 1/29/21 or 7/30/21
 - Agency Submit Invoice to FCC Academy Director: 2/5/21 or 8/6/21
 - FCC Sends Invoice for Payment: 2/12/21 or 8/13/21
 - SCCCD Sends Check to Agency: 2/15/21-2/26/21 or 8/16/21-8/27/21
-

APPENDIX C (continued)

2021-2022

- May 30, 2021-December 17, 2021 (Both AJ & FIRET)
- April 4, 2021-December 17, 2021 (FIRET-136 Only)
- November 27, 2021-June 17, 2022 (All AJ & FIRET)
- May 27, 2022-December 16, 2022 (All AJ & FIRET)
- July 6, 2020-July 2, 2021 (Paramedic ONLY – Class 52)
- January 4, 2021-December 31, 2021 (Paramedic ONLY – Class 53)
- January 4, 2021-July 2, 2021 (Paramedic ONLY – Class 54)
- July 5, 2021-July 1, 2022 (Paramedic ONLY – Class 54)
- July 5, 2021-December 31, 2021 (Paramedic ONLY – Class 55)
- January 3, 2022-December 30, 2022 (Paramedic ONLY – Class 55)
- January 3, 2022-July 1, 2022 (Paramedic ONLY – Class 56)

Projected Timelines for 2021-2022 Submission of Applications and Hours, Registration and Grades, as well as 320 Reports, Invoicing, and Payments per section:

Section Dates: 5/30/21-12/17/21

- Training Hours Cut Off for Agency: 11/26/21
- Training Hours Submitted by Agency: 12/3/21
- Yellow Apps (ISA Sr. Program Specialist): 12/6/21-12/10/21
- Registrations (ISA Sr. Program Specialist): 12/13/21-12/15/21
- Positive Attendance Forms (A&R): 12/16/21-12/17/21
- Grades & Attendance Entered (ISA Faculty Coordinator): 12/16/21-12/20/21 by noon
- Due to DO: 1/1/22
- 320 Report Submitted: 1/14/22
- A&R Send 320 Report to FCC Academy Director: 1/21/22
- OPTIONAL (or can be combined with next section for payment):
 - o FCC Academy Director Confirms and Authorizes Invoice Amounts per Agency: 1/28/22
 - o Agency Submit Invoice to FCC Academy Director: 2/4/22
 - o FCC Sends Invoice for Payment: 2/11/22
 - o SCCCD Sends Check to Agency: 2/14/22-2/24/22

Section Dates: 11/27/21-6/17/22

- Training Hours Cut Off for Agency: 5/27/22
- Training Hours Submitted by Agency: 6/3/22
- Yellow Apps (ISA Sr. Program Specialist): 6/6/22-6/10/22
- Registrations (ISA Sr. Program Specialist): 6/13/22-6/15/22
- Positive Attendance Forms (A&R): 6/16/22-6/17/22
- Grades & Attendance Entered (ISA Faculty Coordinator): 6/16/22-6/20/22 by noon
- Due to DO: 7/1/22
- 320 Report Submitted: 7/15/22
- A&R Send 320 Report to FCC Academy Director: 7/22/22

APPENDIX C (continued)

- FCC Academy Director Confirms and Authorizes Invoice Amounts per Agency: 7/29/22
- Agency Submit Invoice to FCC Academy Director: 8/5/22
- FCC Sends Invoice for Payment: 8/12/22
- SCCCD Sends Check to Agency: 8/15/22-8/26/22

Section Dates: Paramedic ONLY

- Student Names & IDs from Agency: 10 business days prior to the start of the section
- Registrations (Sr. Program Specialist): 5 business days prior to the start of the section
- Training Hours Cut Off for Agency: Last day of the section
- Training Hours Submitted by Agency: Last day of the section
- Positive Attendance Forms (A&R): within 2 business days of the end of the section
- Grades & Attendance Entered (ISA Coordinator): within 3 business days of the end of the section
- 320 Report Submitted: 1/14/22 or 7/15/22
- A&R Send 320 Report to FCC Academy Director: 1/21/22 or 7/22/22
- FCC Academy Director Confirms and Authorizes Invoice Amount: 1/28/22 or 7/29/22
- Agency Submit Invoice to FCC Academy Director: 2/4/22 or 8/5/22
- FCC Sends Invoice for Payment: 2/11/22 or 8/12/22
- SCCCD Sends Check to Agency: 2/14/22-2/24/22 or 8/15/22-8/26/22

**FRESNO CITY COLLEGE
ISA COURSE FORM**

This course is presented under the ISA contract between Fresno City College and the above agency pursuant to the terms of said contract. The parties agree to offer the course described herein, under the same terms and conditions as set forth in said contract.

COURSE TITLE: Advanced Firefighter Continuing Education – Effective Spring 2021

COURSE NUMBER: FIRET-233 COURSE HOURS: 24.12-80.1 UNITS: 0.4-1.0

DESCRIPTION:

Satisfies annual mandatory continuing education requirements of local Fire Agencies, Fresno City Health Department, the California State Fire Marshal's Office, and appropriate sections of the California Code of Regulations; may be offered in seminar, lecture, and/or lab format; specific course deliver method to be determined by each respective agency.

LEARNING OUTCOMES AND OBJECTIVES

Course Objectives

1. Given a classroom setting and using knowledge of the Fire Technology discipline, discuss technology advances and revisions to regulations and laws as they apply to the specific fire agency.
2. Given a laboratory setting, apply the physical skills to perform various job-related tasks required by the individual's fire protection agency.
3. Given a simulated incident scenario, apply the appropriate strategy and tactics that will address the following incident priorities: 1) life safety, 2) incident stabilization and 3) property conservation.
4. Given classroom instruction, reading assignments, and laboratory activities describe and apply the appropriate emergency medical treatment protocol for a given patient scenario as per Fresno City EMS.

Course Student Learning Outcomes

- | | |
|---|---------------------------------|
| 1. Demonstrate the proper psychomotor skills and cognitive reasoning ability necessary to perform all job-related tasks. | Expected SLO
Performance: 70 |
| 2. Apply current industry best practices relative to modern fire protection and technology techniques within the scope of employment. | Expected SLO
Performance: 70 |

COURSE OUTLINE OF RECORD AVAILABLE IN ELUMEN

<https://fresnocitycollege.elumenapp.com/public/course/118/d9307200-c2d3-11ea-b635-7d9d4b349bb1/d9307200-c2d3-11ea-b635-7d9d4b349bb1>

APPENDIX D - Paramedic

FRESNO CITY COLLEGE
ISA COURSE FORM

AGENCY: Fresno County Paramedic Program

These two courses are presented under the ISA contract between Fresno City College and the above agency pursuant to the terms of said contract. The parties agree to offer the course described herein, under the same terms and conditions as set forth in said contract.

COURSE TITLE:

COURSE NUMBER: COURSE HOURS: UNITS:

DESCRIPTION:

Designed to produce qualified and competent EMT - Paramedic educated and trained in all elements of prehospital advanced life support to the acutely ill or injured patients; scope of practice is in accordance with Title 22 of the California Code of Regulations.

LEARNING OUTCOMES AND OBJECTIVES

Course Objectives

1. Perform a scene size-up, identifying scene safety, manpower resources, and rescue needs.
2. Perform an initial assessment identifying and managing immediate life threats.
3. Perform detailed and on-going patient evaluations and apply appropriate treatments.
4. Document and record patient and treatment information.
5. Interact appropriately with all other emergency responders.
6. Manage triage, treatment, transport of patients in a multi-casualty event.
7. Communicate with medical control and dispatch using a variety of electronic devices.

Course Student Learning Outcomes

- | | |
|---|---------------------------------|
| 1. Perform an initial assessment identifying and managing immediate life threats. | Expected SLO
Performance: 70 |
| 2. Perform detailed and on-going patient evaluations. | Expected SLO
Performance: 70 |
| 3. Apply appropriate treatments. | Expected SLO
Performance: 70 |

COURSE OUTLINE OF RECORD AVAILABLE IN ELUMEN

<https://fresnocitycollege.elumenapp.com/public/course/118/0fe0648a-c244-11ea-8b86-e52ff1407be1/0fe0648a-c244-11ea-8b86-e52ff1407be1>

APPENDIX D (continued)

COURSE TITLE: Emergency Medical Technician – Paramedic Clinical and Field Work

COURSE NUMBER: FIRET-136 COURSE HOURS: 679.5 UNITS: 13.0

DESCRIPTION:

The student will rotate through two required settings. The hospital, which consists of rotations in various departments including: emergency, surgery, labor & delivery and pediatrics, specialty units and Advanced Cardiac Life Support (ACLS), certification. The field, responding with assigned paramedic preceptors, the students will assess the scene, patients and provide appropriate care. The rotations are required to produce qualified and competent EMT-Paramedics who are educated and trained in all elements of prehospital advanced life support to the acutely ill or injured patients, in accordance with local protocols and Title 22 of the California Code of Regulations.

LEARNING OUTCOMES AND OBJECTIVES

Course Objectives

1. Perform a scene size-up, identifying scene safety, manpower resources, and rescue needs.
2. Perform an initial assessment identifying and managing immediate life threats.
3. Perform detailed an on-going patient evaluations and apply appropriate treatments.
4. Document and record patient and treatment information.
5. Interact appropriately with all other emergency responders.
6. Manage triage, treatment, transport of patients in a multi-casualty event.
7. Communicate with medical control and dispatch using a variety of electronic devices.

Course Student Learning Outcomes

- | | |
|---|---------------------------------|
| 1. Perform an initial assessment identifying and managing immediate life threats. | Expected SLO
Performance: 70 |
| 2. Perform detailed and on-going patient evaluations. | Expected SLO
Performance: 70 |
| 3. Apply appropriate treatments. | Expected SLO
Performance: 70 |

COURSE OUTLINE OF RECORD AVAILABLE IN ELUMEN

<https://fresnocitycollege.elumenapp.com/public/course/118/19e57d43-9283-4443-8403-cccec59b2073/19e57d43-9283-4443-8403-cccec59b2073>

APPENDIX D - Police

FRESNO CITY COLLEGE ISA COURSE LIST

These courses are presented under the ISA contract between Fresno City College and the above agency pursuant to the terms of said contract. The parties agree to offer the course described herein, under the same terms and conditions as set forth in said contract.

[AJ-233 - AR-15 Armorer Course](#)
[AJ-233A - Tactical Firearms \(PSP\)](#)
[AJ-233B - Firearms - Tactical Rifle](#)
[AJ-233C - Civil Procedure for Law Enforcement Officers](#)
[AJ-233D - Cal Gang End User Training](#)
[AJ-233E - Police Training Officer \(PTO\)](#)
[AJ-233F - Wilderness Tracking](#)
[AJ-233G - Electronic Weapons](#)
[AJ-233H - Driving \(PSP\)](#)
[AJ-233I - Court & Temporary Holding Facility](#)
[AJ-233J - Advanced Officer Course](#)
[AJ-233K - Arrest & Control Update](#)
[AJ-233L - Training Conference](#)
[AJ-233M - Patrol Canine Handler Update](#)
[AJ-233N - Search and Rescue Training Update](#)
[AJ-233O - Underwater Search and Recovery Update](#)
[AJ-233P - Search & Rescue Inclement Weather Update](#)
[AJ-233Q - Introduction to Tactical Dispatcher Course](#)
[AJ-233R - Response to Active Shooters Update](#)
[AJ-233S - Training Conference - Gang Update](#)
[AJ-233T - Training Conference - Active Shooter Update](#)
[AJ-233U - Training Conference - Emotional Survival for Officers Update](#)
[AJ-233V - Officer Skills Orientation Update](#)
[AJ-233W - Pursuit Intervention Technique - PIT Update](#)
[AJ-233X - Critical Incident Stress Debrief Update](#)
[AJ-233Y - De-Escalation Update](#)
[AJ-234 - Adult Corrections Officer Core Course](#)
[AJ-234A - Adult Corrections Officer Core Enhancement Course](#)
[AJ-234B - PC 832 Laws of Arrest](#)
[AJ-234C - PC 932 Firearms](#)
[AJ-235 - Reserve Officer - Firearm Update Training](#)
[AJ-235A - Reserve Officer - Vehicle Transition Update Training](#)
[AJ-235B - Reserve Officer Driver Awareness Issues - Below 100 Update](#)
[AJ-235C - Reserve Officer - E.V.O.C. Update Training](#)
[AJ-235D - Reserve Officer - C.P.R. / A.E.D. Update Training](#)
[AJ-235E - Reserve Officer - First Aid Update Training](#)
[AJ-235F - Reserve Officer - Electronic & Impact Weapons Update Training](#)
[AJ-235G - Reserve Officer - Report Writing Update Training](#)
[AJ-240 - Arrest and Control Update](#)
[AJ-240A - Tactical Rifle for Law Enforcement](#)

APPENDIX D (continued)

[AJ-240B - Firearms Update](#)
[AJ-240D - Driver Training - Emergency Vehicle Update](#)
[AJ-240E - Bias Based Policing Update Training](#)
[AJ-240F - Principled Policing Update](#)
[AJ-240G - First Aid for Medical Injuries Update](#)
[AJ-240H - CPR / AED Update Training](#)
[AJ-240I - First Aid for Traumatic Injuries Update](#)
[AJ-243 - Arrest and Control Update for Probation Officers](#)
[AJ-243A - Juvenile Institution Orientation Training](#)
[AJ-243B - Expandable Baton Update for Probation Officers](#)
[AJ-243C - Pepper Spray Training for Probation Officers](#)
[AJ-243D - Basic Use of Force Options for Probation Officers](#)
[AJ-243E - Tactical Approaches and Entries for Probation Officers](#)
[AJ-243F - Field Tactics Update for Probation Officers](#)
[AJ-243G - Offender Behavior Modification](#)
[AJ-245 - Academy Instructor Certification Course Update](#)
[AJ-245A - Arrest & Control Techniques Update](#)
[AJ-245B - Baton User Update](#)
[AJ-245C - Canine Agitator](#)
[AJ-245D - Detective School](#)
[AJ-245E - Driver Awareness Instructor](#)
[AJ-245F - Driver Awareness Update](#)
[AJ-245G - Driver Training Instructor](#)
[AJ-245H - PIT Instructor](#)
[AJ-245I - Driver Training/EVOC/PIT Update](#)
[AJ-245J - Driver Training Simulator](#)
[AJ-245K - Driving / Force Option Simulator Combo](#)
[AJ-245L - Drug Facilitated Sexual Assault](#)
[AJ-245M - Electronic Weapons](#)
[AJ-245N - Firearms Instructor Update](#)
[AJ-245O - Tactical Handgun](#)
[AJ-245P - Tactical Rifle Advanced](#)
[AJ-245Q - Tactical Rifle Update](#)
[AJ-245R - Tactical Rifle 1st Responder](#)
[AJ-245S - Tactical Shotgun](#)
[AJ-245T - Tactical Handgun Advanced](#)
[AJ-245U - First Aid & CPR Refresher](#)
[AJ-245V - Force Option Simulator](#)
[AJ-245W - Less Lethal Weapons](#)
[AJ-245X - Mental Illness Awareness Refresher](#)
[AJ-245Y - Officer Safety/Field Tactics](#)
[AJ-245Z - Officer Safety/Field Tactics Update](#)
[AJ-246 - Rifle Marksmanship and Sniper](#)
[AJ-246A - Search/Arrest Warrant](#)
[AJ-246B - Traffic Collision Investigation Update](#)
[AJ-246C - Use of Force Update](#)
[AJ-246D - Perishable Skills Program I](#)
[AJ-246E - Perishable Skills Program II](#)

APPENDIX D (continued)

[AJ-246F - Rifle Instructor](#)

[AJ-246G - K9 Handler Update](#)

[AJ-246H - MACTAC - Multi Assault, Counter Terrorism Action Capabilities](#)

[AJ-246I - Basic Bicycle Patrol](#)

[AJ-246J - Drug / Alcohol Standardized Field Sobriety Tests Update](#)

[AJ-246K - Crisis Intervention Training](#)

[AJ-246L - Critical Incident Articulation Update](#)

[AJ-279 – Citizen’s Academy](#)

COURSE OUTLINES OF RECORD AVAILABLE IN ELUMEN

<https://fresnocitycollege.elumenapp.com/public/course/118/d9307200-c2d3-11ea-b635-7d9d4b349bb1/d9307200-c2d3-11ea-b635-7d9d4b349bb1>

Master Instructional Service Agreement - FCC and KCFD

Final Audit Report

2023-08-01

Created:	2023-07-31
By:	April Farkas (april.farkasdoutier@fresnocitycollege.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABM3onysOiG2JoywhhteGMiNBopqIFZFCf4

"Master Instructional Service Agreement - FCC and KCFD" History

Document created by April Farkas (april.farkascloutier@fresnocitycollege.edu)

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Signature Date: 2023-08-01 - 8:26:09 PM GMT-Time Source: server- IP address: 209.129.241.61

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1% Document a-signed by Roberto Pimentel (robert.pimentel@fresnocitycollege.edu)

Signature Date: 2023-08-01 - 8:36:05 PM GMT-Time Source: server- IP address: 209.129.241.62

9 Agreement completed.

2023-08-01 - 8:36:05 PM GMT

**INSTRUCTOR AGREEMENT
FOR INSTRUCTIONAL SERVICE AGREEMENT (ISA) ON-SITE
SUPERVISOR AND INSTRUCTOR SERVICES BETWEEN
FRESNO CITY COLLEGE
AND**

ENTITY NAME: Kings County Fire Department

INSTRUCTOR'S NAME: Matt SanFilippo

This agreement is made and entered into by and between Fresno City College, hereinafter referred to as FCC, a college of the State Center Community College District, and Kings County Fire Department legal designation, hereinafter referred to as KCFD, and Matt SanFilippo, a person and employee of KCFD.

WITNESSETH:

Whereas FCC needs supervisory services and an instructor of record with regard to instruction for classes offered by FCC in cooperation with KCFD subject to the terms and conditions set forth in the separate Master Agreement between KCFD and FCC; and,

Whereas KCFD has duly qualified employees who can competently provide supervisory services with regard to instruction for classes offered by FCC in cooperation with KCFD; and

Whereas the On-site Supervisor and Instructor agrees to be assigned to FCC as an at-will and uncompensated temporary academic employee of FCC to competently provide and execute services with regard to instruction for classes offered by FCC in cooperation with KCFD; and

Whereas the authority for this Agreement includes Title 5, California Code of Regulations, Section 58058 (b).

AGREEMENT:

Now therefore the three parties to this agreement hereby agree as follows:

1. Matt SanFilippo, a KCFD employee will be On-site Supervisor and Instructor of record for the courses covered in the Master Agreement between FCC and KCFD
2. .
3. Matt SanFilippo meets the "minimum qualifications" for the academic position of On-Site Supervisor and Instructor and determined by FCC with regard to Title 5 of the California Code of Regulations.
4. Matt SanFilippo is professionally and specially trained and competent to provide the supervisory and instructional services required by FCC.
5. While Matt SanFilippo is performing the required supervisory and instructional services for FCC, he/she shall be under the direct control and direction of FCC and shall be a temporary academic employee of FCC. FCC retains the sole right to assign, evaluate and discipline Matt SanFilippo with regard to this position as On-Site Supervisor and Instructor at any time.
6. Matt SanFilippo shall be an at-will and uncompensated temporary academic employee of FCC during the hours of assignment to FCC and may be terminated by FCC at any time for any reason and without cause.
7. Matt SanFilippo shall maintain records of student achievement and attendance. Records will be always open for review by officials of FCC and submitted on a schedule developed by FCC.
8. The On-site Supervisor's and Instructor's responsibilities and duties as an employee of FCC shall

include, but are not limited to, the following:

- a. Ensure that training is expended in full compliance with the course objectives determined by FCC.
 - b. Ensure the safety and well-being of students.
 - c. Ensure continued physical presence at the workplace assigned by FCC during all hours of the assignment as an employee of FCC.
 - d. Ensure the proper and timely assignment, scheduling, and notification of facilitators.
 - e. Ensure the complete, accurate and timely evaluation of facilitators.
 - f. Ensure regular attendance at periodic staff meetings with the FCC employee serving as Co-Director.
 - g. Ensure that all handouts prepared or utilized by facilitators are appropriate prior to submitting them to the Co-Director for approval.
 - h. Ensure accurate and current daily student attendance records.
 - i. Ensure the effective use of instructional methods, technology, testing, and remediation.
 - j. Ensure the accurate calculation of final student grades and prompt submission of them to the Co-Director within two weeks of the course completion.
 - k. Ensure the competent and prompt completion of all other assigned duties.
9. FCC shall provide no compensation to the On-site Supervisor and Instructor for any services rendered pursuant to this agreement, but compensation shall be provided by KCFD in accordance with its established and standard practices, including worker's compensation insurance.
 10. For purposes of identification and defense of any claims, actions or lawsuits, the On-Site Supervisor and Instructor shall be considered an employee of FCC only during those times when the On-Site Supervisor and Instructor is actually performing on behalf of FCC the responsibilities and duties listed in this agreement at the workplace assigned by FCC.
 11. This agreement may be terminated at any time by FCC within the sole and exclusive discretion of FCC upon written notice to KCFD and On-Site Supervisor and Instructor. This agreement may be terminated upon thirty (30) days prior written notice to FCC by either the KCFD or On-Site Supervisor and Instructor with in either's sole or exclusive discretion.

FOR FRESNO CITY COLLEGE:

NAME: PETER CACOSSA, FIRE ACADEMY DIRECTOR

SIGNATURE: Peter Cacossa

DATE: 8/21/23

FOR INSTRUCTOR:

NAME: Matt SanFilippo, Training Chief

SIGNATURE: Matt San Filippo

DATE: 8-18-2023

FOR KINGS COUNTY FIRE DEPARTMENT:

NAME: William Lynch, Fire Chief

SIGNATURE: _____

DATE: _____



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Human Resources – Carolyn Leist

SUBJECT: DEFERRED COMPENSATION EXPENSE REIMBURSEMENT RESERVE POLICY

SUMMARY:

Overview:

The Administrative Expense Reimbursement Allowance Reserve is an account whose assets are held in an interest-bearing investment option with the defined contribution vendor on behalf of the participants of the defined contribution plan. The revenues and expenses of the account and the plan must be used for the exclusive benefit of the plan participants. In addition to expenditures already anticipated in the budget, the reserve policy would establish a reasonable level of reserves for certain major though intermittent expenses.

Recommendation:

Approve the County’s Deferred Compensation Defined Contribution Administrative Expense Reimbursement Allowance Reserve Policy for the administration of the Deferred Compensation Program.

Fiscal Impact:

There is no fiscal impact.

Advisory Board Statement:

The Kings County Deferred Compensation Plan requires an Oversight Committee for the Deferred Compensation program. The Oversight Committee is comprised of the County Administrator, Director of Finance, the Assistant Director of Finance, Treasurer, Human Resources Director, and a Retiree. On June 26, 2023, the Oversight Committee unanimously approved the proposed Deferred Compensation Expense Reimbursement Policy and recommends approval by the Board of Supervisors.

BACKGROUND:

The Deferred Compensation Defined Contribution Administrative Expense Reimbursement Allowance Reserve Policy was created to represent a “level of comfort” considering the nature of the plan, the magnitude of the
(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed
and adopted on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____ Deputy.

Agenda Item

DEFERRED COMPENSATION EXPENSE REIMBURSEMENT RESERVE POLICY

August 29, 2023

Page 2 of 2

assets, and the types of expenses that might be incurred in the administration of the plan. This reserve policy would provide set amounts in various components to hold for needs to assist with the administration of the plan and the fiduciary responsibilities. This reserve policy would consist of three components: 1) Contingency/Stabilization Reserve, 2) Reserve for Major Plan Changes and Requests for Proposals (RFP), and 3) Reserve for a “mock” IRS compliance audit.

The Contingency/Stabilization Reserve is designed to absorb unanticipated expenses without sacrificing other planned expenses and without dramatically changing the account’s revenue stream. The Deferred Compensation Committee believes that \$7,500 is a reasonable reserve as it is approximately a quarter of the year’s budgeted expenditures. The nature of these expenses is unknown.

The Major Plan Changes & RFP Reserve is based on current RFP expenses of \$35,000. Once expended, this reserve would be replenished in time for the next planned RFP or expenditure for plan changes approved by the Kings County Board of Supervisors.

The “Mock” IRS Compliance Audit is a reserve of \$20,000 for a “mock” compliance audit that allows the Committee the latitude to request such an audit when the Committee believes that it would be prudent to take such action. Once expended, this reserve would be replenished over a two- to four-year time span depending on the results of the audit.

The approximate amount needed for the administration of the Deferred Compensation program and the fees is \$35,000. These fees are paid for by the Human Resources Department and reimbursed annually at the end of each fiscal year.

The Committee will review and update the Reserve Policy at least once every four (4) years as necessary and appropriate, and all reserve levels will be reviewed and adopted annually. An account balance in excess of the approved reserve level will be returned to the Plan participants at the end of each fiscal year.

The drafted policy is attached and has been reviewed and approved by County Counsel.

	<p style="text-align: center;">COUNTY OF KINGS California POLICY MANUAL</p>	<p>Policy Subject: Deferred Compensation Expense Reimbursement Reserve Policy</p> <p>Section: 10 Number: 22 BOS Agenda Date: August 29, 2023 Bookmark No.: B6</p>
<p>SUBJECT</p> <p><u>Deferred Compensation Defined Contribution Administrative Expense Reimbursement Allowance Reserve Policy</u></p>	<p>By Action of the Board of Supervisors</p> <p><input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Emergency Action</p>	
<p>DEPARTMENT</p> <p>Human Resources Department</p>	<p>Effective Date: August 29, 2023 Revision Date: <i>Citation:</i></p>	

Purpose

The Administrative Expense Reimbursement Allowance Reserve is an account also known as the Defined Contribution Forfeiture Account whose assets are held in an interest-bearing investment option with the defined contribution vendor on behalf of the participants of the defined contribution plan (voluntary plan). The revenues and expenses of the account and the plan must be used for the exclusive benefit of the plan participants.

In addition to expenditures already anticipated in the budget, it is recommended that the Kings County Deferred Compensation Committee (Committee) establish a reasonable level of reserves in the Defined Contribution Forfeiture Account for unanticipated expenses and for certain major though intermittent expenses.

Policy

This Reserve Policy represents a "level of comfort" considering the nature of the plan, the magnitude of the assets and the types of expenses that might be incurred in the administration of the plan.

The recommended policy consists of three components:

1. Contingency/Stabilization Reserve
2. Reserve For Major Plan Changes & Requests for Proposals (RFP)
3. Reserve for a "mock" IRS compliance audit

Contingency/Stabilization Reserve. The Contingency/Stabilization Reserve is designed to absorb unanticipated expenses without sacrificing other planned expenses and without dramatically changing the account's revenue stream (paid by the providers and the participants). The staff committee believes \$7,500 is a reasonable reserve as it is approximately a quarter of the annual budgeted expenditures. The natures of these expenses are unknown at this time. Given that, the staff committee proposes that this level of reserve is an adequate level without being excessive.

Major Plan Changes & RFP Reserve. The Major Plan Changes & RFP Reserve is based on current RFP expenses of \$35,000. Once expended, this reserve would be replenished in time for the next planned RFP or expenditure for plan changes approved by Kings County Board of

Supervisors. For example, if all \$35,000 is expended in the next RFP, and that RFP results in a five-year agreement with the provider, this reserve would be replenished over the course of the next five years at the rate of \$7,000 per year.

Mock IRS Compliance Audit. A reserve of \$20,000 for a "mock" compliance audit allows the Committee the latitude to request such an audit when the Committee believes it would be prudent to take such action. Once expended, this reserve would be replenished over a two- to four-year time span. This would depend upon the results of the audit.

Policy Review and Updates. In addition to these three components of the reserve, the reserve policy recommends that the policy itself be reviewed and updated as necessary and appropriate at least every four years.

Excess Funding of the Reserve. An account balance in excess of the approved reserve level will be returned to the Plan participants at the end of the fiscal year.

Summary. A prudent and reasonable level of reserves for both unanticipated expenses and for certain major intermittent expenses must be established. The Defined Contribution Forfeiture Account currently had the fund balance for the recommended level of reserves.

Annual Reserve Amounts/Review. The Kings County Compensation Oversight Committee shall adopt its reserve levels each year in the following format. In addition to an annual review in the context of the annual budget, the Reserve Policy shall be reviewed at least once every four (4) years.

Reserve	Amount
Contingency/Stabilization Reserve	\$7,500 Approximately a quarter of the year's budgeted expenditures designed to absorb unanticipated expenses without sacrificing other expenses and revenues.
Reserve for Major Plan Changes & Requests for Proposals	\$35,000 This amount will be expended when appropriate, and then replenished in time for the next planned expenditure.
Reserve for Audit	\$20,000 This amount will allow the Committee to request a "mock" IRS compliance audit, when necessary, then replenish in time for the next planned expenditure.
Administrative Fees	\$35,000 Approximate amount needed for the administration of the deferred compensation program. These fees are paid for by Human Resources and reimbursed annually at the end of the fiscal year.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Human Resources – Carolyn Leist/Ashley Hernandez
SUBJECT: NEW JOB SPECIFICATION FOR ASSISTANT SHERIFF - STC
SUMMARY:

Overview:

The Assistant Sheriff – STC will be a new classification in the Sheriff’s Office, and will administer, supervise, and coordinate the functions of the Detentions Division of the Sheriff’s Office through subordinate management. This classification will be distinguished from the Assistant Sheriff in that the latter classification requires possession of Peace Officer Standards and Training (P.O.S.T.) certifications whereas the Assistant Sheriff - STC requires possession of a Standards and Training for Corrections (STC) certifications.

Recommendation:

Approve the new job specification for Assistant Sheriff - STC and set the salary at Range 269.0 (\$8,741 - \$10,665 monthly).

Fiscal Impact:

There is no fiscal impact. The cost for the new position was included in the Final Fiscal Year 2023-24 Budget.

BACKGROUND:

In March 2023, the Sheriff requested and was approved for a reorganization. The reorganization allocated one (1.0) FTE Undersheriff Position in Budget Unit 222000 (Field Operations Division) and removed the Full Time Assistant Sheriff position in Budget Unit 222000 (Field Operations Division).

During Fiscal Year 2023-24 Final Budget, the Sheriff recommended the addition of the Assistant Sheriff -STC allocation offset by the deletion of the full-time Detentions Captain allocation. The Assistant Sheriff-STC position will be an At-Will management level classification and will aid in the planning, directing, and organizing of day-to-day operations, administration, and management of the Detentions Division. The Assistant

(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

NEW JOB SPECIFICATION FOR ASSISTANT SHERIFF - STC

August 29, 2023

Page 2 of 2

Sheriff-STC position will require Standard and Training for Corrections (STC) certifications to oversee the Jail. STC is the training and certification requirements for Detentions Staff. The proposed job specification for the Assistant Sheriff - STC classification is attached.



ASSISTANT SHERIFF - STC

DEFINITION

Under administrative direction, assists with planning, directing, and organizing, through subordinate supervisors, the Detentions Division of the Sheriff's Office; administers, supervises, and coordinates the functions of the Detentions Division; fosters cooperative working relationships among County departments and divisions, intergovernmental and regulatory agencies, and various public and private groups; and performs related duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Sheriff or Undersheriff. Exercises direct supervision over management, supervisory, professional, technical, and administrative support staff through subordinate levels of supervision.

CLASS CHARACTERISTICS

This is an assistant department director classification that is responsible for the day-to-day operations, administration, and management for the Detentions Division of the Sheriff's Office through subordinate management personnel. The incumbent is responsible for developing and implementing policies and procedures for the division, including short- and long-term planning, budget administration and reporting, and coordination of key programs/projects with other County divisions and departments and external agencies. This position will apply advanced management principles and strategic thinking to decisions that impact the department as a whole and the public being served. This position generally serves as advisors and contributors to executive management on policies, procedures, and major County initiatives.

This classification is distinguished from the Assistant Sheriff in that the latter classification requires possession of a valid Peace Officer Standards and Training (P.O.S.T) Supervisory certificate, whereas the Assistant Sheriff-STC requires possession of a Standards and Training for Corrections (STC) Supervisor's Core Course and a Manager/Administrator Core Course certificate.

EMPLOYMENT AT WILL

The Assistant Sheriff-STC is an "at will" position, which is not included in the County's classified service and is exempt from merit system status. As such, the incumbent is appointed by and serves at the pleasure of the Sheriff. The Sheriff has the right to terminate the employment of any incumbent in the position of Assistant Sheriff-STC at any time, with or without advance notice and with or without cause, except during the first 180 days following the Sheriff's first election or appointment to office.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Plans, organizes, coordinates, administers, directs, and evaluates the work of the Detentions Division functions of the Sheriff's Office through subordinate managers and supervisors; develops, assists with, and implements management systems, procedures, and standards for program evaluation.
- Develops and directs the implementation of goals, objectives, policies, procedures, and work standards for the division.
- Conducts a variety of organizational and operational studies and investigations; recommends and administers policies and procedures while ensuring that operational, maintenance, financial, regulatory, and legal requirements are met.
- Administers and participates in the development and management of the Sheriff's Office budget; oversees and participates in the monitoring of and approves expenditures; ensures fiscal accountability; oversees and implements budgetary adjustments.
- Determines and recommends equipment, materials, and staffing needs for the assigned programs and activities; directs the forecasting of funds needed for staffing, equipment, and supplies; monitors, controls, and orders supplies and equipment.
- Selects, trains, motivates, and manages personnel; evaluates and reviews work for acceptability and conformance with Sheriff's Office standards, including program and project priorities and performance evaluations; works with employees to correct deficiencies; initiates discipline and termination procedures; responds to staff questions and concerns.
- Develops, assists with, and maintains cooperative working relationships and mutual aid agreements with partnering County departments, community agencies, law enforcement, and other agencies.
- Serves as a liaison for assigned functions with other County departments, divisions, and outside agencies; provides staff support to commissions, committees, and task forces as necessary.
- Represents the Sheriff's Office to other County departments, elected officials, and outside agencies; provides staff support to and serves as member on multi-disciplinary and community teams, committees, and task forces, as necessary.
- Prepares and presents staff and agenda reports and other necessary correspondence related to assigned activities and services; presents reports to various commissions, committees, boards, and other stakeholders.
- Supervises the preparation and maintenance of reports, records, and files; reviews and updates databases; ensures the proper documentation of activities.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in detention facility management and law enforcement; researches emerging products and enhancements and their applicability to County needs.
- Monitors changes in regulations that may affect operations and implements and updates policies and procedures as necessary.
- Performs related duties as assigned.

QUALIFICATIONS

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

EDUCATION AND EXPERIENCE

Education:

- Equivalent to a bachelor's degree from an accredited college or university with major coursework in criminal justice, criminology, public administration, or a closely related field. (Substitution: Additional qualifying experience may substitute for the required education on a one-year of experience for two-years of education basis.)

Experience:

- Four (4) years of experience in law enforcement work or a detention facility with inmate oversight experience, including one (1) year in a management capacity at a level equivalent to a Sheriff's Commander or Detentions Lieutenant with Kings County.
- Must meet Peace Officer Status Requirements pursuant to state penal and government codes.

LICENSES AND CERTIFICATIONS

Licenses:

- Possession of a valid California driver's license issued by the Department of Motor Vehicles at the time of appointment.

Certifications:

- Completion of minimum state mandated STC Certified Adult Corrections Officer Core training program (or STC approved adult supplemental core with valid P.O.S.T. Basic Certificate).
- Possession of an approved Supervisor's Core Course and a Manager/Administrator Core Course certificate.

SPECIAL REQUIREMENTS

Qualify for security clearance through a background investigation and fingerprint which includes a credit check. Ability to work irregular hours including evenings, weekends, holidays and on-call.

Incumbent will work directly with inmate workers in a locked detention facility which enforces a "lock down, no hostages" policy. Incumbent will be required to complete the Kings County Sheriff's Office firearms orientation and range training and must qualify to carry all duty firearms on a regular basis. Incumbent will be required to requalify to carry firearm.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Organization and management practices as applied to the development, analysis, and evaluation of programs, policies, and operational needs of the assigned area of responsibility.
- Administrative principles, practices, and methods including goal setting, program development, implementation, and evaluation, policy and procedure development, quality control, and work standards.
- Principles and practices of employee supervision, including work planning, assignment review and evaluation, discipline, and the training of staff in work procedures.
- Principles and practices of leadership.
- Principles and practices of detentions facility operation, including legal rights of inmates, and laws, codes, and regulations governing inmate detention and release.
- Applicable federal, state, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Principles and practices of budget development and administration.
- Modern principles, practices, procedures, and terminology used in a detentions facility.

- Principles and techniques for working with groups and fostering effective team interaction to ensure teamwork is conducted smoothly.
- Techniques for effectively representing the County in contacts with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations.
- Recent and ongoing developments, current literature, and sources of information related to the operations of the assigned division.
- Methods and techniques of preparing technical and administrative reports, and general business correspondence.
- County and mandated safety rules, regulations, and protocols.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and County staff.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
- Current equipment and communication tools used for business functions and program, project, and task coordination, including computers and software programs relevant to work performed.

Ability to:

- Develop and implement goals, objectives, practices, policies, procedures, and work standards.
- Provide administrative, management, and professional leadership for the Sheriff's Office.
- Prepare and administer large and complex budgets; allocate limited resources in a cost-effective manner.
- Plan, organize, direct, and coordinate the work of management, supervisory, professional, and technical personnel; delegate authority and responsibility.
- Select and supervise staff, provide training and development opportunities, ensure work is performed effectively, and evaluate performance in an objective and positive manner.
- Conduct complex research projects, evaluate alternatives, make sound recommendations, and prepare effective technical staff reports.
- Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Administer special projects with contractual agreements, ensuring compliance with stipulations and a variety of County programs and administrative activities.
- Respond to and investigate inquiries and complaints and prepare an appropriate response.
- Effectively represent the Sheriff's Office and the County in meetings with governmental agencies, community groups, various business, professional, and regulatory organizations, and in meetings with individuals.
- Keep abreast of trends, technology, and requirements in law enforcement supervision and operations.
- Independently organize work, set priorities, meet critical deadlines, and follow-up on assignments.
- Use tact, initiative, prudence, and independent judgment within general policy, legal, and procedural guidelines.
- Effectively use computer systems, software applications relevant to work performed, and modern business equipment to perform a variety of work tasks.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

PHYSICAL DEMANDS

Must possess mobility, physical strength and stamina to perform assigned duties in a detentions facility; to work in a standard office setting and use standard office equipment, including a computer, and to operate a motor vehicle to visit various County sites. Standing in and walking between work areas is frequently

required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification frequently bend, stoop, kneel, and reach to perform assigned duties, as well as push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to climb, reach, bend, run and jump; to lift, carry or push objects that weigh up to 160 pounds. Vision in the normal visual range with or without correction sufficient to read computer screens and printed documents and to operate equipment. Hear in the normal audio range with or without correction. Repetitive and fatiguing duties including frequent walking, upward/downward flexion of neck, wrist and arm motions, and sitting. Fine finger dexterity of both hands, ability to grasp and hold. Extreme physical exertion to assist with physical altercations is required.

ENVIRONMENTAL CONDITIONS

Employees work in a county detentions facility setting and are exposed to loud noise levels, hazardous physical substances, confining workspaces, monitored entry and exit of facility and locations within facility, cold and hot temperatures, and varying weather conditions. Employees may be exposed to vermin, insects, and parasites. The duties of this class are performed in an environment with exposure to criminal offenders, mentally ill individuals, and persons potentially infected with communicable diseases. Employees may interact with members of the public or with staff under emotionally stressful conditions while interpreting and enforcing departmental policies and procedures.

DISASTER SERVICE WORKERS

All Kings County employees are designated "Disaster Service Workers" through state and local laws (CA Government Code Sec. 3100-3109 and Emergency Services Chapter 6-8 via adoption of local Ordinance No. 361 § 1, 2-25-75). As Disaster Service Workers, all County employees are expected to remain at work, or to report for work as soon as practicable, following a significant emergency or disaster.

FLSA EXEMPTION: Exempt MEDICAL GROUP: A PROBATIONARY PERIOD: At Will classification
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Department Head Signature

Date

Human Resources Director Approval

Date



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Administration – Kyria Martinez/Domingo C. Cruz
SUBJECT: FLOODING AND VECTOR BORNE ILLNESS LOCAL HEALTH EMERGENCY UPDATE

SUMMARY:

Overview:

On March 10, 2023, the County of Kings’ Emergency Services Director proclaimed a local emergency due to flooding in the County which was ratified by the Board of Supervisors on March 14, 2023, and continues in full force and effect. The Kings County Public Health Officer proclaimed and declared a local health emergency on May 31, 2023, due to the presence of and threat posed by floodwater and potential for increased vector borne illnesses. The Board of Supervisors ratified the Public Health Officer’s proclamation on June 6, 2023, and renewed the proclamation on August 1, 2023.

Recommendation:

- a. Receive a report regarding the local health emergency caused by floodwater contamination and vector borne illness;
- b. Find that conditions of local emergency continue to exist, and that the declaration of local health emergency remains in effect.

Fiscal Impact:

There are no General Fund costs associated with this item. The County is tracking costs and revenue losses related to the emergency for potential request to the Federal Emergency Management Agency.

BACKGROUND:

During the first quarter of 2023, the Tulare Lake Basin experienced an unprecedented amount of precipitation due to extreme weather that brought significant rainfall and snow to the region. Runoff from the melting snowpack grossly exceeded the capacity of reservoirs along the Kings River, Kaweah River, Tule River, and Kern Rivers and contributed to partially filling the Tulare Lake.

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

FLOODING AND VECTOR BORNE ILLNESS LOCAL HEALTH EMERGENCY UPDATES

August 29, 2023

Page 2 of 2

Flooding has given rise to potentially hazardous situations both within and surrounding Tulare Lake. These circumstances include the potential emergence of infectious or communicable diseases, stemming from standing and stagnant water, the growth of mold, exposure to agricultural elements, and accumulations of decomposing organic matter. This situation has also led to an elevated risk of disease-carrying rodents and pests. The California Department of Fish and Wildlife is maintaining vigilant oversight due to the alarming concentration of birds in the inundated regions, as there is a heightened potential for botulism and avian flu outbreaks.

The contamination present in the floodwater introduces significant health hazards to those who come into contact with it. Furthermore, the persistence of standing and stagnant water provides an ideal breeding environment for disease-carrying vectors, leading to a noticeable surge in mosquitoes and other insects that pose substantial threats to the local population.

Current information:

- Water levels have continued to drop since the peak in late May and are expected to continue to fall. The recent tropical storm should have minimal effect on the Lake.
- There has been no large-scale die offs or diseases detected in wildlife. Plans exist to continue testing and monitoring through October.
- Kings County has reported two instances of West Nile Virus, with 47 mosquitoes testing positive for the virus. Ongoing abatement efforts are in progress throughout the county.
- The presence of avian botulism type C has been confirmed in two birds gathered from Tulare Lake. This type of botulinum toxin typically doesn't relate to human botulism, which is caused by distinct variants of the toxin.
- County personnel have been diligently evaluating the ever-evolving conditions and furnishing the community with guidance on avoiding the dangers associated with the flood and vector borne illnesses.
- Plans for cleanup efforts are in progress.

Regular updates will be presented to the Board concerning the activities and responses of the County to the situation.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Community Development Agency – Chuck Kinney/Noelle Tomlinson
SUBJECT: CONSIDER KINGS COUNTY DEVELOPMENT CODE TEXT CHANGE
NUMBER 668.17(A)

SUMMARY:

Overview:

The Community Development Agency has received an application for a Kings County Development Code Text Change to allow permitted uses in the Light Industrial zone district to be permitted in the Rural Commercial zone district subject to the approval of a Site Plan Review zoning permit. This item was first introduced on August 22, 2023.

Recommendation:

- a. Conduct a public hearing to find that Development Code Text Change Number 668.17(a) is exempt from California Environmental Quality Act review pursuant to California Environmental Quality Act Guidelines Section 15061 and that Section 15300.2 does not apply;
- b. Find that Development Code Text Change Number 668.17(a) is consistent with the policies of the 2035 Kings County General Plan;
- c. Adopt and waive the second reading of an Ordinance approving the Development Code Text Change Number 668.17(a).

Fiscal Impact:

There is no fiscal impact to the County.

Advisory Board Statement:

The Kings County Planning Commission received a staff report and held a public hearing on July 3, 2023 for Development Code Text Change No. 668.17(a). The Planning Commission voted to adopt Resolution No. 23-02 and recommends that the Board of Supervisors adopt Development Code Text
(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

CONSIDER KINGS COUNTY DEVELOPMENT CODE TEXT CHANGE NUMBER 668.17(A)

August 29, 2023

Page 2 of 4

BACKGROUND:

The Kings County Community Development Agency (CDA) has received private industry interest to develop and operate a commercial agricultural wood chip drying and storage facility in the Rural Commercial (CR) zone district. This use would be considered harvesting, curing, processing, packaging, and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of an agricultural operation. Currently, the Kings County Development Code does not allow for the use of harvesting, curing, processing, packaging, packing, and shipping of agricultural products in the Rural Commercial (CR) zone district. Article 6 Commercial Zoning Districts, Section 603, Table 6-1 allows all uses listed in the Light Industrial (IL) zone district which require a Site Plan Review to be allowable in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit (**Figure 1 below**).

Figure 1. Development Code Section 603 Current Allowance of IL uses in the CR Zone District

Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS						
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "—" Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					
Warehouses, excluding storage of fuel, flammable liquids or explosives.	-	S	-	-	-	
Wedding services and supplies.	S	-	S	-	S	
Welding services and supplies	-	S	-	-	S	
Industrial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					Additional Regulations and Information
★ All uses listed in the IL Light Industrial Zoning District which requires a Site Plan Review.	-	C	-	-	S*	*Excluding service stations, outdoor advertising structures, and watchman's living quarters which are not allowed in the CR Zoning District.

Permitted uses are allowable uses that do not require a zoning permit and are the least impactful. The proposed amendment to the Development Code would allow for permitted uses in the Light Industrial (IL) zone district to also be permitted in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit. Light Industrial uses that require a Site Plan Review zoning permit are already allowable in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit. The proposed amendment would create consistency in the Development Code.

Development Code Article 8 Industrial Zoning Districts, Section 803, Table 8-1 allows for harvesting, curing, processing, packaging, and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of an agricultural operation, as a permitted use in the IL zone district (**Figure 2 below**), so this use is not currently allowable in the CR zone district. The approval of this proposed Development Code amendment would allow for permitted uses in the IL zone district, such as a wood chip drying and storage facility, in the CR zone district subject to the approval of a Site Plan Review zoning permit.

Agenda Item

CONSIDER KINGS COUNTY DEVELOPMENT CODE TEXT CHANGE NUMBER 668.17(A)

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Figure 2. Development Code Section 803 Allowance of Harvesting, Curing, Processing, Packaging, and Shipping of Agricultural Products Produced on the Premises in IL Zone District

Table 8-1 INDUSTRIAL ZONING DISTRICTS LAND USE REGULATIONS			
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. See Article 16 "C" Conditional Use Permit required. See Article 17 "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT		Additional Regulations and Information
	IL	IH	
Agricultural Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Harvesting, curing, processing, packaging, packing and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of an agricultural operation.	P	P	

The proposed changes will remain consistent with the goals and objectives of the Kings County Development Code. Development Code Article 6, Section 602.E states that the Rural Commercial (CR) district is intended primarily for application in rural service centers of the county, Such as Armona, Kettleman City, Stratford, Grangeville, Hardwick, and Halls Corner. Uses are intended to serve the needs of rural residents. The Rural Commercial (CR) district is established to permit the accommodation of most of the commercial uses otherwise provided for in other commercial districts. The proposed Development Code text change is consistent with the intentions of Section 602.E for Rural Commercial (CR) districts since it will allow permitted Light Industrial (IL) uses in areas that are rural with lower population densities and will generally be compatible with proximal agricultural, commercial, and industrial zone districts, subject to the approval of a Site Plan Review zoning permit.

The proposed changes will remain consistent with the goals and objectives of the 2035 Kings County General Plan. Specifically, Section III.A.3, on page LU-15, of the Land Use Element states that the Rural Commercial Designation is intended primarily for application to such rural service centers of the County as Armona, Kettleman City, Stratford, Grangeville, Hardwick, and Halls Corner to permit the establishment of uses which cater primarily to the needs of rural residents. Since it is not reasonable to expect large-scale urban development within these communities with an attendant demand for specialized commercial designations, the Rural Commercial Designation is established to permit the accommodation of most of the commercial uses otherwise provided for in other commercial designations. In addition, LU Objective D1.5, on page LU-43, of the Land Use Element in the 2035 Kings County General Plan increases economic reinvestment by directing future commercial and industrial development to existing Community District areas as outlined in each Community Plan in order to meet the daily needs of residents and provide employment opportunities near residences and transportation routes.

The proposed Development Code text changes are provided as Exhibit "A". If approved, this Development Code Text Change will take effect 30 days following adoption by the Board of Supervisors.

ENVIRONMENTAL REVIEW:

The approval of Development Code Text Change No. 668.17(a) is exempt from CEQA review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (CEQA Guidelines). This section states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA

Agenda Item

CONSIDER KINGS COUNTY DEVELOPMENT CODE TEXT CHANGE NUMBER 668.17(A)

August 29, 2023

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applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code Text Change. For the same reason, none of the circumstances in CEQA Guidelines Section 15300.2 applies (Exhibit "D").

County Counsel has reviewed the Ordinance as to form.

Attachments:

Ordinance 668-1-23

Exhibit "A" – Proposed Kings County Development Code Text Change 668.17(a)

Exhibit "B" – Planning Commission Resolution and Staff Report

Exhibit "C" – Kings County Development Code Section 2108

Exhibit "D" – CEQA Guidelines Section 15300.2

ORDINANCE NO. 668-1-23

AN ORDINANCE AMENDING SECTION 603, TABLE 6-1 OF THE KINGS COUNTY DEVELOPMENT CODE TO PROVIDE ALLOW PERMITTED USES IN THE LIGHT INDUSTRIAL ZONE (IL) DISTRICT TO BE PERMITTED IN THE RURAL COMMERCIAL (CR) ZONE DISTRICT SUBJECT TO THE APPROVAL OF A SITE PLAN REVIEW ZONING PERMIT

The Board of Supervisors of the County of Kings ordains as follows:

SECTION 1. The Kings County Development Code Section 603, Table 6-1, Industrial Uses, is hereby amended to allow “All uses listed in the IL Light Industrial Zoning District which are permitted by right” subject to a Site Plan Review zoning permit in the CR (Rural Commercial) zone districts and add, “*Excluding service stations, outdoor advertising structures, and watchman’s living quarters which are not allowed in the CR Zoning District” to the Additional Regulations and Information section.

SECTION 2. Hereby finds that the Development Code Text Change No. 668.17(a) is exempt from CEQA review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (CEQA Guidelines). This section states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. For the same reasons, none of the circumstances in CEQA Guidelines Section 15300.2 applies.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days after its adoption and before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same in the Hanford Sentinel, a newspaper of general circulation published in the County of Kings.

PASSED AND ADOPTED by the Board of Supervisors of the County of Kings, State of California, on the 29th day of August 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Richard Valle, Chairman
Board of Supervisors

WITNESS my hand and seal of said Board of Supervisors this 29th day of August 2023.

Catherine Venturella
Clerk of said Board of Supervisors

Article 6. Commercial Zoning Districts

Sections:

- Sec. 601 - Purpose and Objectives**
- Sec. 602 - District Designations**
- Sec. 603 - Land Use Regulations**
- Sec. 604 - Outdoor Advertising Structures**
- Sec. 605 - Development Standards for Commercial Zoning Districts**
- Sec. 606 - Additional Standards and Regulations**

Sec. 601. Purpose and Objectives: The classes of Commercial (C) Districts included in this Development Code are designed to provide various types of retail stores, offices, service establishments and wholesale businesses opportunities in locations best suited to serve the public. Commercial districts are intended to be located and/or grouped in areas throughout the County that are in logical proximity to residents of patrons they may serve.

Sec. 602. District Designations

- A. **CN – Neighborhood Commercial District:** The Neighborhood Commercial District is intended primarily for the provision of retail and personal service facilities to satisfy the convenience-goods needs of the consumer relatively close to his or her place of residence.
- B. **CS – Service Commercial District:** The Service Commercial District is intended primarily for establishments engaged in servicing equipment, materials and products, but which do not require the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sale. Land requirements for most commercial service uses generally dictate its application along major streets of the county which generally lay close to highway commercial and industrial districts.
- C. **CT – Thoroughfare Commercial District:** This district is intended primarily for application along certain major streets and highways of the county within urban areas where a mixture of commercial and other uses already exists to the extent that it is impractical to apply any other commercial zoning districts to such areas as provided by this Development Code.
- D. **CH – Highway Commercial District:** The Highway Commercial District is intended primarily for application in areas along major highway access points and/or entrances to a community typically, the area will have controlled access to the highway and have connectivity to frontage roads, interchanges and channelized intersections.
- E. **CR – Rural Commercial District:** The Rural Commercial District is intended primarily for application in rural service centers of the county, such as Armona, Kettleman City, Stratford, Grangeville, Hardwick, and Halls Corner. Uses are intended to serve the needs of rural residents. The Rural Commercial District is established to permit the accommodation of most of the commercial uses otherwise provided for in other commercial districts.

Sec. 603. Land Use Regulations: The following table prescribes the land use regulations for “Commercial” districts. The regulations for each district are established by letter designation shown in the key of Table 6-1:



Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Commercial Uses For a definition of the use see Article 25	PERMIT REQUIRED					
Agricultural equipment parts and equipment stores	-	S	S	S	S	
Alcohol beverage sales for consumption off site - beer, wine, and/or distilled spirits sales when the establishment dedicates more than 25% of the sale floor to sales of alcoholic beverages for off-premises consumption.	C	-	-	C	C	See Article 11, Sec. 1105.
Alcohol Beverage sales of beer, wine, and/or distilled spirits for consumption on the site where purchased.	-	-	C*	C*	C*	* Does not include restaurants or similar establishments that sell or serve beer, wine, and/or distilled spirits in conjunction with the business and require or obtain a special ABC license number 41, 47, or 75. See Article 11, Sec. 1105.
Ambulance service.	-	S	S	S	S	
Amusement parks.	-	-	C	C	C	
Animal rescue shelters.	-	S*	-	-	S*	* Located not closer than 500 feet to a residential, district.
Automobile and Truck repair Service Stations (trucks up to and including one-ton rated capacity).	-	S	S	S	S	See list of services in Article 25.
Automobile and Motorcycle Sales and Service (new and used).	-	S	S	S	S	
Automobile parts stores.	-	S	S	S	S	
Automobile/vehicle washing facilities (automated & do-it-yourself).	S	S	S	S	S	
Bakery goods stores (wholesale).		S	-	-	S	
Banks and other financial institutions.	S	-	S	-	S	
Barbeque facilities (Open-air).	S	S	S	S	S	See Article, 11, Sec 1103.
Bars/night clubs/lounges/taverns.	-	-	-	S	S	See Article 11, Sec. 1105.
Billiard and pool halls.	-		-	-	S(1)	See Note 1 and Article 11, Sec. 1105.
Blacksmith shops.	-	S	-	-	S	
Boat and watercraft sales and service.	-	S	-	-	S	
Body Piercing establishments.	S	-	-	-	S	
Bowling alleys.	C	-	S(1)	S	S(1)	See Note 1 and Article 11, Sec. 1105.
Bottling works.	-	S	-	-	S	
Building material sales, excluding bulk storage of sand, gravel or cement.	-	S	-	-	S	
Bus depots and passenger transit stations.	S	S*	S	S	S	*Including repair and storage.
Business colleges, trade schools and other specialized education & training.	-	S	S	-	S	
Butcher shops.	-	S	-	-	S	
Cabinet or carpenter shops.	-	S	-	-	S	



Table 6-1

COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS

<p>KEY</p> <p>“P” Permitted uses - no permit required.</p> <p>“S” Site Plan Review required.</p> <p>“C” Conditional Use Permit required.</p> <p>“TUP” A temporary land use which requires an over-the-counter permit</p> <p>“-” Not permitted</p>	ZONING DISTRICT					<p><i>Additional Regulations</i></p>
	<p>CN</p> <p>Note 1</p>	<p>CS</p>	<p>CT</p> <p>Note 1</p>	<p>CH</p>	<p>CR</p> <p>Note 1</p>	
<p>Commercial Uses</p> <p><i>For a definition of the use see Article 25</i></p>	PERMIT REQUIRED					
Caretaker’s mobile home or manufactured home on a temporary foundation as watchman's or caretaker's quarters incidental to and used in connection with a permitted or conditional use.	-	S	-	-	-	Permitted for the duration of the use to which it is incidental. Each site so used shall be subject to the coverage, yard, and parking requirements of the R-1 District.
Carpet and floor coverings store.	-	S	-	-	S	
Carpet and rug cleaning and dyeing establishments.	-	S	-	-	S	
Catering shops.	-	S	-	C	S	
Coffee shops, outdoor cafes, tearooms.	S	-	S	-	S	
Cold storage, packing and crating services	-	S	-	-	S	
Columbariums and crematoriums.	-	S	C	-	S	
Commercial/meeting halls.	C	C	C	-	C	
Contractor storage yards.	-	S	-	-	S	
Convenience stores with incidental fuel pumps.	S	S	S	S	S	See Note 1 and Article 11, Sec. 1105.
Countertop shops.	-	S	-	-	S	
Copy and duplicating services.	-	S	-	-	S	
Dairy products plants.	-	S	-	-	S	
Delicatessens and health food stores	S	-	S	-	S	
Dry cleaning, pressing and laundry agencies.	C*	S	S	S	S	*Including the use of synthetic dry cleaning machines using non-flammable, non explosive solvents and having a capacity of not to exceed 40 pounds per cycle.
Electrical/electronic repair shops.	-	S	-	-	S	
Equipment rental yards.	-	S	C*	-	S	* Yards for heavy construction or farm equip. exceeding 15,000 pounds net weight.
Exterminators.	-	S	-	-	S	
Farmers markets.	TUP	TUP	TUP	-	TUP	
Feed and seed stores.	-	S	-	-	S	
Food lockers (no slaughtering).	S	S	S	-	S	
Food stores, grocery stores, and super markets.	S	-	S	-	S	See Article 11, Section 1105.D. Full service grocery stores are permitted for the off-sales of alcoholic beverages without a CUP.
Freight transit yards and terminals.	-	S	-	-	S	



Table 6-1

COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS

<p>KEY</p> <p>“P” Permitted uses - no permit required.</p> <p>“S” Site Plan Review required.</p> <p>“C” Conditional Use Permit required.</p> <p>“TUP” A temporary land use which requires an over-the-counter permit</p> <p>“-” Not permitted</p>	ZONING DISTRICT					<p><i>Additional Regulations</i></p>
	<p><i>CN</i></p> <p>Note 1</p>	<p><i>CS</i></p>	<p><i>CT</i></p> <p>Note 1</p>	<p><i>CH</i></p>	<p><i>CR</i></p> <p>Note 1</p>	
<p>Commercial Uses</p> <p><i>For a definition of the use see Article 25</i></p>	PERMIT REQUIRED					
Fueling stations including CNG, and Electric Vehicle (EV) recharge stations.	C	S	S	S	C	Excludes automotive repair services not included in the definition of “Service Station” as provided in Article 25. All operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
Furniture warehouses and van services.	-	S	-	-	S	
Garden supply shop and nurseries.	S	S	S	-	S	All equipment, supplies and merchandise, other than plants, shall be kept within completely enclosed buildings or under a lathed structure; Fertilizer of any type shall be stored and sold in packaged form only.
Glass shops including automotive glass.	-	S	-	C	S	
Golf driving ranges.	-	-	C	-	-	
Gunsmith shops.	-	S	-	-	S	
Hazardous waste treatment equipment added to an existing use.	-	S	-	-	S	
Health and Fitness Type Uses	S	-	S	-	S	See list in Article 25
Heating, ventilating, and air-conditioning shops including incidental sheet metal.	-	S	-	-	S	
Hotels, motels, apartment hotels, and Single Room Occupancy (SRO) Hotels.	-	S	-	S	S	
Household appliance service & incidental repair.	S	S	S	-	S	
Ice cream and desert shops.	S	-	-	S	S	
Ice storage or sales.	-	S	-	-	S	
Interior decorating and design shops.	-	S	S	-	S	
Kennels or catteries.	-	S	-	-	S	Must be located at least 500 feet from a residential or recreation district.
Laboratories.	-	S	-	-	S	
Laundries and linen supply services.	-	S	-	-	S	
Laundromats – self serve.	S	S	S	S	S	
Limousine service.	-	S	-	-	S	
Locksmiths.	S	S	S	-	S	
Lumber yards excluding planning, saw mills and bulk gravel or sand.	-	S	-	-	-	
Machine shops.	-	S	-	-	S	
Machinery and equipment sales and rentals.	-	S	-	-	S	
Mailbox and delivery services.	-	S	-	-	S	



Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-." Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					
Mini storage facilities.	-	S	-	-	S	
Mobile home and recreation vehicle sales and service.	-	S	S	-	S	
Mortuaries and funeral parlors.	-	S	C	-	S	
Motor vehicle dismantling or wrecking yards with total site area not to exceed 10,000 square feet in area.	-	C	-	-	-	All dismantling shall be conducted within an enclosed building. No burning of any portion of a motor vehicle on site.
Movie theaters, theaters, auditoriums.	-	-	S(1)	-	S(1)	See Note 1
Musical instrument repair shops.	-	S	-	-	S	
Music, dance and gymnastics studios	-	-	S	-	S	
Office equipment and machinery repair shops.	-	S	-	-	S	
Offices, Business and Professional Type Uses	S	-	S	-	S	See list in Article 25
Parking facility, commercial.	-	-	S	-	S	See Article 13.
Party supply rentals.	-	S	-	-	S	
Pawn Shops.	-	-	-	-	S	See Article 11, Sec. 1118.
Personal Services Type Uses	S	-	S	-	S	See list in Article 25
Photography studios.	S	-	S	-	S	
Picture framing shops.	-	S	-	-	S	
Printing, graphics, embroidery, lithography and engraving shops.	S	S	S	-	S	
Private non-commercial clubs, lodges and fraternal organizations.	S	-	S	-	S	
Professional Services Type Uses	S	S	S	-	S	See list in Article 25
Race tracks and drag strips.	-	-	C	C	-	
Radio and television broadcasting studios	-	S	-	-	S	
Radio and television repair and services.	S	S	S	-	S	
Recycling centers for ferrous metals such as iron, steel, etc., and all other scrap metals.	-	C	-	-	-	All processing of recycled material shall be conducted within an enclosed building. Total site area shall not exceed 10,000 square feet
Recycling facility; Small collection facility.	S	S	-	-	S	See Article 11, Sec. 1115.B.
Recycling facility; Large collection facility.	-	C	-	-	-	See Article 11, Sec. 1115.C.
Refrigeration equipment sales and service.	-	S	-	-	S	
Religious Facilities	C	-	C	C	C	
Restaurants, cafes, including fast food, drive-in restaurants, buffets, cafeterias, etc. with no sale of alcoholic beverages.	S(2)	S(2)	S	S	S(2)	See Note 2 .



Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					
Restaurants or similar eating establishments that sell or serve beer, wine, and/or distilled spirits which require or obtain a special ABC license # 41, 47, or 75.	C(2)	S(2)	S	S	S(2)	See Note 2.
Retail Sales Type Uses	S	-	-	S	S	See List in Article 25
Riding stables and riding academies.	-	-	C	C	C	
Safe and vault repair services.	-	S	-	-	S	
Sheet metal shops.	-	S	-	-	S	
Sign shops.	-	S	-	-	S	
Skating rinks, outdoor.	-	-	C	-	C	
Skating rinks, indoor.	-	-	S	-	S	
Sports arenas and stadiums.	-	-	S(1)	-	S(1)	See Note 1.
Stone and monument yards and mills.	-	S	-	-	S	
Storage facilities, garages, and yards.	-	S	-	-	S	
Storage facilities for chemicals, gas, petroleum or inflammable liquids.	-	C	-	-	-	
Tattoo parlors.	S	S	-	-	S	
Taxidermists.	-	S	-	-	S	
Taxicab service.	-	S	-	-	S	
Telecommunication dealers and services.	S	S	S	-	S	
Tire sales and service, retreading, and recapping, excluding repair	-	S	-	S	S	
Tool or cutlery sharpening or grinding.	-	S	-	-	S	
Trailer and recreational vehicles sales, service, and rentals.	-	S	-	S	S	
Travel bureaus	-	-	S	S	S	
Truck repair garages and service stations (trucks over one-ton rated capacity).	-	C	C	S	C	
Trucking terminals.	-	S	-	S	S	
Upholstery shops.	-	S	-	-	S	
Veterinarian offices, hospitals or clinics, including short-term boarding of animals and incidental care such as bathing and trimming.	-	S	S	-	S	Located not closer than 500 feet to a residential, district. All operations conducted entirely within a completely enclosed structure which complies with specifications of soundproof construction which shall be prescribed by the Zoning Administrator.
Warehouses, excluding storage of fuel, flammable liquids or explosives.	-	S	-	-	-	



Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS						
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					
Wedding services and supplies.	S	-	S	-	S	
Welding services and supplies	-	S	-	-	S	
Industrial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					Additional Regulations and Information
All uses listed in the IL Light Industrial Zoning District which are permitted by right.	=	=	=	=	S*	*Excluding service stations, outdoor advertising structures, and watchman's living quarters which are not allowed in the CR Zoning District.
All uses listed in the IL Light Industrial Zoning District which requires a Site Plan Review.	-	C	-	-	S*	*Excluding service stations, outdoor advertising structures, and watchman's living quarters which are not allowed in the CR Zoning District.
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					Additional Regulations and Information
Active solar heating systems.	P	P	P	P	P	Used to convert sunlight to heat that can be used for space heating and hot water.
Commercial solar photovoltaic electrical generating facilities.	C	C	C	C	C	
Incidental Electric Vehicle (EV) Recharge Stations	P	P	P	P	P	Incidental to designated parking spaces for electric vehicles. See Article 15, Sec. 1511.C.
Public and Utility Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					Additional Regulations and Information
Solar electrical generation equipment for non-commercial personal use	P	P	P	P	P	With a design capacity to serve the electrical needs of the properties and contiguous properties
Cellular telephone towers.	C	C	C	C	C	
City, county, special district, state and federal administrative offices.	S	C	C	C	C	
Co-location of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.	P	P	P	P	P	
Communications equipment buildings.	S	S	S	-	S	
Fire and police stations.	-	C	C	C	C	
Gas regulator stations.	-	S	-	-	S	
Libraries.	S	C	C	C	C	
Post offices.	S	C	C	C	C	
Public buildings and grounds.	-	C	-	C	C	



Public service pumping stations and/or elevated pressure tanks.	S	S	S	-	S	
Public utility yards.	-	S	-	-	S	



Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Public and Utility Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					
Public utility structures, services and facilities.	-	-	-	S	S	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					Additional Regulations and Information
Accessory structures for non-residential uses and/or incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	S	S	S	See Article 11, Sec. 1101 Does not include those uses which are owned or operated by a public agency.
ATMs	P	P	P	P	P	
Community gardens	-	-	-	-	P	See Article 15, Sec. 1503.
Outdoor or off-site advertising structures.	-	S	S	S/C*	-	See Section 1104. *See Section 1104.G.
Raising of fruit/nut trees, vegetables, and horticultural specialties.	P	-	-	-	P	
Rain water collection.	P	P	P	P	P	See Article 15.
Recycling facility or reverse vending machine.	P	P	P	P	P	See Article 11, Sec. 1115.A.
Regional produce stand in Armona.	-	S	-	S	S	Reserved for the Community of Armona as a centralized location.
Signs, freestanding or detached.	S	S	S	S	S	See Table 6-3.
Signs in the immediate area of interchanges along Interstate 5 which are illuminated and exceed the standards in Table 6-3 below.	-	-	-	C	-	See Article 14, Section 1410.
Signs, wall mounted, projecting, or awning.	P	P	P	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 6-3.
Signs, temporary.	P	P	P	P	P	See Article 14 for time limits and additional information.
Vending machines including filtered water dispensers, snacks, food, and soda machines, and DVD vending machines.	P	P	P	P	P	Incidental to an existing use.

(Ord. No. 668-1-16, §10, §11, 1/12/16) (Ord. No. 668-1-17, §26, 3/28/17)

Table 6-1 Notes:

1. New commercial uses that have incidental sales of alcoholic beverages are allowed in the CN, CT, and CR zoning district and are located within 300 feet of any school site and/or R1, RM, or RR zoning district.
2. Drive-up windows are not allowed between the street and a building entrance. Vehicle access should be taken from a side drive-thru, alley or interior driveway where possible, and conflicts between vehicles and pedestrians should be minimized.



Sec. 604. Outdoor Advertising Structures: Outdoor or off-site commercial advertising structures, as defined in Article 25, are permitted in all commercial zoning districts except the Neighborhood Commercial (CN) and the Rural Commercial (CR) zoning districts. Refer to Section 1104 of this Development Code for additional details concerning the requirements and permitting of outdoor advertising structures.

Sec. 605. Development Standards for Commercial Zoning Districts: Table 6-2 below provides development standards for parcels within commercial zoning districts:

Table 6-2 DEVELOPMENT STANDARDS FOR COMMERCIAL ZONING DISTRICTS						
<i>Use Classifications</i>	<i>CN</i>	<i>CS</i>	<i>CT</i>	<i>CH</i>	<i>CR</i>	<i>Additional Regulations and Information</i>
Site Area and Lot Standards	All Standards Shown are Minimum Standards Unless Otherwise Stated					
Site area limitation.	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Site frontage.	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Site width.	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Site depth.	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Site Coverage						
Maximum area covered by structures.	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Setback Requirement (ft.)						
Front Setback	15	5	5	15	15	
Front Setback abutting property in an RR, R, or RM District fronting on the same street	15	15	15	20	20	
Rear Setback	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Rear Setback abutting an RR, R-1 or RM District	10	10	10	10	10	
Side Setback.	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Side Setback abutting an RR, R-1 or RM District	10	10	10	10	10	
Side Setback on a reversed corner lot adjoining a key lot in an RR, R-1 or RM District	½ the required front yard of the key lot.	½ the required front yard of the key lot.	½ the required front yard of the key lot.	½ the required front yard of the key lot.	½ the required front yard of the key lot.	
Distance Between Structures (ft.)						
Distance between commercial uses	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	
Distance between residential use and another structure	10	10	10	10	10	
Height of Structures (ft.)						
Maximum height of a permitted use or its accessory structures	50	75	50	50	50	See Note 1.
Maximum height of a sign or tower used for commercial cellular telephone service	(2)	No Limitation	(2)	(2)	No Limitation	(2) See Notes 2 and 3.
Maximum height of a structure in a traffic safety visibility area	3	3	3	3	3	See Note 4.

Table 6-2 Notes:



1. New structures in Kettleman City shall not exceed two stories in height unless adequate fire equipment is provided that can reach beyond two stories or other alternatives are found acceptable to the Kings County Fire Department.
2. Illuminated outdoor commercial advertising structures in the immediate area of interchanges along Interstate-5, advertising highway traveler services at that interchange, which exceed the maximum copy area per site or per use allowed by this Development Code, may be permitted through a Conditional Use Permit. Such structures shall not be larger than is necessary to be clearly seen by travelers on Interstate 5, provided the structure is designed by a professional engineer and does not pose a safety hazard. Such structures may be located on the actual site of the business or service being advertised, or a group of signs may be clustered in two off premises sites per interchange, but within the CH zoning district at that interchange.
3. Maximum height determined as part of the Conditional Use Permit.
4. Pole mounted signs over 3 feet in height within a traffic safety visibility area may be permitted by Site Plan Review provided that the sign must be at least 12 feet above the ground if the sign is placed within 30 feet of a street intersection (intersecting curb lines).

(Ord. No. 668-1-17, §27, 3/28/17)

Sec. 606. Additional Standards and Regulations:

- A. Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities:** In addition to available on-street parking, off-street parking areas, aisles, access drives, access lanes and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.
- B. Fences, Walls, Gates, Hedges, and Screening and Landscaping:** In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or County Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.
1. **Fences, Walls, and Hedges** shall be permitted as follows:
 - a. Where a site adjoins or is located across an alley from a R, RM, or RR zoning district, a solid wall or fence, vine covered open fence or compact evergreen hedge six feet in height shall be located on the property line common to such districts, except in a required front yard and/or Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - b. In all C Districts, no solid fence, wall, hedge or shrub exceeding three feet in height shall be erected, planted or maintained within a required Traffic Safety Visibility Area.
 - c. No solid fence, open-type fence, or wall, shall exceed seven feet in height if located in a required front, side, or rear yard. Noise attenuation fencing that is required as a mitigation measure is not limited to seven feet, but shall not exceed the height required in the mitigation measure.
 - d. No hedge or shrub shall exceed seven feet in height if located in a required front yard.
 2. **Gates** shall be permitted as follows:
 - a. Gates which are used for primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - (1) A minimum distance of 20 feet.

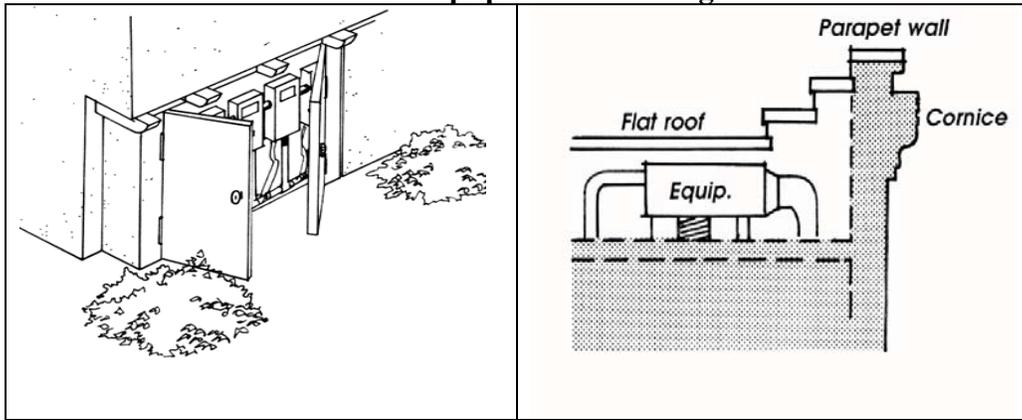


- (2) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.
 - b. Gates used for regular vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - (1) The property owner/occupant shall obtain a building permit from the building division for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - (2) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - (3) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
 - c. Access gates to property which are not used for the primary vehicular ingress and egress, such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property, do not require additional setback from the fence line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
3. **General Fencing and Gate Requirements:**
- a. All private, single-family home swimming pools constructed after January 1, 1998 shall be fenced, enclosed or equipped with another safety feature as provided in Sections 115920 – 115927 of the California Health and Safety Code.
 - b. Any fence or wall over seven feet in height is a structure and requires a building permit prior to construction.
 - c. All heights in this Section shall be measured from the finished grade of site or the adjacent property, whichever is lower.
 - d. Fences, walls, hedges, gates, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations.
4. **Screening Requirements:**
- a. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence. The requirement for a solid or screened fence may be modified or eliminated for situations where law enforcement provides comments on the zoning permit application stipulating that the street side fence be an open-type fence to allow patrol officers to ensure there are no unauthorized persons in the yard after hours.
 - b. All mechanical or utility equipment, whether on the roof, ground or side of a building must be screened from view, above or below. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. The design of the screening should be done in concert with and as a part of the design of the building, rather than as an afterthought.
 - c. Roof mounted mechanical or utility equipment must be screened. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. It is preferable to screen equipment with permanent solid building elements (e.g. parapet wall) instead of after-the-fact add-on screening (e.g. wood or metal slats) which are not part of the structure.
 - d. Air conditioning units placed in individual windows and window transom areas are *strongly* discouraged.

Figure 6-1



Equipment Screening



5. Landscaping and Maintenance:

- a. In all C Districts, not less than five feet of a property adjoining a street shall be landscaped and permanently maintained. This requirement may be waived by the Zoning Administrator if the site was previously developed prior to this requirement and does not currently have sufficient space for the five feet of landscaping.
- b. All new urban development shall provide and maintain shade trees and other landscaping along streets and within parking areas to reduce radiation heating.
- c. As stated in Article 15 of this Development Code, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “Model Water Efficient Landscape Ordinance.” See Article 15 for additional information concerning specific landscaping requirements.
- d. All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.

C. Signs in Commercial Zoning Districts: Signs shall be allowed in compliance with the regulations contained in Article 14 and as prescribed in Table 6-3 below and the “Specific Limitations and Requirements” section following Table 6-3.

Table 6-3 SIGNS IN COMMERCIAL ZONING DISTRICTS			
Type of Sign	Maximum Number	Maximum Aggregate Sign Area Allowed	Additional Regulations
Business identification signs in CN districts.	Number of signs not to exceed maximum aggregate sign area.	1.5 Sq. Ft. Per 1 linear foot of building frontage.	Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
Business identification signs in CS, CT and CR districts.	Number of signs not to exceed maximum aggregate sign area.	2 Sq. Ft. Per 1 linear foot of building frontage	Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.

Table 6-3 SIGNS IN COMMERCIAL ZONING DISTRICTS			
Type of Sign	Maximum Number	Maximum Aggregate Sign Area Allowed	Additional Regulations



Business identification signs in CH districts.	Number of signs not to exceed maximum aggregate sign area.	3.2 Sq. Ft. Per 1 linear foot of building frontage not to exceed 240 square feet per direct frontage along each highway.	Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
Name plate for single-family uses.	1 per legal dwelling unit.	1 sq. ft.	See Section 1406.D.10. Below Cornice or roof line near main entrance.
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft.	Below Cornice or roof line flat against a wall.
Parking lot signs for multifamily residential uses.	1	4 sq. ft.	
Window signs.	No Limitation	Not calculated as part of the aggregate sign area per use.	Signs shall cover no more than 15% of a single window's surface area.
Temporary special event signs.	1 per business.	32 sq. ft. in area.	Article 14, Sec. 1406.C.1.
Temporary advertising/promotional signs.	1 per business.	32 sq. ft. in area.	Article 14, Sec. 1406.C.2.
Temporary construction signs.	1 per street frontage.	32 sq. ft. in area.	Article 14, Sec. 1406.D.5.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	10 sq. ft. in area in CN District. 20 sq. ft. in area in all other commercial districts.	Article 14, Sec. 1406.D.7.
Directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft. in area.	Illuminated or non-illuminated
Open-air barbeque facility signs.	1 "A" frame lettered on both sides or 2 single faced signs.	6 sq. ft. in area.	"A" frame sign shall not be placed in a landscape area, sidewalk or used as an off site directional sign/advertisement. Single faced signs shall be attached to mobile food preparation unit's walls or sides.
Political and other non-commercial signs.	No Restriction.	32 sq. ft. per sign.	See Article 14, Sec. 1406.D.9.
Murals	No Restriction	No Restriction	Shall be non-commercial in nature.

Table 6-3 Specific Limitations and Additional Requirements:

1. All signs shall be located outside of the public right-of-way.
2. No sign other than a directional sign shall project more than 24 inches into a required rear yard or required interior side yard. No sign other than a sign required by law shall project more than 12 inches into a public right-of-way. No outdoor advertising structure shall project into a public right-of-way.
3. No sign permitted by this Section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed on a pole at least 12 feet above the ground or unless placed at a maximum height of three feet above ground.
4. No sign which faces and is located directly across the street from property situated in an R-1 or RM District, shall be directly illuminated or flashing.



5. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.
6. Corner lots in Commercial zoning districts at an intersection controlled by traffic lights are not subject to the Traffic Safety Visibility Area restriction.
7. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.
8. **Building Frontage:** For the purposes of signage, building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation.

(Ord. No. 668-1-17, §28, 3/28/17)

D. General Provisions and Exceptions: All uses shall be subject to the general provisions and exceptions prescribed in Article 1.

E. Transit Stop Improvements: In Community Plan designated areas, building entrances and pedestrian walkways shall be designed to provide safe and efficient access to nearby public transit stops. The applicant for a development on property which is near or abuts a transit stop may be required to make transit stop improvements. Improvements may include the installation of a bus pad, turnouts, benches, trash receptacles (and service), shade/shelter, security lighting, bike racks, water features, and/or landscaping. When practical, the bus stop shall be built into the project and be compatible with the development.

F. Exterior Lighting: Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to constitute a nuisance.

1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
3. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures shall be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it shall be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this must be integrated into the overall design of the project.
4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

(Ord. No. 668-1-17, §29, 3/28/17)

G. Stormwater Drainage: All new development within the communities of Armona, Home Garden, Kettleman City, and Stratford shall integrate onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into their site plans to increase the stormwater detention throughout the community.



**BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA**

**IN THE MATTER OF DEVELOPMENT CODE)
TEXT CHANGE 668.17(a) AMENDING)
SECTION 603, TABLE 6-1 OF THE KINGS)
COUNTY DEVELOPMENT CODE TO ALLOW)
PERMITTED USES IN THE LIGHT INDUSTRIAL)
(IL) ZONE DISTRICT TO BE PERMITTED IN THE)
RURAL COMMERCIAL (CR) ZONE DISTRICT)
SUBJECT TO THE APPROVAL OF A SITE PLAN)
REVIEW ZONING PERMIT)**

RESOLUTION NO. 23-02

Re: Development Code Text Change 668.17(a)

WHEREAS, the County of Kings has adopted an Ordinance known as Development Code No. 668 in order to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the County of Kings and there are occasions in which the language of that Ordinance may need to be amended; and

WHEREAS, on April 24, 2023, Wonderful Renewable Energy, LLC filed an application for Development Code Text Change 668.17(a) to amend the Development Code to allow for permitted uses in the Light Industrial (IL) zone district to be permitted in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit; and

WHEREAS, on May 1, 2023, the Kings County Community Development Agency drafted proposed changes to section 603 of the Kings County Development Code, provided as Exhibit "A" of this Resolution, after ensuring that it is consistent with current law, is internally consistent, implements policies within the *2035 Kings County General Plan*, and addresses the needs of the county and the people who live and work here; and

WHEREAS, the approval of Development Code Text Change 668.17(a) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to *CEQA*. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. In addition, any new uses added to the Development Code will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review.

WHEREAS, on July 3, 2023, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, on July 3, 2023, this Commission considered all of the testimony it has received and the report and recommendation of the Community Development Agency Director before taking the following action.

NOW, THEREFORE, BE IT RESOLVED AND CERTIFIED, that this Commission finds that:

1. The approval of Development Code Text Change 668.17(a) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*.
2. The Commission finds that Development Code Text Change No. 668.17(a) is consistent with and will implement the policies of the *2035 Kings County General Plan*.
3. The Commission finds that Development Code Text Change 668.17(a) will achieve the objectives of the General Plan and the Development Code.
4. Adopt Resolution No. 23-02, recommending that the Board of Supervisors approve the Development Code Text Change No. 668.17(a).

The foregoing Resolution was adopted on a motion by Commissioner Bryant and seconded by Commissioner Maciel, at a regular meeting held on July 3, 2023 by the following vote:

AYES: COMMISSIONERS: Bryant, Maciel, Jones
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS: Dias

KINGS COUNTY PLANNING COMMISSION



Riley Jones, Chairperson

WITNESS, my hand this 3rd day of July 2023.



Chuck Kinney
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel

Attachments: Exhibit "A" - Proposed Development Code Changes

**KINGS COUNTY PLANNING COMMISSION
STAFF REPORT**

**Development Code Text Change No. 668.17(a)
July 3, 2023**

APPLICANT: Wonderful Renewable Energy, LLC
11444 W. Olympic Blvd., Los Angeles, CA 90064

PROPOSED CHANGES: Amendment of Article 6, Section 603, Table 6-1 of the Kings County Development Code to allow permitted uses in the Light Industrial (IL) zone district to be permitted in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit.

DISCUSSION:
The Kings County Community Development Agency (CDA) has received private industry interest to develop and operate a commercial agricultural wood chip drying and storage facility in the Rural Commercial (CR) zone district. This use would be considered harvesting, curing, processing, packaging, and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of an agricultural operation. Currently, the Kings County Development Code does not allow for the use of harvesting, curing, processing, packaging, packing, and shipping of agricultural products in Rural Commercial (CR) zone district. Article 6 Commercial Zone Districts, Section 603, Table 6-1 allows all uses listed in the Light Industrial (IL) zone district which require a Site Plan Review to be allowable in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit (**Figure 1**). The proposed amendment to the Development Code would allow for permitted uses (allowable uses that do not require a zoning permit) in the Light Industrial (IL) zone district to also be permitted in the Rural Commercial (CR) zone district subject to approval of a Site Plan Review zoning permit.

Figure 1. Development Code Section 603 Current Allowance of IL uses in the CR Zone District

Table 6-1 COMMERCIAL ZONING DISTRICTS LAND USE REGULATIONS						
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit ".." Not permitted	ZONING DISTRICT					Additional Regulations
	CN Note 1	CS	CT Note 1	CH	CR Note 1	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					
Warehouses, excluding storage of fuel, flammable liquids or explosives.	-	S	-	-	-	
Wedding services and supplies.	S	-	S	-	S	
Welding services and supplies	-	S	-	-	S	
Industrial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED					Additional Regulations and Information
★ All uses listed in the IL Light Industrial Zoning District which requires a Site Plan Review.	-	C	-	-	S*	*Excluding service stations, outdoor advertising structures, and watchman's living quarters which are not allowed in the CR Zoning District.

The proposed amendment would create consistency in the Development Code by allowing Light Industrial (IL) permitted uses to be allowable in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review. Permitted uses do not require a zoning permit and are generally more conservative uses than uses that require a Site Plan Review zoning permit. Less conservative Light Industrial (IL) uses that require a Site Plan Review are already allowable in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review. Since Development Code Article 8 Industrial Zone Districts, Section 803, Table 8-1 allows for harvesting, curing,

processing, packaging, and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of an agricultural operation, as a permitted use in the IL zone district (**Figure 2**), which does not require a zoning permit, then this use is not currently allowable in the CR zone district. The approval of this proposed Development Code amendment would allow for permitted uses in the IL zone district, such as this wood chip drying and storage facility, in the Rural Commercial (CR) zone district subject to the approval of a Site Plan Review zoning permit.

Figure 2. Development Code Section 803 Allowance of Harvesting, Curing, Processing, Packaging, and Shipping of Agricultural Products Produced on the Premises in IL Zone District

Table 8-1 INDUSTRIAL ZONING DISTRICTS LAND USE REGULATIONS			
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. See Article 16 "C" Conditional Use Permit required. See Article 17 "TUP" A temporary land use which requires an over-the-counter permit "-." Not permitted	ZONING DISTRICT		Additional Regulations and Information
	IL	IH	
Agricultural Uses For a definition of the use see Article 25	PERMIT REQUIRED		
Harvesting, curing, processing, packaging, packing and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of an agricultural operation.	P	P	

Kings County Development Code Article 6, Section 602.E, states that the Rural Commercial (CR) district is intended primarily for application in rural service centers of the county, such as Armona, Kettleman City, Stratford, Grangeville, Hardwick, and Halls Corner. Uses are intended to serve the needs of rural residents. The Rural Commercial (CR) district is established to permit the accommodation of most of the commercial uses otherwise provided for in other commercial districts. The proposed Development Code text change is consistent with the intentions of Section 602.E for Rural Commercial (CR) districts since it will allow permitted Light Industrial (IL) uses in areas that are rural, have lower population densities, and will generally be compatible with proximal agricultural, commercial, and industrial zone districts, subject to the approval of a Site Plan Review zoning permit.

The Development Code text changes are provided as Exhibit "A" of Resolution 23-02.

GENERAL PLAN REVIEW:

The Community Development Agency (CDA) has the responsibility to administer and maintain the *2035 Kings County General Plan*. The proposed changes will remain consistent with the goals and objectives of the General Plan. Specifically, Section III.A.3, on page LU-15, of the Land Use Element in the *2035 Kings County General Plan* states that the Rural Commercial Designation is intended primarily for application to such rural service centers of the County as Armona, Kettleman City, Stratford, Grangeville, Hardwick, and Halls Corner to permit the establishment of uses which cater primarily to the needs of rural residents. Since it is not reasonable to expect large-scale urban development within these communities with an attendant demand for specialized commercial designations, the Rural Commercial Designation is established to permit the accommodation of most of the commercial uses otherwise provided for in other commercial designations. In addition, LU Objective D1.5, on page LU-43, of the Land Use Element in the *2035 Kings County General Plan* increases economic reinvestment by directing future commercial and industrial development to existing Community District areas as outlined in each Community Plan in order to meet the daily needs of residents and provide employment opportunities near residences and transportation routes.

ENVIRONMENTAL REVIEW:

The approval of Development Code Text Change No. 668.17(a) is exempt from CEQA review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (CEQA Guidelines). This section states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The changes to the Development Code are technical changes concerning general policy for the

implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code Text Change. In addition, any uses allowed by the Development Code Text Change will be required to undergo their own individual environmental review determinations, and will either be ministerial, categorically exempt, or subject to individual CEQA review.

STAFF RECOMMENDATION:

Staff recommends that the Commission, upon completion of the public hearing recommend:

1. The approval of Development Code Text Change 668.17(a) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*.
2. The Commission finds that Development Code Text Change No. 668.17(a) is consistent with and will implement the policies of the *2035 Kings County General Plan*.
3. The Commission finds that Development Code Text Change 668.17(a) will achieve the objectives of the General Plan and the Development Code.
4. Adopt Resolution No. 23-02, recommending that the Board of Supervisors approve the Development Code Text Change No. 668.17(a).

PREPARATION:

Prepared by the Kings County Community Development Agency (Noelle Tomlinson) on June 27, 2023. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

Kings County Development Code

Article 21, Section 2108

Sec. 2108. Action of the Planning Commission:

- A. Within 45 days following the close of the public hearing or hearings, the Commission shall make a specific finding as to whether the change is in the public interest and will achieve the objectives of the Development Code prescribed in Article 1, Section 104 of this Development Code and whether the change would be consistent with the purposes and intended applications of the zoning classification proposed.
- B. Within 90 days following the close of the public hearing, the Commission shall transmit a written report to the Board of Supervisors recommending that the application be granted or denied or that the proposal be adopted or rejected. The report shall include the following:
 - 1. One copy of the application.
 - 2. The resolution of the Commission or request of the Board.
 - 3. The scale drawing of the site and the surrounding area, and all other data filed with the site plan.
 - 4. The minutes of the public hearing.
 - 5. The report of the Zoning Administrator.
 - 6. The findings of the Commission,
 - 7. Reasons for the recommendation concerning the proposed amendment.

Exhibit "D"

2023 California Environmental Quality Act & CEQA Guidelines

Section 15300.2. Exceptions.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Community Development Agency – Chuck Kinney/Victor Hernandez
SUBJECT: CONSIDER KINGS COUNTY DEVELOPMENT CODE TEXT CHANGE
NUMBER 668.17(B)

SUMMARY:

Overview:

The Kings County Community Development Agency (CDA) has the responsibility to administer and maintain the Kings County Development Code. As State laws are created and/or amended, there are provisions in the Development Code that need to be updated to be consistent with State law. The proposed Development Code amendments to various sections of Articles 5, 7, 12 & 25 of the Kings County Development Code address the State’s amendments to Accessory Dwelling Unit (ADU) law.

Recommendation:

- a. Conduct a public hearing to find that Development Code Text Change Number 668.17(b) is exempt from California Environmental Quality Act review pursuant to California Environmental Quality Act Guidelines Section 15061 and that Section 15300.2 does not apply;
- b. Find that Development Code Text Change Number 668.17(b) is consistent with the policies of the 2035 Kings County General Plan;
- c. Adopt and waive the second reading of an Ordinance approving the Development Code Text Change Number 668.17(b).

Fiscal Impact:

There is no fiscal impact to the County.

Advisory Board Statement:

The Kings County Planning Commission received a staff report and held a public hearing on July 3, 2023, for Development Code Text Change 668.17(b). The Planning Commission voted to adopt
(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

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CONSIDER KINGS COUNTY DEVELOPMENT CODE TEXT CHANGE NUMBER 668.17(B)

August 29, 2023

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Resolution No. 23-03 and recommends that the Board of Supervisors adopt Development Code Text Change 668.17(b) in the public interest. The Planning Commission resolution and staff report are attached as Exhibit “B”. Pursuant to Section 2108 (Exhibit “C”) of the Kings County Development Code, copies of supporting materials from the Kings County Planning Commission are on file and available for review with the Clerk of the Board of Supervisors.

BACKGROUND:

The Kings County Community Development Agency (CDA) has the responsibility to administer and maintain the Kings County Development Code. Since the adoption of the Development Code in April 2015, Staff has come across various unintended minor omissions and/or needed additions/clarifications throughout the code. In addition, as State laws are created and/or amended, there are provisions in the Development Code that need to be updated to be consistent with State law. The proposed Development Code amendments to various sections of Articles 5, 7, 12 & 25 of the Kings County Development Code address the State’s amendments to Accessory Dwelling Unit (ADU) law (Exhibit “D”). These proposed amendments are provided as Exhibit “A”. Additions are marked in blue and underlined, and the proposed deletions are in red with strikethroughs.

The following are summaries for the more significant proposed amendments within each Article:

Article 5 – Residential Zoning Districts

1. ADDITION PROPOSED:

- a. Added “Junior Accessory Dwelling Unit (JADU)” to provisions of Article 5 where “Accessory Dwelling Unit (ADU)” are mentioned so that they are covered under the Development Code and allowed in a similar manner as Accessory Dwelling Units.
- b. Added “Junior Accessory Dwelling Unit (JADU)” to Section 505, Table 5-1, to be a permitted use requiring no zoning permit.
- c. Added “Junior Accessory Dwelling Unit (JADU)” State standards that differ between JADUs and ADUs including floor area, quantity, off-street parking, setbacks, and owner occupancy to Section 507.

2. CHANGE PROPOSED:

- a. Changed the “Accessory Dwelling Unit” use from requiring a Site Plan Review zoning permit to being permitted without a zoning permit to Section 505, Table 5-1.
- b. Changed “Section 507- Accessory Dwelling Units” to include Junior Accessory Dwelling Units. Updated said section to incorporate the most recent updates to ADU law including, floor area, quantity, setbacks, height requirements, and off-street parking.

Article 7- Mixed Use Zoning Districts

1. ADDITION PROPOSED:

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- a. Added the use, “Accessory Dwelling Unit & Junior Accessory Dwelling Unit” to the “Residential Uses” section of Section 703, Table 7-1 as a use permitted without a zoning permit.
- b. Added the statement, “In compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Article 5, Section 507.” to the use “Accessory Dwelling Unit & Junior Accessory Dwelling Unit” in Section 703, Table 7-1.
- c. Added note number six to Section 704 which outlines that attached or detached accessory dwelling units and junior accessory dwelling units must have minimum 4-foot rear and side setbacks.
- d. Added the statement, “Accessory dwelling units and junior accessory dwelling units shall comply with Article 5, Section 507.C.6 of the Kings County Development Code.” to Section 705.B.

Article 12- Pre-Existing Uses and Nonconforming Sites, Structures, and Uses

1. CHANGE PROPOSED:

- a. Changed Section 1204.A.3.b. to allow for an increase to the number of nonconforming residential dwelling units from none to not in excess of Government Code Sections 65852.2 & 65852.22.

Article 25- Definitions

1. CHANGE PROPOSED:

- a. Changed the definition of “Accessory Dwelling Unit” to include the four categories of ADUs, detached, attached, converted existing space, and junior accessory dwelling unit.

The proposed changes will remain consistent with the goals and objectives of the *2035 Kings County General Plan*. Specifically, Goal 2 of the Housing Element of the *2035 Kings County General Plan* which strives to facilitate and encourage the provision of a range of housing types and prices to meet the diverse needs of County residents. As well as LU Policy D1.4.4 of the Land Use Element of the *2035 Kings County General Plan* which seeks to increase the affordability of housing, the amount of housing for farm employee housing, and the number of multi-family residential units as detailed in the Housing Element.

The proposed Development Code text changes are provided as Exhibit “A”. If approved, this Development Code Text Change will take effect 30 days following adoption by the Board of Supervisors.

ENVIRONMENTAL REVIEW:

The approval of Development Code Text Change No. 668.17(b) is exempt from CEQA review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (CEQA Guidelines). This section states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development

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Code Text Change. For the same reason, none of the circumstances in CEQA Guidelines Section 15300.2 applies (Exhibit “E”).

County Counsel has reviewed the Ordinance as to form.

Attachments:

Ordinance 668-2-23

Exhibit “A” – Proposed Kings County Development Code Text Change 668.17(b)

Exhibit “B” – Planning Commission Resolution and Staff Report

Exhibit “C” – Kings County Development Code Section 2108

Exhibit “D” – California Department of Housing and Community Development - Accessory Dwelling Unit Handbook

Exhibit “E” – CEQA Guidelines Section 15300.2

ORDINANCE NO. 668-2-23

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLES 5, 7, 12, & 25 OF
THE KINGS COUNTY DEVELOPMENT CODE TO ADDRESS THE STATE'S
AMENDMENTS TO ACCESSORY DWELLING UNIT (ADU) LAW.

The Board of Supervisors of the County of Kings ordains as follows:

SECTION 1. Kings County Development Code Article 5, the title to Section 507 is hereby amended to include “and Junior Accessory Dwelling Units”.

SECTION 2. Kings County Development Code Section 505, Table 5-1, Residential Uses, is hereby amended by replacing the following:

“Accessory Dwelling Unit”

With:

“Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU)”

SECTION 3. Kings County Development Code Section 505, Table 5-1, Permit Required, is hereby amended by replacing “S” with “P” for Accessory Dwelling Units (ADU) & Junior Accessory Dwelling Units (JADU).

SECTION 4. Kings County Development Code Section 505, Table 5-1, Additional Regulations and Information, is hereby amended by adding “In compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Section 507 below.” to the Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU) use.

SECTION 5. Kings County Development Code Section 506, Table 5-2, Development Standards for Residential Zoning Districts, is hereby amended by adding “For ADU & JADU Setbacks see Sec. 507 below”.

SECTION 6. Kings County Development Code Section 507, is hereby amended by replacing the following:

“Sec. 507. Accessory Dwelling Units: When an application is submitted for an “accessory dwelling unit” in the RR, R-1, or the RM zoning districts the following findings shall be made by the Zoning Administrator before issuing a Site Plan Review:”

With:

“Sec. 507. Accessory Dwelling Units and Junior Accessory Dwelling Units: When an application is submitted for an “accessory dwelling unit” or a “junior accessory dwelling unit” in the RR, R-1, or the RM zoning districts the following findings shall be made by the Building Official before issuing a building permit:”

SECTION 7. Kings County Development Code Section 507.A, is hereby amended by replacing the following:

“That the parcel or lot already contains one Single-family residence.”

With:

“That the parcel or lot already contains or proposes a Single-family residence or multi-family residence.”

SECTION 8. Kings County Development Code Section 507.C.1, is hereby amended by replacing the following:

“Floor Area: An accessory dwelling unit permitted by this section shall not exceed 1,200 square feet of floor area if separated from the existing single-family detached residence. If attached to the existing single-family residence, the floor area of the accessory unit shall not exceed 50 percent of the existing living area of the existing single-family detached residence.”

With:

“Floor Area: An attached or detached accessory dwelling unit permitted by this section shall not exceed 1,200 square feet of floor area. In the case of a conversion accessory dwelling unit, the floor area of the converted accessory dwelling unit shall be limited to the size of the existing structure being converted with the addition of 150 square feet to accommodate ingress and egress.”

SECTION 9. Kings County Development Code Section 507.C.4, is hereby amended by replacing the following:

“Location: An accessory dwelling unit shall be located either to the side or to the rear of the existing single-family residence and shall be either attached to the existing single-family residence or be separated from the existing single-family as allowed by the current California Building Code.”

With:

“Quantity: In a single-family residential zoned district, one attached or detached or conversion accessory dwelling unit is permitted per parcel or lot that already contains or proposes a single-family residence. In a multi-family residential district, one attached or two detached accessory dwelling units are permitted. With regard to a conversion accessory dwelling unit, at least one interior ADU and up to 25 percent of the number of existing multi-family dwelling units are permitted. For multi-family dwelling units all interior ADUs must be converted from existing non-livable space.”

SECTION 10. Kings County Development Code Section 507.C.5, is hereby amended by replacing the following:

“Owner Occupancy: Either the existing single-family detached residence or the accessory dwelling unit shall be occupied by the owner of the property. An accessory unit cannot be separately owned or sold, but may be rented.”

With:

“Setbacks and Height Requirements: An attached or detached accessory dwelling unit is subject to a maximum height limit of 30 feet and minimum rear and side setbacks of 4 feet.”

SECTION 11. Kings County Development Code Section 507.C.6, is hereby amended by replacing the following:

“Off-Street Parking: At least one additional off-street parking space shall be provided for the accessory dwelling unit, and must comply with Article 13, Section 1306, except when the accessory dwelling unit is part of the existing primary residence or an existing accessory structure.”

With:

“Off-Street Parking: At least one additional off-street parking space shall be provided for an accessory dwelling unit, and must comply with Article 13, Section 1306, except when the accessory dwelling unit is exempt under Government Code section 65852.2.”

SECTION 12. Kings County Development Code Section 507.C.7, is hereby amended by replacing the following:

“Utility Services: Accessory dwelling units shall be provided with water, sewer and other utilities as determined by the Building Official. Where water and sewer service is provided by a city or community or public service district the Site Plan Review application shall include a letter from the agency providing the services that the agency will allow connection to their systems.”

With:

“Utility Services: Accessory dwelling units shall be provided with water, sewer and other utilities as determined by the Building Official. Where water and sewer service is provided by a city or community or public service district the building permit application shall include a letter from the agency providing the services that the agency will allow connection to their systems.”

SECTION 13. Kings County Development Code Section 507.C.8, is hereby amended by renumbering said section to 507.E and removing the words “height of structures;”.

SECTION 14. Kings County Development Code Section 507.D, is hereby amended by replacing the following:

“This Section is intended to conform in all respects with Stats. 2016, c. 735, § 1.5, and shall be interpreted consistently therewith, and with any subsequent amendment to Government Code section 65852.2, as that statute may be renumbered from time to time.”

With:

“That the junior accessory dwelling unit meets all of the following standards:

1. Floor Area: A junior accessory dwelling unit permitted by this section shall not exceed 500 square feet of floor area and must be created within the walls of a proposed or existing single-family residence.
2. Quantity: In a single-family residential district, one junior accessory dwelling unit is permitted per parcel or lot that already contains or proposes a single-family residence. Parcels or lots with multiple detached single-family dwellings are not eligible to have junior accessory dwelling units pursuant to Government Code, Section 65852.22, subd.(a)(1).
3. Setbacks and Height Requirements: An attached or detached accessory dwelling unit is subject to a maximum height limit of 30 feet and minimum rear and side setbacks of 4 feet.
4. Off-Street Parking: A junior accessory dwelling unit created in an attached garage may be required to provide replacement parking.
5. Owner Occupancy: The property owner must reside in either the primary residence, or in the junior accessory dwelling unit pursuant to Government Code, Section 65852.22, subd.(a)(2).”

SECTION 15. Kings County Development Code Section 507, is hereby amended by adding Section 507.F which includes the following:

“This Section is intended to conform in all respects with Stats. 2022, c. 664, § 2.5, and shall be interpreted consistently therewith, and with any subsequent amendment to Government Code section 65852.2 and Government Code section 65852.22 as those statutes may be renumbered from time to time.”

SECTION 16. Kings County Development Code Section 703, Table 7-1, Residential Uses, is hereby amended by adding the following use:

“Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU)”

SECTION 17. Kings County Development Code Section 703, Table 7-1, Permit Required, is hereby amended by adding “P” for Accessory Dwelling Units (ADU) & Junior Accessory Dwelling Units (JADU).

SECTION 18. Kings County Development Code Section 703, Table 7-1, Additional Regulations and Information, is hereby amended to allow a Junior Accessory Dwelling Unit (JADU) in compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Section 507.

SECTION 19. Kings County Development Code Section 704, Table 7-2, Setback Requirement (ft.)(Note 1), is hereby amended by adding “See Note 6” to the Additional Regulations and Information Section for Rear Setback and Side Setback classifications.

SECTION 20. Kings County Development Code Section 704, is hereby amended by adding note six to the end of Table 7-2 which includes the following:

“Attached or detached accessory dwelling units and junior accessory dwelling units must have minimum 4 foot rear and side setbacks.”

SECTION 21. Kings County Development Code Section 705.B, is hereby amended by adding note six which includes the following:

“Accessory dwelling units and junior accessory dwelling units shall comply with Article 5, Section 507.C.6 of the Kings County Development Code.”

SECTION 22. Kings County Development Code Section 1204.A.3.b, is hereby amended by replacing the following:

“A structure housing a nonconforming residential use may be moved, altered or enlarged, provided that the number of dwelling units is not increased.”

With:

“A structure housing a nonconforming residential use may be moved, altered or enlarged, provided that the number of dwelling units are not increased in excess of Government Code Sections 65852.2 & 65852.22.”

SECTION 23. Kings County Development Code Section 2501, is hereby amended by replacing the existing Accessory Dwelling Unit definition:

“Accessory Dwelling Unit: Means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. In a single-family or multifamily residential zoning district an accessory unit may also includes the following:”

With:

“Accessory Dwelling Unit (ADU): Means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. In a single-family or multifamily residential zoning district an accessory unit may also includes the following:”

SECTION 24. Kings County Development Code Section 2501, is hereby amended by adding the following types of variations to the definition of an Accessory Dwelling Unit:

An ADU has the following types of variations:

1. Detached: The unit is separated from the primary residence
2. Attached: The unit is attached to the primary residence

3. Converted Existing Space: Space (ex: accessory structure) on the lot of the primary residence that is converted into an independent living unit.
4. Junior Accessory Dwelling Unit (JADU): A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

SECTION 25. Hereby finds that the Development Code Text Change No. 668.17(b) is exempt from CEQA review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. For the same reasons, none of the circumstances in CEQA Guidelines Section 15300.2 applies.

SECTION 26. This ordinance shall take effect and be in force thirty (30) days after its adoption and before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same in the Hanford Sentinel, a newspaper of general circulation published in the County of Kings.

PASSED AND ADOPTED by the Board of Supervisors of the County of Kings, State of California, on the 29th day of August, 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Richard Valle, Chairman
Board of Supervisors

WITNESS my hand and seal of said Board of Supervisors this 29th day of August, 2023.

Catherine Venturella
Clerk of said Board of Supervisors

Article 5. Residential Zoning Districts

Sections:

Sec. 501 - Purpose and Objectives

Sec. 502 - RR Rural Residential District

Sec. 503 - R-1 Single-Family Districts

Sec. 504 - RM Multi-Family Districts

Sec. 505 - Land Use Regulations

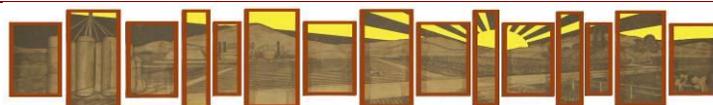
Sec. 506 - Development Standards for Residential Zoning Districts

Sec. 507 - Accessory Dwelling Units [and Junior Accessory Dwelling Units](#)

Sec. 508 - Additional Standards and Regulations

Sec. 501. Purpose and Objectives.

- A. The purpose of the Residential (R) Districts is to provide residential living within the unincorporated areas of the county with a broad range of dwelling densities (i.e., low-density estate, single family detached and attached, multi-family, and housing for special needs) consistent with the General Plan and appropriate standards of public health, safety and welfare, and aesthetic. Furthermore, the intent of this Development Code in relation to residential districts is to:
1. Ensure adequate light, air, privacy, and open space for each dwelling.
 2. Minimize traffic congestion and avoid the overloading of public services and utilities.
 3. Protect residential neighborhood from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
 4. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.
 5. Provide lands to accommodate housing units which meet diverse economic and social needs of the resident; locating development to achieve the following.
 - a. Retain the scale and character of existing residential neighborhoods; and
 - b. Facilitate the upgrade of declining and mixed-density residential neighborhoods; and
 - c. Allow expansion into vacant and low-intensity use of lands within infrastructure and environmental constraints.
- B. Residential land use designations are primarily used in the “Urban Fringe” and “Community Districts”, while “Rural Interface” has small pockets of limited residential uses. Included within this land use type are seven residential designations, Very Low Density, Low Density, Low Medium Density, Medium Density, Medium High Density, High Density, and Very High Density. The largest extent of County residential land use designations are applied in the “Community Districts” of Armona, Home Garden, Kettleman City and Stratford where community water and sewer services are provided. Residential designations within “Rural Interface” areas are mostly located within the Grangeville, Halls Corner, and Hardwick areas.
- Sec. 502. RR Rural Residential District.** The RR Single-Family Residential District is intended to provide residential living areas which combine certain advantages of both urban and rural locations by limiting development to very low density concentrations of Single-family dwellings and permitting limited numbers of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.



- A. The Rural Residential district is intended primarily for application to areas within or at the fringe of urban areas and to rural service centers-as well as for application to subdivisions of land in agricultural and scenic areas to:
 - 1. Permit the opportunity of developing estate-type lots which, because of their size, cannot be economically accommodated within urban areas; and
 - 2. To encourage the provision of estate-type lots as a subdivision of land which will assure the provisions of at least those minimum physical improvements necessary to protect the health, safety and general welfare of people living on estate-type lots or parcels.

Sec. 503. R-1 Single-Family Districts: The R-1 Residential districts are intended to provide living areas within the county where development is limited to concentrations of single-family dwellings where regulations are designed to accomplish the following:

- A. The **R-1-20, R-1-12, R-1-8 and R-1-6** Districts are intended to promote and encourage a suitable environment for family life; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment; to minimize traffic congestion; avoid the overloading of utilities and public facilities designed to service only Single-family residential uses in accordance with density standards of the General Plan; and to facilitate the production of affordable housing.
- B. The **R-1-3** District in the community of Kettleman City offers smaller 3,000 square foot lot residential home sites that add additional housing opportunities in order to foster a wider variety of housing types with varying affordability ranges. The use of higher density housing serves to provide affordable units, a walkable community, reduce overcrowding, preserve agricultural land and provide a mix of rent/own housing options.

Sec. 504. RM Multi-Family Districts: The RM Multi-Family Residential Districts are intended primarily to provide the development of multi-family residential structures at densities consistent with the location and character of the area as follows:

- A. The **RM-3** District is intended for application in areas adjacent to or in the immediate vicinity of an R-1-20, Single-Family Residential District.
- B. The **RM-2** District is intended for application in areas adjacent to or in the immediate vicinity of an R-1-12, Single-Family Residential District.
- C. The **RM-1.5** District is intended for application in areas adjacent to or in the immediate vicinity of R-1-8 or R-1-6, Single-Family Residential Districts.
- D. The new **RM-2.4, RM-1.6, and RM 1.2** overlay zones in the community of Kettleman City are intended for application in areas adjacent to mixed use, downtown mixed use, rural commercial, and public facility districts. See Article 10, Section 1008 of this Development Code for additional information.

Sec 505. Land Use Regulations: The following table prescribes the land use regulations for “Residential” districts. The regulations for each district are established by letter designation shown in the key of Table 5-1:



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU)	<u>SP</u>	<u>SP</u>	<u>SP</u>	In compliance with Government Code Section 65852.2, Section 65852.22 , and regulations prescribed in Section 507 below.
Accessory living quarters, without a kitchen.	P	P	P	Subject to maximum coverage allowance. The unit shall not be rented.
Boarding or rooming houses with 30 or fewer beds.	S	-	S	
Boarding or rooming houses with more than 30 beds.	C	-	C	
Community care facilities as allowed by the Health and Safety Code.	P	P	P	
Family day care homes (Small) for 8 or fewer children.	P	P	P	
Family day care homes (Large) for 9 to 14 individuals.	S	S	S	See Section 1117 and Health and Safety Code Section 1597.46
Family day care uses (Large) exceeding 14 individuals.	C	C	C	
Mobile Home and Manufactured Housing Community Parks	C(1)	C	C	In compliance with Section 65852.7 of the California Government Code and subject to the provisions of Article 11, Section 1109 of this code. (1) See Table 5-1 Notes.
Multi-family-dwelling.	-	-	S	
Nursing homes, rest homes, boarding or rooming houses with more than 30 beds.	C	-	C	
Orphanages.	-	C	C	
Recreational vehicle used as a temporary dwelling supplemental to an existing residence for a maximum period of 14 days.	TUP	TUP	TUP	See Article 11, Section 1107.B.3.
Recreational vehicle occupied as a temporary dwelling to care for an infirm parent, grandparent, child, grandchild or sibling for a maximum period of 60 days, or until the condition requiring the care no longer exists, whichever is a shorter period of time.	TUP	TUP	TUP	See Article 11, Section 1107.B.3. for additional information. Requires documentation of the need from a Doctor.
Recreational vehicle used as a temporary dwelling during construction of a single-family residence or due to rehabilitation of a single-family residence.	TUP	TUP	TUP	See Article 11, Section 1107.B.4 Requires the issuance of a building permit for the primary dwelling.
Single family dwelling.	P	P	P(2)	(2) See Table 5-1 Notes. One per legal parcel including a mobile home or manufactured home on a temporary or permanent foundation.



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT			
	<i>RR</i>	<i>R-1</i>	<i>RM</i>	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Active solar heating systems.	P	P	P	Used to convert sunlight to heat that can be used for space heating and hot water
Electric Vehicle (EV) recharge stations.	P	P	P	Incidental to designated parking spaces for electric vehicles. See Section 1511.C.
Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.	S	S	S	
Solar electrical generation equipment for non-commercial personal use.	P	P	P	With a design capacity to serve the electrical needs of only that site or use.
Utility, Public and Semi-Public Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Cemeteries.	-	C	C	
Charitable institutions.	-	C	C	
Clubs & lodges, private non-commercial.	C	-	C	Private non-commercial clubs and lodges; excluding such clubs and lodges which sell, distribute, or serve, or allow the sale, distribution, service or consumption of alcoholic beverages on the premises; or conduct or allow the operation of any game of chance on the premises; or other activity which may be disruptive in any way to an environment for family life.
Community care facilities for 7 or more persons.	C	C	C	In compliance with Health and Safety Code Section 1500, et seq.
Community gardens.	P	P	P	See Article 15, Section 1503.
Educational & religious facilities.	C	C	C	Public and quasi-public uses of an educational type including elementary schools, junior high schools, high schools and colleges; preschools and nursery schools; religious institutions; private nonprofit schools and parochial schools.
Emergency shelters.	-	C	C	See Government Code Section 65583, Health and Safety Code Section 50800, et seq. and Article 11, Section 1107 of this Development Code.
Golf courses.	C	-	-	
Health facilities.	-	C	C	
Incidental and accessory structures and uses located on the same site as a use subject to a Conditional Use Permit which are owned or operated by a public agency.	C	C	C	See Article 11, Section 1101.



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-." Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Public uses of an administrative, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities.	C	C	C	
Recreational facilities, private.	S	S	S	Private playgrounds, parks, community centers and other recreational facilities for communal use of an exclusive non-commercial basis.
Recreational facilities, public.	S	S	S	Public parks, playgrounds and community centers.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Accessory structures located on the same site with a permitted use.	P(3)	P*	P*	(3) See Table 5-1 Notes following table. *Storage sheds are limited to 120 square feet or less in size with side walls not more than six feet in height. Storage sheds are limited to two per parcel. See Section 1101.
Animal keeping: Small animals kept on a domestic, non commercial scale conducted incidental to the residential use of the property.	P	P	-	Breeding, hatching, raising and fattening of rabbits, chinchillas, hamsters, guinea pigs, other small animals. Animals must be kept in pens or enclosures on the rear half of the lot and meet the setbacks prescribed in Table 5-2. All such animals shall be maintained in a manner approved by the county health officer.
Chicken hens, pigeons, quail, pheasants, doves and other birds of similar size for the noncommercial use of the residents only. Roosters are not permitted.	P	P	-	Not more than 12 birds and all such birds must be kept in pens or enclosures on the rear half of the lot and meet the setbacks prescribed in Table 5-2. All such birds shall be maintained in a manner approved by the county health officer.
Clotheslines.	P	P	P	Within side or rear yards not subject to setbacks.
Gardens and community gardens including the raising of fruit and nut trees, vines, vegetables and horticultural specialties.	P	P	P	
Home occupations, Minor.	P	P	P	See Article 11, Section 1102.A.
Home occupations, Rural: Outside of either a city primary sphere or a rural community.	S	S	S	See Article 11, Section 1102.B.
Home occupations, Urban: Inside of either a city primary sphere or a rural community. Excludes barber and beauty shops.	S	S	S	See Article 11, Section 1102.C.



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			Additional Regulations and information
Home occupations including barber & beauty shops.	C	C	C	See Article 11, Section 1102.D.
Household pets, such as dogs, cats, canaries and parakeets (excluding livestock and poultry) belonging to those living on the site.	P	P	P	Pets shall be maintained in compliance with public health laws and Kings County Animal Control standards.
Incidental uses located on the same site with a permitted use.	P	P	P	See Section 1101.
Incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	S	See Section 1101.
Kennels for the keeping of dogs and/or cats belonging to those living on the site.	P	-	-	
Livestock keeping incidental to the residential use of the property.	P	-	-	No more than 2.5 animal units and their immature offspring for each acre of site devoted to the animals' care.
Signs, freestanding or detached.	S	S	S	See Table 5-3.
Signs, wall mounted or projecting.	P	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 5-3.
Signs, temporary.	P	P	P	See Article 14 for time limits and additional information. See Table 5-3.
Swimming pools for either individual, family or communal use of an exclusive non-commercial basis.	P	P	P	No swimming pool or accessory mechanical equipment shall be located less than five (5) feet from a property line, or within a utility easement, unless a waiver in writing has been obtained from the appropriate utility company or companies allowing an encroachment into the utility easement. Such pool or accessory equipment shall be located behind the front yard fence line.
Swimming pools within utility easements or located within five (5) feet of a property line.	S	S	S	
Temporary subdivisions sales offices.	TUP	TUP	TUP	See Article 11, Section 1107.B.1.
Water Collection.	P	P	P	See Article 15.

(Ord. No. 668-1-16, §8, §9, 1/12/16) (Ord. No. 668-1-17, §16, §17, §18, §19, §20, §21 and §22, 3/28/17)

Table 5-1 Notes:

1. Any development of a Mobile Home Park in the Rural Residential Zoning District shall be required to provide water and sewer services from a city or Community Service District as a condition of approval.
2. In the RM Zoning Districts a mobile home or manufactured home on a temporary foundation is not permitted when associated with mixed density, mixed use, and variable density developments.
3. In the RR Zoning District incidental and accessory structures located on the same site with a permitted use may also



include agricultural use accessory structures as noted in Article 25, Definition.

Sec 506. Development Standards for Residential Zoning Districts: Table 5-2 below provides development standards for parcels within residential zoning districts:

Table 5-2 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS										
Use Classifications	RR	R-1-20	R-1-12	R-1-8	R-1-6	R-1-3*	RM-3	RM-2	RM-1.5	Additional Regulations
Site Area and Lot Standards (ft.)	*Kettleman City Only All Standards Shown are Minimum Standards Unless Otherwise Stated.									
Site area (Square Feet)	30,000	20,000	12,000	8,000	6,000	3,000	6,000	6,000	6,000	See Note (1)
Site area (Square Feet) per dwelling unit							3,000	2,000	1,500	
Site frontage Interior lot	160 *80	60	60	60	60	15	50	50	50	* Where there are curbs and gutters.
Site frontage (fronting on a cul-de-sec or loop-out street)	85 *60	40	40	40	40	15	40	40	40	* Where there are curbs and gutters.
Site Area and Lot Standards (ft.)	*Kettleman City Only All Standards Shown are Minimum Standards Unless Otherwise Stated.									
Site width interior lot	160	100	80	70	60	25	60	60	60	
Site width corner lot	-	110	90	75	65	30	65	65	65	
Site depth interior lot	150	100	100	90	80	70	100	100	100	
Site depth corner lot	-	100	90	80	80	70	80	80	80	
Site Coverage										
Maximum area covered by structures	40%	40%	40%	40%	40%	83.3%	50%	60%	70%	
Table 5-2 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS										
Use Classifications	RR	R-1-20	R-1-12	R-1-8	R-1-6	R-1-3*	RM-3	RM-2	RM-1.5	Additional Regulations
Setback Requirement (ft.)	See Note (2) through (8) below					For ADU & JADU Setbacks see Sec. 507 below				
Front setback	50*	25	25	25	20	15	20	20	20	*Or not less than 80 feet from centerline of road. See Notes (2), (5) &(6)
Rear setback of ground floor	20	10	10	10	10	10	10	10	10	See Notes (3) and (4)
Additional rear setback per story	15	10	10	10	10	10	10*	10*	10*	*Where site is adjacent to an R District.
Side setback of ground floor	20	5	5	5	5	5	5	5	5	
Side setback on street side of a corner lot	25(5)	10(6)	10(6)	10(6)	10(6)	10	10	10	10	See Notes (5) and (6)
Reverse corner lot	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	See Note (7)
Additional side setback per story	10	5	5	5	5	5	5	5	5	
Distance Between Structures (ft.)										



Between residence & structures housing livestock or small animals.	40*	No Limitation	*Stables shall be located a minimum of 30' from any property line.								
Between residence & pens or enclosures housing poultry or small animals.	20*	20*	20*	20*	20*	20*	No Limitation	No Limitation	No Limitation	*Pens or enclosures shall be located at least 5 feet from side/rear property lines.	
Height of Structures (ft.)											
Maximum height of structures.	30	30	30	30	30	30	30	30	30	30	See Note (8)
Maximum height of structures with CUP.	50	50	50	50	50	50	50	50	50	50	

(Ord. No. 668-1-17, §23, 3/28/17)

Table 5-2 Notes:

1. In the R-1 and RM zoning districts, the density of the development may be increased and the site areas may be reduced for developments of five or more dwelling units to provide density bonuses when the developer enters into a development agreement pursuant to Article 2.5 (commencing with Section 65864) of Chapter 3 of Division 12 of Title 7 of the *Government Code*. Density bonuses shall be calculated and applied according to Article 2.5 (commencing with Section 65915) of Chapter 3 of Division 12 of Title 7 of the *Government Code* and the *Kings County Density Bonus* regulations located in Article 22 of this *Development Code*. In the RR zoning district, the minimum site area shall not be less than one (1) acre if either an individual water supply or individual sewage waste disposal system is to be utilized on the site.
2. On a site situated between sites improved with buildings, where said buildings are set back less than the minimum distance required by this section, the minimum front yard setback shall be the average depth of the front yards on the improved sites adjoining the side lines of the site, but such minimum shall not be less than 10 feet.
3. Where the rear of the site abuts on an alley right-of-way, the rear yard setback may be decreased one foot for each two feet of such alley right-of-way.
4. Accessory structures under six feet in height may be located within any portion of a required rear yard; garden structures greater than six feet in height may be located in any portion of a required rear yard which is not within a utility easement. Storage sheds 120 square feet or less in size with side walls not more than six feet in height may be set within any portion of a required rear yard.
5. In the RR zoning district, attached or detached garages or carports fronting on the street side yard of a corner lot shall be set back a minimum of 30 feet from the property line on a straight driveway approach or 20 feet from the property line where the garage opening is perpendicular to the property line requiring a curved driveway approach, except where a greater setback is required by any other ordinance.
6. In the R-1 zoning district, attached or detached garages or carports fronting on the street side yard of a corner lot shall be set back a minimum of 20 feet from the property line on a straight driveway approach or 15 feet from the property line where the garage opening is perpendicular to the property line requiring a curved driveway approach, except where a greater setback is required by any other ordinance.



7. On a reverse corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.
8. No accessory structures over three feet in height may be located in any portion of a required front yard, or a Traffic Safety Visibility Area.

Sec. 507. Accessory Dwelling Units and Junior Accessory Dwelling Units: When an application is submitted for an “accessory dwelling unit” or a “junior accessory dwelling unit” in the RR, R-1, or the RM zoning districts the following findings shall be made by the ~~Zoning Administrator~~ Building Official before issuing a ~~Site Plan Review~~ building permit:

- A. That the parcel or lot already contains ~~one~~ or proposes a Single-family residence or multi-family residence.
- B. That an accessory dwelling unit is either a site built structure, a manufactured home as defined by Section 18007 Health and Safety Code, or an efficiency unit as defined by Section 17958.1 Health and Safety Code.
- C. That the accessory dwelling unit meets all of the following standards:
 1. Floor Area: An attached or detached accessory dwelling unit permitted by this section shall not exceed 1,200 square feet of floor area. ~~In the case of a conversion accessory dwelling unit, if separated from the existing single family detached residence. If attached to the existing single family residence,~~ the floor area of the converted accessory dwelling unit shall be limited to the size of the existing structure being converted with the addition of 150 square feet to accommodate ingress and egress. not exceed 50 percent of the existing living area of the existing single family detached residence.
 2. A manufactured home shall not be less than eight ft. wide by forty 40 ft. long and 320 sq. ft. in floor area.
 3. An efficiency unit shall not be less than 150 sq. ft. in floor area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code.
 4. ~~Location: An accessory dwelling unit shall be located either to the side or to the rear of the existing single family residence and shall be either attached to the existing single family residence or be separated from the existing single family as allowed by the current California Building Code.~~
 5. ~~Owner Occupancy: Either the existing single family detached residence or the accessory dwelling unit shall be occupied by the owner of the property. An accessory unit cannot be separately owned or sold, but may be rented.~~
 4. Quantity: In a single-family residential zoned district, one attached or detached or conversion accessory dwelling unit is permitted per parcel or lot that already contains or proposes a single-family residence. In a multi-family residential district, one attached or two detached accessory dwelling units are permitted. With regard to a conversion accessory dwelling unit, at least one interior ADU and up to 25 percent of the number of existing multi-family dwelling units are permitted. For multi-family dwelling units all interior ADUs must be converted from existing non-livable space.
 5. Setbacks and Height Requirements: An attached or detached accessory dwelling unit is subject to a maximum height limit of 30 feet and minimum rear and side setbacks of 4 feet.
 6. Off-Street Parking: At least one additional off-street parking space shall be provided for ~~the~~ an accessory dwelling unit, and must comply with Article 13, Section 1306, except when the accessory dwelling unit is exempt under Government Code section 65852.2. part of the existing primary residence or an existing accessory structure.
 7. Utility Services: Accessory dwelling units shall be provided with water, sewer and other utilities as determined by the Building Official. Where water and sewer service is provided by a city or community or public service district the ~~Site Plan Review~~ building permit application shall include a letter from the agency providing the services that the agency will allow connection to their systems.

D. That the junior accessory dwelling unit meets all of the following standards:



1. Floor Area: A junior accessory dwelling unit permitted by this section shall not exceed 500 square feet of floor area and must be created within the walls of a proposed or existing single-family residence.
2. Quantity: In a single-family residential district, one junior accessory dwelling unit is permitted per parcel or lot that already contains or proposes a single-family residence. Parcels or lots with multiple detached single-family dwellings are not eligible to have junior accessory dwelling units pursuant to Government Code, Section 65852.22, subd.(a)(1).
3. Setbacks and Height Requirements: An attached or detached accessory dwelling unit is subject to a maximum height limit of 30 feet and minimum rear and side setbacks of 4 feet.
4. Off-Street Parking: A junior accessory dwelling unit created in an attached garage may be required to provide replacement parking.
5. Owner Occupancy: The property owner must reside in either the primary residence, or in the junior accessory dwelling unit pursuant to Government Code, Section 65852.22, subd.(a)(2).

~~8.E.~~ Compliance with other regulations for the R District: Except as specifically set forth in this Article and the standards set forth in this section, all accessory dwelling units regulated pursuant to this Article shall meet all of the requirements of the R District in which the accessory dwelling unit is located including, without limitation, requirements regarding fences, walls and hedges; site area, frontage width, and depth of sites; coverage; yard requirements; ~~height of structures~~; distances between structures; signs; and general provisions and exceptions.

~~D.F.~~ This Section is intended to conform in all respects with Stats. 20~~16~~22, c. ~~735~~664, § ~~12~~5, and shall be interpreted consistently therewith, and with any subsequent amendment to Government Code section 65852.2 and Government Code section 65852.22 as those that statutes may be renumbered from time to time.

(Ord. No. 668-1-17, §24, 3/28/17)

Sec. 508. Additional Standards and Regulations:

- A. **Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities:** Off-street parking areas, aisles, access drives, access lanes and off-street loading facilities shall be provided on the site for each use as prescribed in Art. 13.
- B. **Fences, Walls, Gates, Hedges, and Screening and Landscaping.** In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or County Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

1. Fencing for Single-family (R-1) and Multi-family (RM) Zones:

- a. **Fences, Walls, and Hedges** shall be permitted as follows:

(1) Interior lots:

- (a) A solid fence, wall, or hedge not exceeding seven feet in height, may be located within any portion of the property provided that it is set back a minimum of 10 feet from the front property line and meets the Traffic Safety Visibility Area requirements. Noise attenuation fencing that is required as a mitigation measure is not limited to seven feet, but shall not exceed the height required in the mitigation measure.
- (b) An Open Fence as defined in Article 25 of this Development Code, not exceeding seven feet in height, may be located in any portion of the front yard provided that it meets the Traffic Safety Visibility Area requirements.
- (c) Fences, walls, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as

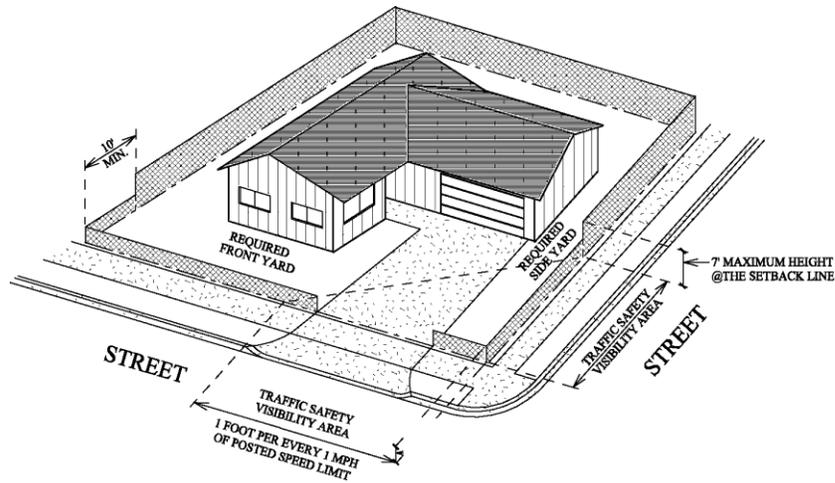


defined in Article 25 of this of this Development Code. A fence, wall, hedge or shrub not exceeding three feet in height may be located within any portion of the property.

(2) Corner lots:

- (a) A solid fence, wall, or hedge not exceeding seven feet in height, may be located within any portion of the property provided that it is set back a minimum of 10 feet from the front and street side yard property lines and meets the Traffic Safety Visibility Area requirements.
- (b) An open-type fence as defined in Article 25 of this of this Development Code, not exceeding seven feet in height, may be located in any portion of the front yard or street side yard provided that it meets the Traffic Safety Visibility Area requirements.
- (c) Fences, walls, and hedges shall not exceed 3 feet in height within a Traffic Safety Visibility Area as defined in Article 25-of this of this Development Code. A fence, wall, hedge or shrub not exceeding three feet in height may be located within any portion of the property.

Figure 5-1.
Residential Fencing Requirements



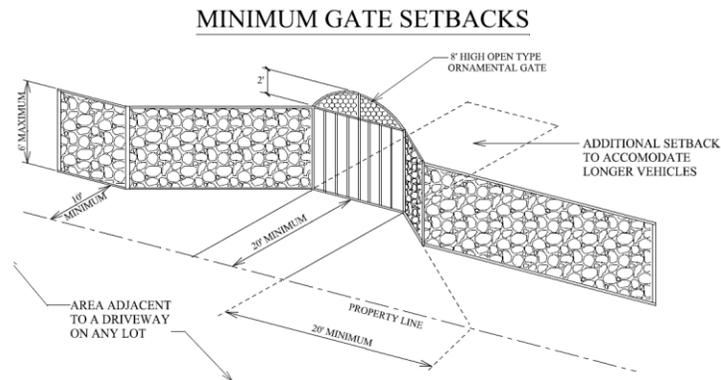
b. **Gates** shall be permitted as follows:

- (1) Gates used for the primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - (a) A minimum distance of 20 feet or,
 - (b) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.
- (2) Gates used for the primary vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - (a) The property owner/occupant obtains a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - (b) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.



- (c) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
- (3) Access gates to property which are not used for regular vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the fence line. Access gates shall have locking mechanisms accessible only from the interior side of the gate.
- (4) Gates with open-type decorative or architectural features within the front or street side yards shall not exceed eight feet in height.

Figure 5-2



2. Fencing for Rural Residential (RR) zones:

- a. Fences, walls, gates, and hedges shall be permitted as described above except that fences, walls, gates, and hedges may exceed seven feet in height except as follows:
 - (1) Fences, walls, gates, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this of this Development Code.
 - (2) Any fence, wall or gate over seven feet in height is a structure and shall require a building permit prior to construction.

3. General Fencing and Gate Requirements:

- a. All private, single-family home swimming pools constructed after January 1, 1998 shall be fenced, enclosed or equipped with another safety feature as provided in Sections 115920 – 115927 of the California Health and Safety Code.
- b. Any fence, wall or gate over seven feet in height is a structure and requires a building permit prior to construction.
- c. All heights in this section shall be measured from the finished grade of site or the adjacent property, whichever is lower.

(Ord. No. 668-1-17, §25, 3/28/17)

- 4. **Screening Requirements:** Storage of materials attendant to a permitted use requiring a Site Plan Review, or Conditional Use Permit which are not specifically permitted to be stored within public view pursuant to an approved use permit, and are not completely enclosed in a structure, when located on a site abutting on or across a street or alley from an RR, R, or RM Zoning District shall be screened by a solid fence or masonry wall or compact growth of



natural plant materials not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.

5. **Landscaping:** Landscaping is not required in these zoning districts. However, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “Model Water Efficient Landscape Ordinance”. See Article 15 of this Development Code for additional information concerning specific landscaping requirements.

C. **Signs in Residential Zoning Districts:** Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed below in Table 5-3 below. All signs shall be located outside of the public right-of-way and shall not be located within a Traffic Safety Visibility area if over three feet in height. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.

Table 5-3 SIGNS IN RESIDENTIAL ZONING DISTRICTS			
Permitted Sign Type	Maximum Number	Maximum Aggregate Sign Area	<i>Additional Regulations See Article 14</i>
Name plate for single-family uses.	1 per legal dwelling unit.	R-1 and RM - 1 sq. ft. in area RR – 2 sq.ft. in area.	See Section 1406.D.10.
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft. in area.	See Section 1406.B.
Identification signs for uses requiring SPR or CUP.	1 per use on the site.	12 sq. ft. in area	See Section 1406.B.
Identification sign for religious institutions, schools, and day care facilities.	1 per driveway.	40 sq. ft. in area.	See Section 1406.B.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	R and RM - 6 sq. ft. in area RR – 12 sq.ft. in area.	See Section 1406.D.7
Temporary subdivision signs (Large)	1 per abutting street but not more than 4 per subdivision	No Limitation	See Section 1406.C.3
Temporary subdivision signs (Small)	1 sign per new subdivision on each major community entrance route	32 sq. ft. in area	See Section 1406.C.4
Temporary advertising/ promotional signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.2
Political and other non-commercial signs.	No Restriction.	32 sq. ft. per sign	See Section 1403. See Section 1409.
Parking lot signs for parking lots	1	4 sq. ft.	See Section 1403.B.

D. **General Provisions and Exceptions:** All uses shall be subject to the general provisions and exceptions prescribed in Article 1.

E. **Protection of Solar Access:** In a residential zoning district, a structure, fence, or wall shall not be constructed or modified, and vegetation and trees may not be placed or allowed to grow, so as to obstruct the absorption area of an existing solar energy system on a neighboring parcel at any time. Solar energy systems applicable to this Section are those located within a rear yard or are roof mounted.

F. **Exterior Lighting:** Exterior lighting should be designed to be compatible with the architectural and landscape design of the project.

1. All new proposed uses shall preserve the existing nighttime environment by limiting the illumination of areas surrounding new development.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).



Article 7. Mixed Use Zoning Districts

Sections:

- Sec. 701 - Purpose and Objectives**
- Sec. 702 - District Designations**
- Sec. 703 - Land Use Regulations**
- Sec. 704 - Development Standards for Mixed-Use Zoning Districts**
- Sec. 705 - Additional Standards and Regulations**

Sec. 701. Purpose and Objectives: The two classes of Mixed Use (MU) Districts included in this Development Code are designed to be integrated into centralized community downtowns or community core areas to allow various mixtures of commercial and residential uses and to replace the Central Commercial land use designation in previous Zoning Ordinances. Mixed Use zoning districts are intended to allow a vertical and horizontal mix of business, office, and housing within common building structures as well as encourage private investment, revitalization of community commercial areas and visual community distinction. Standards in the Mixed Use district are intended to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing resident to work, shop and play within walking distance to where they live.

Sec. 702. District Designations:

- A. **MU – Mixed Use District:** The Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential uses along 14th Avenue north of the downtown mixed use area in Armona. In Kettleman City, the mixed use district is located along State Route 41 within the existing community.
- B. **MU-D – Downtown Mixed Use:** The Downtown Mixed Use District is made up primarily of Rural Commercial and Multifamily Residential combined zoning and is intended to increase the jobs/housing balance in the county's large unincorporated communities. The Downtown Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential within the existing commercial core areas of Armona, Stratford and a newly designated commercial core in Kettleman City. Buildings more than one story are strongly encouraged.

Sec. 703. Land Use Regulations: The following table prescribes the land use regulations for Mixed Use districts. The regulations for each district are established by letter designation shown in the key of Table 7-1:

Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS			
KEY	ZONING DISTRICT		<i>Additional Regulations and Information</i>
“P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	<i>MU</i>	<i>MU-D</i>	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Accessory structures located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Article 11, Section 1101.
Arcades, including video rentals and sales.	P	P	See Note 1
Automobile parts stores.	S	S	
Automobile and truck repair Service Stations (trucks up to and including one-ton rated capacity).	C	C	See Article 25 for a list of services.

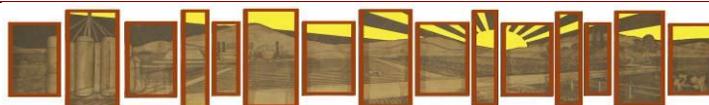


Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	MU	MU-D	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Banks and financial institutions.	P	P	See Note 1
Barbeque facilities (Open-air).	S	S	See Article 11, Section 1104.
Bars/night clubs/lounges/taverns.	S	S	
Beer gardens as an incidental use.	S	S	
Billiard and pool halls.	S	S	
Blueprint, copy and duplicating services.	P	P	See Note 1
Body piercing establishments.	S	S	
Bowling alleys.	C	-	
Brew pubs.	S	S	See Article 11, Section 1105.
Building material sales, excepting bulk storage of sand, gravel or cement.	S	-	
Catering as an incidental use to a restaurant, cafes, delicatessens or other food related use.	P	P	
Ceramic and pottery shops.	P	P	See Note 1
Child Care Facilities	S	S	
Coffee shops.	P	P	See Note 1
Convenience stores.	S	S	See Article 11, Section 1105.
Delicatessens and health food stores.	P	P	See Note 1
Donut shops.	P	P	See Note 1
Dry cleaning and laundry agencies.	S	S	
Farmers markets.	TUP	TUP	
Food lockers (no slaughtering).	S	S	
Food stores and grocery stores.	P	S	
Garden supply shops and nurseries.	S*	S	*All equipment, supplies and merchandise, other than plants, shall be kept within completely enclosed buildings or under a lathed structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only.
Health and Fitness Type Uses	P	S	See list in Article 25
Household appliance sales, service & repair.	P	P	See Note 1
Hotels and motels	S	S	On 2 nd floor and above.
Ice cream and desert shops.	P	P	See Note 1
Interior decorating and design shops.	P	-	
Liquor stores.	S	S	See Article 11, Section 1105.
Locksmiths.	P	-	See Note 1
Mailbox rental, receiving and forwarding.	P	P	See Note 1
Meeting halls.	S	S*	*Located on the second floor only.
Movie theaters, theaters, auditoriums.	S	C	See Article 11, Section 1105.
Offices, Business and Professional Type Uses	P	P	See list in Article 25 and Note 1
Pawn shops.	S	-	See Article 11, Section 1118.
Personal Services Type Uses	P	P	See list in Article 25 and Note 1
Photography studios.	P	P	See Note 1



Table 7-1

MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	<i>MU</i>	<i>MU-D</i>	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Picture framing shops.	P	P	See Note 1
Printing, graphics, lithography and engraving shops.	P	P	See Note 1
Private clubs, lodges and fraternal organizations.	C	C	Located on the second floor only.
Reading rooms.	S	-	
Religious institutions.	C	C	
Restaurants, cafes, including fast food, drive-in restaurants, outdoor cafes, buffets, coffee shops, tearooms, cafeterias, etc., with no sale of alcoholic beverages.	P*	P*	*Excluding drive-thru. See Note 1
Restaurants or similar eating establishments that sell or serve beer, wine, and/or distilled spirits which require or obtain a special ABC license # 41, 47, or 75.	S	S	
Retail Sales Type Uses	P	P	See List in Article 25 and Note 1
Secondhand and Thrift Stores.	P	-	See Note 1
Fueling stations including CNG, and electric vehicle recharge stations for commercial use.	S	S	
Storage facilities, garages, and yards	S	-	
Tattoo Parlors.	S	S	
Telecommunication dealers and services.	P	P	See Note 1
Tire sales and service.	S	-	
Travel bureaus.	P	P	See Note 1
Truck repair garages and service stations (trucks over one-ton rated capacity)	C	C	
Wedding services and supplies.	S	S	
Medical Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Medical/dental offices and clinics.	S	P	See Note 1
Medical and orthopedic appliance stores.	S	-	
Medical spas.	S	-	
Educational Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Nursery schools/preschools.	-	S	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Active solar heating systems used to convert sunlight to heat that can be used for space heating and hot water.	P	P	



Table 7-1

MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	<i>MU</i>	<i>MU-D</i>	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Incidental Electric Vehicle (EV) recharge stations.	P	P	Incidental to designated parking spaces for electric vehicles and private recharge station for electric vehicles operated by the occupants of the property. See Article 15, Section 1511.C
Solar electrical generation equipment for non-commercial personal use.	P	P	With a design capacity to serve the electrical needs of only that site or use.
Solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, state, and federal regulations.	C	C	
Public and Utility Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Co-location of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.	P	P	
Communications equipment buildings and public service pumping stations and/or elevated pressure tanks.	S	-	
Community centers.	C	C	May be located on the second story of a commercial use or a separate stand alone use.
Electrical distribution substations, gas regulator substations.	S	S	
Museums and art galleries.	S	S	
Public buildings including courts, fire stations, libraries, police stations, post offices.	C	C	Includes city, county, special district, state and administrative offices.
Public parks and playgrounds.	C	C	
Radio and television broadcasting studios and accessory structures.	S	-	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU)	<u>P</u>	<u>P</u>	In compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Article 5, Section 507
Apartments	S	S	Over or to the rear of a permitted commercial use.
Community care facilities as allowed by the Health and Safety Code	P	P	
Emergency Shelters.	C	C	See Article 11, Section 1106.
Family day care home, Small.	P	P	For 8 or fewer children.
Home Occupations, Minor.	P	P	See Article 11, Section 1102.A.
Home Occupations, Urban.	S	S	See Article 11, Section 1102.C.

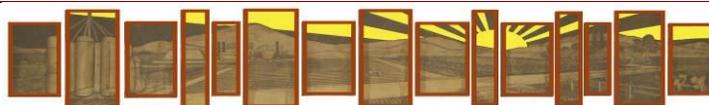


Table 7-1

MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	<i>MU</i>	<i>MU-D</i>	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Incidental single-family dwellings.	S	S	Located on the ground floor to the rear of a permitted commercial use.
Multifamily dwellings.	S	S	Over or to the rear of a permitted commercial use.
Household pets, such as dogs, cats, canaries and parakeets (no livestock) belonging to those living on the site.	P	P	Pets shall be maintained in compliance with public health laws and Kings County Animal Control standards.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Accessory structures located on the same site with a permitted use.	S	S	See Article 11, Section 1101.
ATMs.	P	P	
Community gardens, non-medicinal.	P	P	See Article 15, Section 1503.
Incidental uses located on the same site with a permitted use.	P	P	See Article 11, Section 1101.
Incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Article 11, Section 1101.
Outdoor seating incidental to restaurants, cafes, bars, beer gardens, etc.	S	S	
Parking lots with landscaping accents.	S	S	
Rain gardens.	P	P	See Article 15.
Raising of fruit/nut trees, vegetables, and horticultural specialties.	P	*	*All properties within Armona Community Plan may continue agricultural farming practices until development applications are approved by the County.
Regional produce stands.	S	S	Armona Community Plan Policy 7E.2.2.
Recycling facility; reverse vending machine.	P	P	See Article 11, Section 1115.A.
Sale of fresh fruits and vegetables.	-	P	As an accessory use.
Sheltered transit stops.	P	P	
Signs, freestanding or detached.	S	-	See Table 7-3.
Signs, wall mounted, projecting, or awning.	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the meets signage regulations. See Table 7-2.
Signs, temporary.	P	P	See Article 14 for time limits and additional information.
Small Recycling Facility	S	-	See Article 11, Section 1115.B
Vending machines including water dispensing, snacks, food, soda, and DVD type machines.	P	P	Incidental to an existing use.
Water collection.	P	P	See Article 15.



Table 7-1 Specific Limitations and Additional Requirements:

1. Only uses being established within an existing building with no increase to floor area are considered a Permitted Use. New construction or additions to an existing building require site plan review.

(Ord. No. 668-1-16, §12 and §13, 1/12/16) (Ord. No. 668-1-17, §30, §31, §32, and §33, 3/28/17)

Sec. 704. Development Standards for Mixed Use Zoning Districts: Table 7-2 below provides development standards for parcels within Mixed-Use zoning districts:

Table 7-2 DEVELOPMENT STANDARDS FOR MIXED USE ZONING DISTRICTS			
<i>Use Classifications</i>	<i>MU</i>	<i>MU-D</i>	<i>Additional Regulations and Information</i>
Site Area and Lot Standards (ft.)	All Standards Shown are Minimum Standards Unless Otherwise Stated		
Site Area per ground floor single-family dwelling unit (Square Feet).	No Limitation	No Limitation	
Site Area per ground floor multifamily dwelling unit (Square Feet).	No Limitation	No Limitation	
Site Area for all other permitted and conditional uses (Square Feet).	No Limitation	No Limitation	
Minimum width of site – Interior Lot	No Limitation	No Limitation	
Minimum width of site – Corner Lot	No Limitation	No Limitation	
Minimum depth of site – Interior Lot.	No Limitation	No Limitation	
Minimum depth of site – Corner Lot .	No Limitation	No Limitation	
Maximum area covered by commercial Structures.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	
Site Coverage			
Maximum area for residential uses and/or structures.	45%(2)	45%(2)	See Note 2
Setback Requirement (ft.) (Note 1)			
Front Setback.	10	*Must abut front and street side property lines.	*Up to 30% of the a building may be recessed to accomodate pedestrian spaces such as entryways, courtyards, patios, etc.
Rear Setback	10	5*	*10 foot setback required if abutting RR, R, or RM District. See Note 6.
Side Setback	No Limitation*	No Limitation	*10 foot setback required if abutting RR, R, or RM District or use. See Note 6.
Distance Between Structures (ft.)			
Distance between commercial uses	No Limitation (3)	No Limitation (3)	See Note 3
Distance between residential use and another structure .	No Limitation (3)	No Limitation (3)	See Note 3
Height of Structures (ft.)			
All Standards Shown are Minimum Standards Unless Otherwise Stated			
Maximum height of a permitted use or its accessory structures	30(4)	30(4)	See Note 4.
Maximum height of a conditional use or its accessory structures	50(5)	50(5)	See Note 4



Height of Structures (ft.)	All Standards Shown are Minimum Standards Unless Otherwise Stated		
Maximum height of a structure in a traffic safety visibility area	3	3	See Note 5
Minimum sidewalk area			
Required width of sidewalks	As noted in each community plan.	As noted in each community plan.	See Street and Parking Design Standards in each Community Plan

Table 7-2 Specific Limitations and Additional Requirements:

1. Video and DVD type rental vending machines shall not be placed within a sidewalk area in the Mixed Use zoning districts. Such machines may be placed inside of a business or within an area outside of the sidewalk area.
2. The residential element within a mixed use development shall not exceed 45% of the square footage of gross floor area of a building(s) and/or the square footage of land area being used for residential purposes.
3. Minimum distances between structures maybe required by the fire code or building code regulations for safety and fire protection. This includes distances from structures on adjacent properties.
4. New structures in Kettleman City shall not exceed two stories in height unless adequate fire equipment is provided that can reach beyond two stories or other alternatives are found acceptable to the Kings County Fire Department.
5. Signs over 3 feet in height within a traffic safety visibility area may be permitted by Site Plan Review provided that the sign must be at least 12 feet above the ground if the sign is placed within 30 feet of a street intersection (intersecting curb lines).

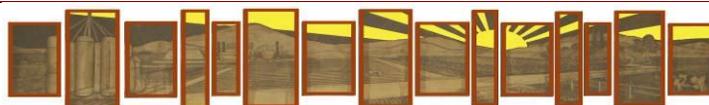
[6. Attached or detached accessory dwelling units and junior accessory dwelling units must have minimum 4 foot rear and side setbacks.](#)

(Ord. No, 668-1-17, §34, 3/28/17)

Sec. 705. Additional Standards and Regulations:

A. Encroachments: Within the MU-D District, permanent structures or improvements, including but not limited to canopies, arcades, galleries, awnings, and seating, within the public right-of-way are allowed as follows:

1. An encroachment agreement will be required and the agreement will at a minimum indemnify the county harmless for and from any and all losses, claims, suits, and damages in any way arising from, relating to or connected with the property owners activities undertaken pursuant to the encroachment, the property owner will protect and restore all property, both public and private, damaged as a result of the property owners activities, and obtain and maintain liability insurance if required by the county.
2. The public right-of-way (sidewalk) may be used for outdoor seating/dining during regular business hours. The outdoor seating shall not obstruct sidewalk pedestrian traffic or create public health and safety hazards and shall be located along the building frontage of the sidewalk area.
3. Development standards are as follows:
 - a. Minimum clear distance of 4 feet for pedestrian travel.
 - b. Minimum of 2 feet between structure/improvement and curb/landscape area.
 - c. Minimum of 8 feet of vertical clear area from sidewalk to structure.



B. Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities:

1. In addition to available on-street parking, off-street parking areas, aisles, access drives, access lanes and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13, except within the MU-D District commercial/office/retail uses will provide 1 parking space for each 500 sq. ft. of net floor area.
2. Within the MU-D District a reduction in required on-site parking can be off set by an off-site parking credit. The amount of parking spaces that can be used to reduce parking requirements is based on lot frontage to which the parking spaces exist to ensure equity throughout the district. A reduction of 3 parking spaces will allowed for each 50 feet of lot frontage.
3. In the MU-D District: No off street parking is required for non-residential uses unless the use exceeds 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet as prescribed in Article 13.
4. Garages or other enclosed or covered parking facilities for use by residents in the Mixed Use Districts shall not be significantly visible from the public street or adjacent bikeways, sidewalks or other pedestrian amenities. Residential parking shall be clearly signed and reserved for residents.
5. **Pedestrian Friendly Design:** In Mixed-Use zoning districts, parking and vehicle drives shall be located away from building entrances, and not between building entrances and streets with pedestrian activity.

[6. Accessory dwelling units and junior accessory dwelling units shall comply with Article 5, Section 507.C.6 of the Kings County Development Code.](#)

C. Fences, Walls, Gates, Hedges, and Screening and Landscaping: In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or County Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

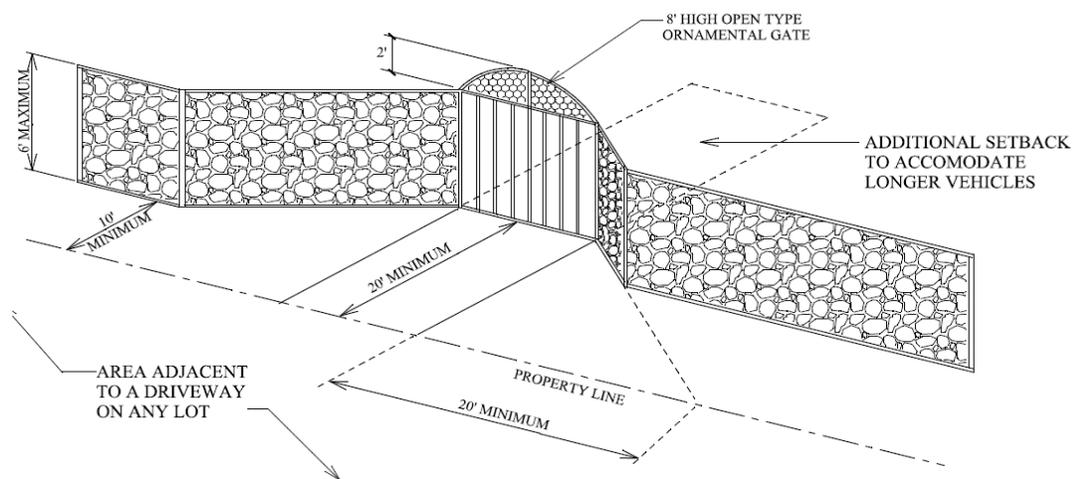
1. **Fences, Walls, and Hedges** shall be permitted as follows:
 - a. Except in the MU-D District, where a site adjoins or is located across an alley from a R-1, RM, or RR zoning district, a solid wall or fence, vine covered open fence or compact evergreen hedge six feet in height shall be located on the property line common to such districts, except in a required front yard and/or Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - b. In all Mixed Use Districts no solid fence, wall, hedge or shrub exceeding three feet in height shall be erected, planted or maintained within a required Traffic Safety Visibility Area.
 - c. No solid fence, open-type fence, wall, or gate, shall exceed seven feet in height if located in a required front, side, or rear yard. Noise attenuation fencing that is required as a mitigation measure is not limited to seven feet, but shall not exceed the height required in the mitigation measure.
 - d. No hedge or shrub shall exceed seven feet in height if located in a required front yard.
2. **Gates** shall be permitted as follows:
 - a. Gates which are used for primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - (1) A minimum distance of 20 feet.
 - (2) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.



- b. Gates used for regular vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - (1) The property owner/occupant shall obtain a building permit from the building division for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - (2) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - (3) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
- c. Access gates to property which are not used for the primary vehicular ingress and egress, such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property, do not require additional setback from the fence line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
- d. Gates with open-type decorative or architectural features within the front or street side yards shall not exceed eight feet in height.

Figure 7-1

MINIMUM GATE SETBACKS



3. General Fencing and Gate Requirements:

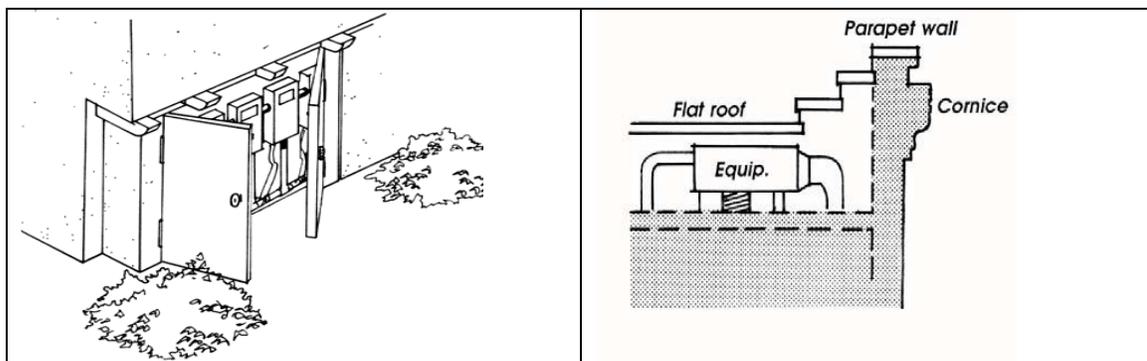
- a. Any fence or wall over seven feet in height is a structure and requires a building permit prior to construction.
- b. All heights in this Section shall be measured from the finished grade of site or the adjacent property, whichever ever is lower.
- c. Fences, walls, hedges, gates, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations.



4. Screening Requirements:

- a. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence. The requirement for a solid or screened fence may be modified or eliminated for situations where law enforcement provides comments on the zoning permit application stipulating that the street side fence be an open-type fence to allow patrol officers to ensure there are no unauthorized persons in the yard after hours.
- b. All mechanical or utility equipment, whether on the roof, ground or side of a building must be screened from view, above or below. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. The design of the screening should be done in concert with and as a part of the design of the building, rather than as an afterthought.
- c. Roof mounted mechanical or utility equipment must be screened. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. It is preferable to screen equipment with permanent solid building elements (e.g. parapet wall) instead of after-the-fact add-on screening (e.g. wood or metal slats) which are not part of the structure.
- d. Air conditioning units placed in individual windows and window transom areas are *strongly* discouraged.

Figure 7-2
Equipment Screening



5. Landscaping and Maintenance:

- a. All new urban development shall provide and maintain shade trees and other landscaping along streets and within parking areas to reduce radiation heating.
- b. All new construction and rehabilitated landscape projects installed after January 1, 2010, are subject to and shall comply with the "Model Water Efficient Landscape Ordinance." See Article 15 for additional information concerning specific landscaping requirements. See article 15 for additional requirements and information.
- c. All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.



D. Signs in Mixed-Use Zoning Districts: Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed below in Tables 7-3 and 7-4 below and the “Specific Limitations and Requirements” section following Table 7-3.

Table 7-3 SIGNS IN MIXED USE (MU) ZONING DISTRICT			
Permitted Sign Type	Maximum Number	Maximum aggregate sign area per use	<i>Additional Regulations See Article 14</i>
Business identification signs.	Number of signs not to exceed maximum aggregate sign area per use.	300 sq. ft total.	Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
Name plate for single-family uses.	1 per legal dwelling unit.	1 sq. ft.	See Section 1406.D.10. Below Cornice or roof line near main entrance.
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft.	Below Cornice or roof line flat against a wall.
Parking lot signs for multifamily residential uses.	1	4 sq. ft.	
Window signs.	No Limitation	Not calculated as part of the aggregate sign area per use.	Signs shall cover no more than 25% of a single window’s surface area.
Temporary special event signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.1.
Temporary advertising/promotional signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.2.
Temporary construction signs.	1 per street frontage.	32 sq. ft. in area.	See Section 1406.C.5.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	20 sq. ft. in area	See Section 1406.D.7.
Directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft.	Illuminated or non-illuminated
Open-air barbeque facility signs.	1 “A” frame lettered on both sides or 2 single faced signs.	6 sq. ft. in area.	“A” frame sign shall not be placed in a landscape area, sidewalk or used as an off site directional sign/advertisement. Single faced signs shall be attached to mobile food preparation unit’s walls or sides.
Political and other non-commercial Signs.	No Restriction.	32 sq. ft. per sign	See Article 14, Section 1406.D.9.
Murals	No Restriction	No Restriction	Shall be non-commercial in nature.

Table 7-3 Additional Regulations:

1. No sign other than a directional sign shall project more than 24 inches into a required rear yard or required interior side yard. No sign other than a sign required by law shall project more than 12 inches into a public right-of-way. No outdoor advertising structure shall project into a public right-of-way.



2. No sign permitted by this Section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed on a pole at least 12 feet above the ground or unless placed at a maximum height of three feet above ground.
3. No sign which faces and is located directly across the street from property situated in an R or RM District, shall be directly illuminated or flashing.
4. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

(Ord. No. 668-1-17, §35, 3/28/17)

Table 7-4 SIGNS IN THE MIXED USE-DOWNTOWN (MU-D) ZONE DISTRICT			
Type of Sign	Maximum Number	Maximum aggregate sign area per use	Requirements/Regulations
Wall mounted Sign (Primary street)	Not to exceed allowed aggregate total	1 sq. ft. of signage for each lineal foot of building frontage up to a maximum of 75 sq. ft.	Must be mounted to facade of building.
Wall mounted sign (Secondary street and/or alley)	Not to exceed allowed aggregate total	.5 sq. ft. of signage for each lineal foot of building frontage up to a maximum of 36 sq. ft.	Must be mounted to facade of building
Awning/canopy	1	9 sq. ft.	If placed on the exterior of the awning the lettering must be on the awning/canopy valance. If placed under the awning/canopy, a minimum of 8 feet of vertical clearance between sign and sidewalk must be maintained.
Projecting/Bracket	1	9 sq. ft.	Must be placed at least 8 feet above sidewalk and cannot project more than 4 feet from face of building.
Sidewalk Sign	1	6 sq. ft.	Signs cannot interfere with pedestrian travel or accessible route. Signs can only be displayed during business hours and must be removed when business is closed.
Window			Limited to a maximum of 25% of the window area

(Ord. No. 668-1-17, §36, 3/28/17)

- E. General Provisions and Exceptions:** All uses shall be subject to the general provisions and exceptions prescribed in Article 1. In addition, all permitted uses in the MU-D District must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, and automated teller machines.
- F. Transit Stop Improvements:** When transit stops are existing or proposed, they shall be fully integrated into the project site and/or at the focal point of the new development whenever practical. Building entrances and pedestrian walkways shall be designed to provide safe and efficient access to nearby public transit stops. The applicant for a development on property which is near or abuts a transit stop may be required to make transit stop improvements. Improvements may include the installation of a bus pad, turnouts, benches, trash receptacles (and service), shade/shelter, security lighting, bike racks, water features, and/or landscaping. Transit Stop Improvement Standards fall under the jurisdiction of Kings Area Rural Transit (KART) and, to some extent, Kings County Public Works, and the requirement for the installation of such improvements shall be coordinated with those agencies in order to comply with established standards.
- G. Exterior Lighting:** Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to cause a nuisance.



1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
3. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures shall be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it shall be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this must be integrated into the overall design of the project.
4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

(Ord. No. 668-1-17, §37, 3/28/17)

H. Resource Conservation: All property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All new development within the County may be subject to the following requirements, as applicable, as part of their development proposals.

1. **Water Meters:** All new development within the Armona, Home Garden, Kettleman City, and Stratford Community Service District areas shall be required to install water meters to encourage water conservation.
2. **Stormwater Drainage:** All new development within the communities of Armona, Home Garden Stratford, Kettleman City, and Stratford shall integrate onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into their site plans to increase the stormwater detention throughout the community.
3. **Drought Tolerant Landscaping:** All new residential and commercial development in the communities of Armona, Home Garden and Stratford shall integrate drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use within the community.

I. Community Design Guidelines: Recommended design guidelines for the communities of Armona, Home Garden, Kettleman City and Stratford are included in Chapters 11 through 14 of the *2035 Kings County General Plan* and include the general guidelines that are peculiar to each of the communities. Specific design guidelines for Armona, Kettleman City and Stratford are available on-line or from the Community Development Agency upon request and serve to foster the overall community identity and applicants for all new land use permits are highly encouraged to incorporate applicable guidelines and design elements into all new projects.



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Article 12. Pre-Existing Uses and Nonconforming Sites, Structures, and Uses

Sections:

- Sec. 1201 - Purpose
- Sec. 1202 - Pre-existing Structures and Uses
- Sec. 1203 - Nonconforming Sites
- Sec. 1204 - Nonconforming Structures
- Sec. 1205 - Nonconforming Uses
- Sec. 1206 - Procedure for a Change of Nonconforming Uses
- Sec. 1207 - Zoning Clearance and Building Permit
- Sec. 1208 - Lapse of a Change of Nonconforming Use
- Sec. 1209 - Extension of a Change of Nonconforming Use
- Sec. 1210 - Revocation of a Change of Nonconforming Use
- Sec. 1211 - New Application

Sec. 1201. Purpose:

- A. The specific purpose of this Article is to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Development Code in a manner that does not impair public health, safety, and general welfare.
- B. Nothing in this Development Code pertaining to nonconforming structures and uses shall be construed or applied so as to require the termination, discontinuance or removal of public utility buildings, structures, equipment, and facilities, or so as to prevent the expansion, modernization, replacement, repair, maintenance, alteration, reconstruction, or rebuilding and continued use of such buildings, structures, equipment, and facilities, provided that there be no change of use nor enlargement of those areas so used.

Sec 1202. Preexisting Structures and Uses:

- A. A use previously permitted through a Special Use Permit, or a Conditional Use Permit that was established prior to enactment of this Development Code, shall be permitted to continue.
- B. Alteration or expansion of a conditional use established prior to enactment of this Development Code shall be permitted upon the granting of a new use permit. However, a new use permit shall not be required for existing accessory structures and accessory uses located on the same site as a preexisting use that is listed as a conditional use in this Development Code.
- C. A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this Development Code if the structure is destroyed by fire or other calamity or by act of God or by public enemy to a greater extent than 50 per cent.

Sec. 1203. Nonconforming Sites:

A. Use of Nonconforming Sites.

- 1. Except as otherwise provided in this Section, a site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located may be used for any permitted use, provided that:
 - a. The site is shown on a duly approved and recorded parcel or subdivision map;



- b. A deed or valid contract of sale was of record prior to the adoption of this Development Code or amendments thereto;
 - c. The site has a legal area, frontage, width and depth at the time that the parcel or subdivision map, deed or contract of sale was recorded; and
 - d. The site complies with all other regulations for the district in which it is located.
2. Two or more adjoining vacant sites may be treated as if the sites constituted a single parcel of real property subject to all regulation for the district in which the sites are located, including minimum area, width and frontage requirements, provided that:
 - a. Each vacant site has a width or frontage less than the minimum prescribed for the district in which the sites are located; and
 - b. The sites are under common ownership as of the date of adoption of the Development Code.
 3. Notwithstanding the foregoing provisions of Paragraph 2 of this Subsection A, in the R-1-6, R-1-8 and MU Districts, sites shown on a duly approved and recorded parcel or subdivision map as having a width less than that required for such district under the provisions of this Development Code may be divided as indicated on the recorded parcel or subdivision map, provided that:
 - a. In no case shall such subdivided sites be less than 50 feet in width; and
 - b. There are no structures or improvements on the site that would require their continued combination for compliance with the provisions of this Development Code or other development regulations of the county.
 4. For the purpose of this Section, the term “vacant site” shall mean that the site is not developed with a building or structure for which a permit has been issued pursuant to the provisions of Chapter 5 of the Kings County Code of Ordinances.

B. Adjustment of Nonconforming Sites, Site Area.

1. The property line(s) between two or more contiguous parcels, where at least one of the parcels contain less than the minimum parcel area required for that zoning district, may be adjusted so that territory may be transferred between parcels if all of the following findings can be made by the Kings County Advisory Agency for subdivisions and parcel maps:
 - a. No additional nonconforming parcels will result from the adjustment.
 - b. Where individual water supply or individual sewage waste disposal systems are to be utilized on the sites, the smallest parcel shall not be diminished to less than one acre in area.
 - c. No other health or safety problems are likely to occur from the transfer.
 - d. The transfer of the territory from one parcel to another parcel is accomplished pursuant to Article 23 of this Development Code and the Subdivision Map Act (beginning at Section 66410 of the California Government Code).
 - e. If one or more of the parcels are within an agricultural preserve and subject to a *California Land Conservation (Williamson) Act of 1965* contract, the resulting restricted parcels will still comply with the provisions of the Williamson Act or Farmland Security Zone contract.



Sec. 1204. Nonconforming Structures:

A. Nonconforming Structures.

1. A nonconforming structure is a structure which was lawfully erected prior to the adoption of this Development Code but which, under this Development Code, does not conform with the development standards of the zoning in which the structure is located. While permitting the use and maintenance of nonconforming structures, this Section is intended to limit the number and extent and duration of nonconforming nonresidential structures and to encourage their gradual elimination by:
 - a. Prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this Development Code; and
 - b. Prohibiting their restoration after destruction. Residential structures which are located in a Commercial or Industrial zoning district as a result of a zoning district boundary change may be reconstructed if damaged or destroyed as detailed in Subsection B below.
2. **Continuation and Maintenance:**
 - a. A structure lawfully occupying a site on the effective date of this Development Code or of amendments thereto which does not conform with the standards prescribed in the regulations for the District in which the structure is located relating to coverage, front yard, side yards, rear yard, height of structures or distances between structures shall be deemed to be a nonconforming structure and may be used and maintained as provided in this Section.
 - b. Legal nonconforming structures may be continued and maintained in compliance with the requirements of this article unless deemed to be a public nuisance because of health or safety conditions.
 - c. Routine maintenance and repairs may be performed on a nonconforming structure, a structure containing a nonconforming use, or on a nonconforming site.
3. **Alterations and Additions to Nonconforming Structures:**
 - a. Alterations and additions to nonconforming structures shall be permitted, provided that there is no increase in the inconsistency with current standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures as established in the relevant zoning district regulations.
 - b. A structure housing a nonconforming residential use may be moved, altered or enlarged, provided that the number of dwelling units ~~are~~ ~~is~~ not increased [in excess of Government Code Sections 65852.2 & 65852.22](#).
4. **Restoration of a Damaged Structure:**
 - a. Whenever a nonconforming structure or a structure housing a nonconforming use is destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of 50% or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within 12 months of destruction of the structure and is diligently pursued to completion.
 - b. Whenever a nonconforming structure or a structure housing a nonconforming use is:
 - (1) Destroyed by fire or other calamity, or by act of God or by the public enemy to a greater extent than 50%, or
 - (2) Voluntarily demolished, or
 - (3) Required by law to be demolished, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.
 - c. For the purposes of this Subsection, the extent of damage to any structure shall be determined by the Building Official.



B. Nonconforming Residential Structures in a Commercial or Industrial Zoning District.

1. For the purposes of reconstruction, previously approved single or multifamily residential structures shall not be considered nonconforming due to:
 - a. An amendment to this Development Code which changes the zoning to Commercial or Industrial zoning, or
 - b. The taking or dedication of additional street right-of-way which changes the standards of coverage, front yard setbacks, side yard setbacks, rear yard setbacks or distances between structures prescribed by this Development Code for the district in which the structure is located.
2. If a single or multifamily residential structure in a Commercial or Industrial zoning district is destroyed by fire or other calamity, or by act of God or by the public enemy to a greater extent than 50%, or shall be required by law to be demolished, the structure may be reconstructed provided that:
 - a. The structure was legally established in the appropriate zoning district in compliance with the Zoning Ordinance or Development Code in place at the time of construction.
 - b. The single-family residence was legally occupied by the owner of the property at the time of the demolition. A single-family residence used as a rental unit shall not be reconstructed in the Commercial or Industrial zoning district.
 - c. The number and size of the off-street parking spaces located on the property before the disaster shall not be diminished.
3. The property owner has nine months from the date of destruction to apply for building permits for any new single or multifamily residential structure and three months from the date of issuance of the building permit to begin construction. If the permit is not secured within the time limit specified, the use shall be considered discontinued and abandoned.

(Ord. No. 668-1-17, §56, 3/28/17)

Sec. 1205. Nonconforming Uses:

A. Nonconforming Uses

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Development Code but which, under this Development Code, does not conform to the use regulations for the district in which it is located.
2. This Section is intended to limit the number, extent, and duration of nonconforming uses and to encourage their gradual elimination by prohibiting their enlargement and their re-establishment after abandonment and by prohibiting the alteration of the structure they occupy and their restoration after destruction.

B. Continuation and Maintenance:

1. A use lawfully occupying a structure or a site on the effective date of this Development Code or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, as provided in this Section.
2. **Alterations and Additions to Nonconforming Uses:** No nonconforming use, except that of a nonconforming residential use, shall be enlarged or extended.

C. Abandonment of a Nonconforming Use: Whenever a nonconforming use has been abandoned, discontinued or changed to conforming use for a continuous period of 180 days or more, the nonconforming use shall not be re-established and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.



Sec. 1206. Procedure for a Change of Nonconforming Use: Except as otherwise prescribed in this Section, the nonconforming use of a structure or site may be changed to another nonconforming use provided that the change of use is approved by the Planning Commission in accord with the following procedure:

A. **Application:** Application for a change of nonconforming use shall be made to the Planning Commission (“Commission”) on the “Uniform Application Form” and shall include all applicable information, including a site plan drawing, as well as a statement of the precise nature of the existing or preexisting nonconforming use and the proposed nonconforming use. Any other data pertinent to the finding prerequisite to the granting of an application prescribed in Paragraph 3 of this Section shall also be included.

1. The application shall be filed with the Zoning Administrator, who shall give notice to the applicant and the property owner of the time when the application will be considered by the Planning Commission and may give notice of the time to any other interested party.
2. The Zoning Administrator shall make an investigation of the application and shall prepare a report which shall be submitted to the Commission. The report shall include the results of the investigation pertaining to the conformance of the structure for the proposed use.

B. **Public Hearing Notice:**

1. The Planning Commission shall hold a public hearing on each application for a change of nonconforming use. Such hearing shall be held within 45 days of the date when the application is complete.
2. Notice of the public hearing shall be given as set forth in Section 1903.

C. **Public Hearing Procedure:** At the public hearing, the Commission shall review the application, the statement, and drawing submitted therewith, and the report of the Zoning Administrator and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained. After considering all of the evidence presented, the Commission shall grant the permit upon making all of the relevant findings prescribed in Section 1708 of this Development Code for issuing a Conditional Use Permit.

D. **Action of the Planning Commission:**

1. The Commission may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Commission makes the following findings:
 - a. That the proposed use is classified in a more restricted category than the existing or preexisting use by the district regulations of this Development Code. The classification of a nonconforming use shall be determined on the basis of the district in which it is first permitted, provided that a conditional use shall be deemed to be in a less restricted category than a permitted use in the same district.
 - b. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or preexisting use.
 - c. That the proposed use will not create more vehicular or rail traffic than the volumes created by the existing or pre-existing use.
 - d. That the proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amounts created by the existing or pre-existing use.
 - e. That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
2. The Commission may grant an application for a change of use for a limited time period or subject to such conditions as the Commission may prescribe. An approved change in nonconforming use shall be indicated on the Zoning map by a number located on the site of the conditional use.



3. The Commission may deny an application for a change of use.
 4. Following the date of denial of an application for a change of use or revocation of an action of the Planning Commission granting an application, no application for the same or substantially the same use on the same or substantially the same structure or site shall be filed within six months of denial on the application or revocation of the action of the Commission.
- E. **Notice of Commission Action:** Within five days of the Commission decision, a record of the action taken shall be submitted to the Clerk of the Board of Supervisors and to the applicant.
- F. **Review by Board of Supervisors (“Board”):**
1. Within eight days following the date of a decision by the Planning Commission on a change of nonconforming use or on an application for extension of a change of nonconforming use, or on the revocation of a change of nonconforming use, the Board of Supervisors (“Board”), on its own motion, may initiate proceedings to review the decision of the Commission. The Board shall specify its reasons for reviewing the Planning Commission’s decision.
 2. The Clerk of the Board shall give notice of the time and place when the decision of the Planning Commission will be reviewed by the Board of Supervisors. Notice will be given in the same manner as provided in Section 1903 of this Development Code for notice of hearing on appeal, except that where the review is of a decision of the Commission concerning the revocation of a change of nonconforming use, and in that case, notice shall be required to be given only to the permit holder of the use permit.
- G. **Appeals:** The applicant or any other directly affected person or party may appeal the decision of the Planning Commission in writing, setting forth his or her reason for such appeal:
1. **Appeal to the Board of Supervisors.** Within eight days following the date of a decision of the Planning Commission on a change of nonconforming use application or an application for extension of change of nonconforming use, the Board.
 - a. The appeal shall be filed with the Community Development Agency which will date stamp the appeal form and then forward the original appeal form to the Clerk of the Board of Supervisors.
 - b. The appeal shall be accompanied by a fee set by the Board of Supervisors sufficient to cover the cost of processing the appeal and providing notice as prescribed in this article.
 - c. The appeal shall be placed on the agenda of the Board's first regular meeting after the Commission’s decision which allows noticing requirements to be met.
 - d. The appeal of a decision of the Planning Commission is limited to the issues and evidence submitted to the Commission during the original public comment period and public hearing. Only those issues reviewed by the Commission in their decision may be appealed to the Board. New issues raised, and evidence submitted, after the close of the Commission’s public hearing shall not be considered by the Board for an appeal.
 - e. Within five days after the filing of an appeal from a decision of the Commission on a change of nonconforming use application, the Zoning Administrator shall transmit to the Clerk of the Board the change of nonconforming use application, the site plan drawing and all other data filed therewith, the minutes of the public hearing, if any, the report of the Zoning Administrator, the findings of the Commission and their decision on the application.
 - f. Where an appeal is from a decision of the Commission on an application for a extension of a change of nonconforming use application, the Zoning Administrator shall transmit to the Clerk of the Board within five days after the filing of an appeal, in addition to the above, the application for extension, the report of the Zoning Administrator on the extension application, the minutes of the public hearing, if any, and the findings and the decision of the Commission on the extension application.
 2. Notice of the appeal hearing shall be given as set forth in Section 1903.



3. An appeal may be withdrawn before the time that the review authority issues a decision. The applicant or the applicant's representative shall notify the Community Development Agency in writing that they wish to withdraw the appeal.
4. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Development Code until all appeals to the Commission and Board have been first exhausted in compliance with this this Development Code.

H. Action by the Board of Supervisors: When a decision of the Planning Commission on a change of nonconforming use application or an application for extension of a change of nonconforming use, or on the revocation of a change of nonconforming use is brought before the Board of Supervisors, either on appeal or on its own motion:

1. The Board may affirm, reverse or modify the decision of the Commission.
2. The Board may not reverse or modify a decision of the Commission granting or denying an application for a change of nonconforming use or an application for an extension of a change of nonconforming use unless the Board, on the basis of the record transmitted by the Zoning Administrator, is able to make the findings prerequisite to the granting of a change of nonconforming use, as prescribed and set forth in Section 1206., above.
3. A change of nonconforming use application, or an application for extension of a change of nonconforming use, or revocation of a change of nonconforming use which has been the subject of an appeal to the Board, shall become effective within three days of the Board's decision.
4. The Clerk of the Board of Supervisors shall within three days after the date of the decision of the Board, give written notice of the decision, by mail, to the applicant and/or appellant (if the applicant is not the appellant) and to the Planning Division of the Community Development Agency.

Sec. 1207. Zoning Clearance and Building Permit: Before a building permit shall be issued for any building or structure proposed as part of the approved conditional use application, the Zoning Administrator shall certify, through the zoning clearance process in Section 1607 of this Development Code, that the building location is in conformity with the site plan and conditions approved by the Zoning Administrator, the Commission or the Board.

Sec. 1208. Lapse of a Change of Nonconforming Use: A change of nonconforming use shall lapse and shall become void 180 days following the date on which the permit became effective unless by conditions of the permit a greater or lesser time is allowed as prescribed in Section 1205., above, or unless prior to the expiration of 180 days, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the change of nonconforming use application.

Sec. 1209. Extension of a Change of Nonconforming Use:

- A. A change in nonconforming use which has been granted may be extended for an additional period of 180 days provided that prior to the expiration of 180 days from the date when the permit originally became effective, an application for extension of the permit is filed with the county Planning Commission. An application for extension of a change of nonconforming use shall be filed and processed in the manner set forth in Section 1206 above which governs the filing and processing of applications for changes of nonconforming uses. The Commission may grant an application for extension of a change of nonconforming use if it is able to make the findings prerequisite to the granting of a change of nonconforming use application as prescribed and set forth in Section 1206., above. The application for extension of change of nonconforming use shall be denied if such findings cannot be made.
- B. Within eight days following the date of a decision of the Commission on an application for extension of a change of nonconforming use, the decision may be appealed to the Board of Supervisors. If no appeal is filed within said eight-day period and if the Board within said eight-day period does not initiate proceedings to review the decision of the Commission as provided in Section 1206.F.1, the decision of the Commission shall be final and conclusive.

Sec. 1210. Revocation of a Change of Nonconforming Use: When any applicable provision of this Development Code or when any condition or conditions of a change of nonconforming use have not been complied with, the



Zoning Administrator shall notify the holder of the permit and shall give said person a reasonable period of time within which to comply with said Development Code or condition or conditions. If the holder of the permit fails to comply with the Development Code or with said condition or conditions within such period of time, the Zoning Administrator shall submit a report to the Planning Commission and the Commission shall on its own motion give written notice to the holder of the permit that a hearing will be held by the Commission on the matter of the revocation of the change of nonconforming use.

- A. Notice of said hearing shall be given not less than 10 days nor more than 30 days prior to the date of the hearing by either personal service of a copy of said notice on holder of the permit or by sending a copy of the notice by certified or registered mail, return receipt requested, to said holder of the permit. The notice shall state the reason or reasons why action is being taken for revocation of the permit.
- B. At said hearing the Commission shall hear all relevant testimony concerning the change of nonconforming use and the provisions of the Development Code which allegedly have not been complied with and the condition or conditions which were imposed. If the Commission finds that any of the applicable provisions of the Development Code have not been complied with or that the condition or any of the conditions imposed have not been complied with, then the change of nonconforming use shall be revoked.
- C. If the Commission revokes the nonconforming use:
 1. The use shall be automatically and immediately suspended.
 2. The holder of such permit may within eight days following the date of the decision of the Commission, appeal the decision to the Board of Supervisors.
 3. If an appeal is filed or if the Board initiates a review of the decision to revoke the permit, the suspension shall remain in effect during the course of appeal or review.
 4. If within said eight days, no appeal is filed and the Board does not initiate proceedings to review the decision of the Commission as provided in Section 1206.F.1, above, the decision of the Commission shall be final and conclusive.
- D. The appeal shall be filed with the clerk of the Board of Supervisors and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein the decision is not supported by the evidence in the record. Appeals must be based on evidence in the record.
- E. Within five days after the filing of an appeal, the Zoning Administrator shall transmit to the Clerk of the Board the change of nonconforming use application, the minutes of the public hearing on the application, if any, the report of the Zoning Administrator, the findings and decision of the Commission, the report of the Zoning Administrator on the failure of the appellant to comply with the provisions of the Development Code or with the condition or conditions of the permit, the minutes of the hearing on the matter of revocation and the findings and decision of the Commission on the matter of revocation of the use permit.
- F. Notice of the hearing of the appeal shall be given by the Clerk of the Board not less than 10 days prior to the time when the appeal will be considered by the Board, by mailing, postage prepaid, a notice of the time and place of the hearing, to the appellant.

Sec. 1211. New Application: Following the denial of a change of nonconforming use application or the revocation of a change of nonconforming use, no application for a permit for the same or substantially the same change of nonconforming use on the same or substantially the same site shall be filed within 12 months from the date of denial or revocation of the permit.



Article 25. Definitions

Sections:

Sec. 2501 - Definitions

Sec. 2501. Definitions. This article defines terms and phrases used in this Development Code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this article conflict with others in the *Kings County Code of Ordinances*, these definitions shall control only for the provisions of this Development Code. If a word is not defined in this article or in provisions of the Development Code, the Zoning Administrator shall determine the appropriate definition. Additional definitions which are unique to land subdivisions are contained in Article 23 of this Development Code for ease of use. Note: If the context suggests that a term or phrase used in this Development Code is intended to have a meaning different from the meaning provided in this Article, the construction of the term or phrase that best promotes the objects and achieves the purposes of this Development Code shall control.

Abandoned Use: A business or other use which has discontinued operations and/or vacated the site, or abandoned the use, for more than six months. (NOTE: *Dairies, dairy calf and heifer raising facilities, animal sales and stock feeding yards, or poultry keeping and raising operations located within AG-20, AG-40, AX and AL-10 zoning districts may discontinue operations for a period of time not to exceed two years and reactivate operations at the same herd or flock size and in the same facility without first obtaining a new Conditional Use Permit or Site Plan Review. See Article 4, Section 414.B of this Development Code*).

Access Drive: A private road or way, which provides durable, dustless access from a public road or way to a structure or site. (See *Kings County Improvement Standards*)

Access Lane: An access road to one or more parcels. (See *Kings County Improvement Standards*).

Accessory Dwelling Unit (ADU): Means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons [and is located on a lot with a proposed or existing primary residence](#). It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family [or multifamily](#) dwelling is [or will be](#) situated. In a single-family or multifamily residential zoning district an accessory unit may also include the following:

- a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

[An ADU has the following types of variations:](#)

1. [Detached: The unit is separated from the primary residence](#)
2. [Attached: The unit is attached to the primary residence](#)
3. [Converted Existing Space: Space \(ex: accessory structure\) on the lot of the primary residence that is converted into an independent living unit.](#)
4. [Junior Accessory Dwelling Unit \(JADU\): A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.](#)

(Ord. No. 668-1-17, §63, 3/28/17)

Accessory Kitchen: An additional kitchen either attached or detached to the primary dwelling that is not associated with a second dwelling unit and is used for entertaining, for hobby purposes, or as part of a home occupation.

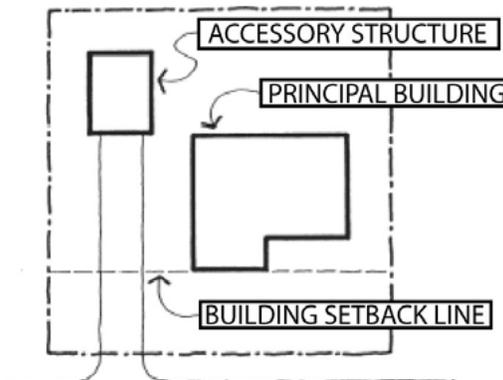


Accessory Living Quarters: Living or sleeping quarters within an accessory building for the sole use of occupants of the premises or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented. Occasional short term visitors and guests of any permanent occupant of the premises may occasionally occupy accessory living quarters.

Accessory Structure or Building: A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection means having a continuous connecting roof. For the purposes of this Development Code, typical accessory structures include: (@ - Denotes agricultural use only)

Table 25-1		Accessory Structures
Accessory living quarters	Other open air enclosures	Guest house
@Barns	Patio covers, detached	Hobby shops
@Basic animal shade structures	Recreation rooms	Hot tubs and spas
Carports	@ Silos	@ Wind Machines
Coops	@ Stables	@ Wind Mills
@ Farm Offices	Storage sheds	Workshops
Garages, detached private	@ Storage tanks (Excluding residential propane tanks)	Greenhouses
Garden structures	@ Storehouses	@ Tank houses
Gazebos	Swimming pools	
@ Other farm outbuildings that have been declared agriculturally exempt projects by Chapter 5 of the <i>Kings County Code of Ordinances</i> .		

Figure 25-1
Accessory Structure



Accessory Use: See “Incidental Use”

Adaptive Reuse: The process of adapting old structures for new purposes with the intent of preserving the original structure when the former function of the building ceases or becomes obsolete.

Agent: A person who is authorized to act for, or in the place of, the applicant or property owner.

Agricultural Operation: Shall include, but not be limited to, a commercial endeavor using normal, usual, customary, and legal practices for the cultivation and tillage of the soil during the production, irrigation and frost protection, growing, harvesting and processing of any agricultural commodity, including viticulture, hydroponics, horticulture, timber, apiculture, aqua-culture; dairy operations; the raising of livestock, fur-bearing animals, fish farming, poultry raising or keeping; and any commercial agricultural practices performed by any farmer on land that farmer owns or currently leases or rents that is incidental to or in conjunction with such farming operations including preparation for market, delivery to storage or to market, or to carriers for transportation to market.



Agricultural Produce Processing and Shipping Facility: Processing plants and facilities for food, feed, and fiber, which convert raw agricultural produce that is grown or raised on farmland to a ready-for-market condition by canning, bottling, cooking, mixing, combining, cutting, crushing, packing, packaging, or some other form of processing, excluding the processing for fuel. Examples of this use include canneries, wineries, slaughterhouses and other similar facilities. Shipping facilities move processed goods to another location such as a warehouse, wholesale facility, or retail facility.

Agricultural Service Establishment: Agricultural service establishments are businesses that don't directly result in the production of a crop but are directly related to agriculture and primarily engage in performing agricultural, animal husbandry or horticultural services for the grower on a fee or contract basis. Examples of this use include harvesting of crops, picking, sorting, shelling, or packing of fruits, nuts, vegetables or other produce, seed cleaning and storage, and agricultural trucking operations moving raw goods from the field to a processing facility. Agricultural service establishments do not include the processing of agricultural products, manufacturing of agricultural products, or providing tangible goods except those sold directly to farmers and used specifically to aid in production of livestock or crops.

Agricultural Worker: See "Farm Employee".

Aircraft Landing Strip: An area of land that is used or intended to be used for the landing and takeoff of aircraft of 12,500 pounds or less, maximum certified take-off weight.

Alcohol Beverage Sales - Off-site: The sale of beer and wine (off-sale beer and wine) or of all types of alcoholic beverages, including beer and wine (off-sale general), in their original, sealed containers for consumption off the premises.

Alcohol Beverage Sales - On-site: The sale of beer and wine (on-sale beer and wine) or of all types of alcoholic beverages, including beer and wine (on-sale general), for consumption on the premises.

Alley: A public way permanently dedicated or reserved as a secondary means of access to abutting property.

Alter: To make any change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders or floor joists, which will prolong the life of the structure.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use, and within an enclosed sound-proof structure.

Animal Rescue Shelter: An activity operating as a tax exempt entity under the provisions of 26 USC Section 501(c)(3) for the purpose of providing care and placement for stray dogs and cats as an alternative to euthanasia.

Animal Unit: One mature horse or cow or as many animals as consume an equivalent amount of feed as a mature horse or cow. Some animal equivalents are shown in Table 25-1 below:

Table 25-2 Animal Unit Equivalency				
Type of Animal	Age	Average weight (lb.)	Average lb. TDN/day)	Animal Unit*(AU)
Beef Cattle:				
Beef cow	Mature			1.00
Cows - nursing part of yr.	2+ years old	1,000	13.2	1.00
Bulls	2+ years old	1,200	13.2	1.00
Yearling steers, bulls, heifers	1 – 2 years old	627	9.9	0.75
Calves and weaners	3 mo.-1 year old	354	6.6	0.35
Steers 2 yrs. and older	2+ years old	930	13.2	1.00
Dairy Cows: Multiply Dairy Cow Breed Factor (i.e., Jersey 1.0, Guernsey 1.2, and Holstein 1.4) by Animal Units.				
Milking Cows				1.00
Dry dairy cows & bred heifers				0.80
Bulls	Mature	1,200	13.2	1.00
Heifers	1 year-breeding			0.73
Calves	3 mo.-1 year old			0.35
Baby Calves	less than 3 mo.old			0.21
Bulls	3 mo.-1 yr. old			0.40
Table 25-2 Animal Unit Equivalency				



<i>Type of Animal</i>	<i>Age</i>	<i>Average weight (lb.)</i>	<i>Average lb. TDN/day</i>	<i>Animal Unit*(AU)</i>
<i>Goats and sheep:</i>				
Sheep	Mature	175		0.20
Goats	Mature	160		0.20
Rams	Adult	300		0.35
Bucks	Adult	250		0.25
Lambs and kids		80		0.15
<i>Hogs:</i>				
Sows and boars	Mature			0.50
Piglets or weaners				0.10
Piglets or weaners				0.25
<i>Horse</i>	Mature			1.00

Apartment: A room or set of rooms with housekeeping facilities leased as a dwelling unit.

Apartment House: A building or portion thereof, that is designed, built, rented, leased, let or hired out to be occupied, or that is occupied as a home or residence of two or more households living independently of each other and doing their own cooking in an independent unit of said building.

Apartment Hotel: A combined multiple dwelling and hotel which contains both individual guest rooms and dwelling units.

Apiary: A collection of bee hives or colonies of bees kept for their honey.

Applicant: Owner(s) of property who seek(s) to obtain a permit or other land use approval or a change in a land use regulation. As used in this definition, the term “owner” includes a title owner, lessee, person who has contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the authorized agent of such persons.

Automobile and Truck Repair Service Stations: An establishment which provides minor and or major vehicle maintenance of vehicles up to and including one-ton rated capacity:

- a. Retail sale of oil, tires, batteries and new accessories
- b. Vehicle washing, including mechanical car wash or steam cleaning
- c. Incidental waxing and polishing
- d. Tire changing and repairing, but not including recapping
- e. Battery service, charging and replacement, but not including repair or rebuilding
- f. Radiator cleaning and flushing
- g. Installation of minor accessories
- h. Lubrication of motor vehicles
- i. Brake adjustment, replacement of brake cylinders, brake fluid lines and brake shoes
- j. The testing, adjustment and replacement of motors or motor parts and accessories
- k. Vehicle interior components and or parts
- l. Vehicle body repair
- m. Vehicle glass replacement
- n. SMOG testing and reporting

Automobile Wrecking Yard: See “Motor Vehicle Wrecking Yard”

Automated Teller Machines (ATM): Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

Aviary: Any place where more than 15 domestic and/or non-domestic birds are kept outside.

Avigation Easement: A conveyance of airspace over another property for use by the airport. It is used to secure airspace for airport and runway approach protection and for noise compatibility programs.

Bar: An establishment primarily devoted to the serving of alcoholic beverages and in which the food service, if provided, is only incidental to the consumption of such beverages.



Base Zone: The primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the zoning map. See “Zoning District”.

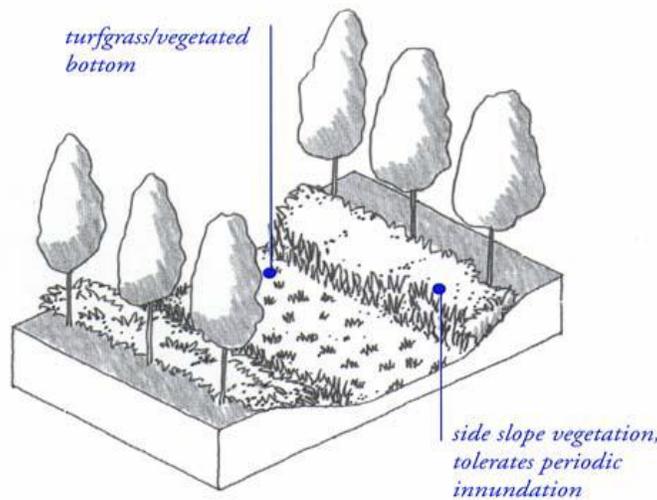
Basic Animal Shade Structure: An open-sided structure erected within an existing corral on an existing dairy or other existing confined animal feeding facility which is simply intended to shield animals from the sun. Such structures shall not include feed lanes, shall not be intended for human habitation, and shall not cover areas in which humans perform work or other functions. The property owner shall obtain an agricultural exemption and building permit prior to construction.

Billboard: Shall mean the same as "Outdoor Advertising Structure".

Biomass Energy: Biomass power comes from plants - crop and forest residues, corn kernels and stalks, energy crops, perennial grasses, and fast-growing trees like poplars, to name a few. It can be used to make liquid biofuels that serve as alternatives to oil, or to produce heat or electricity to power our homes.

Bioswale: Storm water runoff conveyance systems that provide an alternative to storm sewers. They can absorb low flows or carry runoff from heavy rains to storm water inlets or directly to surface waters. Bioswales or vegetated swales improve water quality by infiltrating the first flush of storm water runoff and filtering the large storm flows they convey.

Figure 25-2
Bioswale/Vegetated Swale



Boarding or Rooming House: A residence/dwelling, other than a hotel/motel/long-term stay, wherein a room or rooms, with or without individual or group cooking facilities, are rented to five or more individuals under separate rental agreements or leases. The rental agreement may be either written or oral, or implied. The owner, owner’s agent, representative or manager, or family may or may not live in residence. The definition does not include assisted living facility where medical services are involved or group housing or homes.

Body Piercing: The creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, naval or eyebrow. Body piercing does not include piercing an ear with a disposable single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear a method commonly used in jewelry and department stores to pierce ears.

Bond: A performance and/or payment bond in favor of Kings County provided at the expense of a project applicant to cover any exposure to potential extraordinary costs and require an applicant to reimburse the County for, and to provide the County indemnification against, extraordinary costs associated with the review and processing of an application and the administrative and legal defense of the County’s actions. (See Article 1, Section 112.)

Borrow Pit: Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster shall not be included.



Brewpub: A restaurant with a microbrewery as an accessory use where the beer it produces is sold in draft form exclusively at its own premises. This operation may sell other supplier's beer, including other hand - crafted or micro - brewed beers as well as wine to patrons for consumption on its premises. The premises is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control. Off-sale of alcoholic beverages shall be limited to beers brewed on-site.

Buffer: A strip of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area or use that separates two unlike land uses, such as the use of multifamily housing between single-family housing and commercial uses. Buffers are also used to shield or block noise, light, glare, or visual or other conditions, or to reduce air pollution, dust, dirt, and litter.

Building:

- a. A permanently located structure, having a roof, for the housing or enclosure of persons, chattels or property of any kind.
- b. Mobile homes, unless permanently immobilized in accordance with state and county regulations, and other vehicles, shall not be deemed to be buildings.
- c. Any structure used for or intended for supporting or sheltering any use or occupancy.

Building Area: The sum in square feet of the ground areas occupied by all buildings and structures on a lot.

Building Frontage: See definition under "Additional Signage Terms" under the definition of "Sign" below.

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators and aerials.

Building, Main: A building within which is conducted the principal use permitted on the lot or site as provided by this Development Code.

Building Setback Line: The minimum distance as prescribed by this Development Code between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.

Building Site: The ground area of one or more lots, as defined herein, when used in combination for a building or permitted group of buildings together with all open spaces as required by this Development Code.

California Environmental Quality Act (CEQA): See Public Resources Code section 21000, *et seq.* and corresponding regulations found at California Administrative Code, title 14, section 15000, *et seq.*

California Redemption Value: A fee paid at time of purchase on sales of certain recyclable beverage containers in California which is redeemed through recycling of the containers.

Camp: A site or portion of a site which is used or intended to be used for temporary occupancy by persons living in tents, trailer coaches or similar quarters; excepting a labor camp, farm employee housing and a recreational vehicle park as defined in this Section. Such camp may be publicly or privately owned and operated.

Carport: An accessory structure or portion of a main structure open on two or more sides designed for the sheltering or storage of motor vehicles, without full enclosure.

Caretaker: A person residing on the premises of an employer to assume the responsibility for the repair, maintenance, supervision or security of the real or personal property of the employer which is located on the same or contiguous lots or parcels of land.

Caretaker Quarters: A residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.



Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

Certificate of Occupancy: A certificate issued by the Building Official prior to the occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed, the site graded to final grade, and all required durable, dustless drive approaches, access drives and parking areas are in place.

Change of Occupancy: A change in “Occupancy Category”.

Clinic: A clinic is an organized outpatient health facility that provides direct medical, surgical, dental, optometric, podiatric, psychological advice, services, or treatment to patients who remain less than 24 hours, and that may also provide diagnostic or therapeutic services to patients in the home as an incident to care provided at the clinic facility.

Club: An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Clubs may operate for-profit, or not-for-profit, or both (e.g., a for-profit club with a non-profit arm), depending on the zoning district in which they are located.

Club, Private Non-Commercial: An association of persons for some nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Associated club or lodge facilities are intended for the sole and exclusive use of club members, their immediate families, and member’s guests by invitation. This provision does not extend to other outside groups, memberships or associations affiliated with any particular member. Private, non-commercial functions carried out by the club shall be under the control and auspices of a member of the club at all times. Facilities are not to be rented for commercial or monetary gain, unless specifically authorized under a valid land use permit.

Cogeneration Facility: Onsite power generation technologies (utilizing fuel sources such as oil, coal, natural gas, wood, or biomass) that simultaneously produce electrical or mechanical energy and useful thermal energy.

College: An educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

College, Trade: Shall mean the same as "School, Trade".

Co-location: The locating of wireless communications equipment from more than one provider on a single ground-mounted, roof-mounted, or structure-mounted facility, including but not limited to, a building, monopole, lattice tower, or water tank.

Commercial Classifications: Shall be obtained from the latest edition of the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget, on file at the Community Development Agency

Commercial Modular/Coach: A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit.

Commercial Office: Any administrative or clerical office maintained as a business or used by a public agency over which the County has planning authority.

Commercial Service Establishments: Establishments engaged in servicing equipment, materials and products.

Communications Equipment Building: A building that houses electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

Community Care Facility: Any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.

(Ord. No. 668-1-17, §64, 3/28/17)

Community Gardens: A private or public facility for the noncommercial cultivation of fruits, flowers, vegetables, or ornamental plants shared and maintained by more than one person or family.



Community Noise Equivalency Level (CNEL): The CNEL is a measure of the cumulative noise exposure level in the community. Refer to the “Noise Element” of *2035 Kings County General Plan* for additional information.

Community Service District (CSD): A unit of local government organized pursuant to the Community Services District Law, found at Government Code section 61000, *et seq.*

Conditional Use: A use that, because of special requirements or characteristics, is not allowed in a particular zoning district as a right, and for which a Conditional Use Permit is required.

Consultant: An individual or firm with expertise in a field, hired by an Applicant or Owner, who provides professional advice or services such as surveying, engineering, or the preparation of environmental studies and documents.

Contractor Storage Yard: Storage yards, together with any incidental buildings and structures, operated by, or on behalf of, a contractor for storage of large equipment, vehicles, scrap metal for the repair or maintenance of the contractor’s equipment, or other materials commonly used in the individual contractor’s type of business.

Convalescent Home: Shall mean the same as "Rest Home".

Convenience Store: A retail establishment that provides a limited volume and variety of commonly consumed goods, typically has long open hours, and is conveniently situated.

Council: The City Council of any incorporated city in the County of Kings.

Dairy: The general term for an agricultural enterprise principally engaged in the production of milk.

Dairy Facility: That portion of a dairy which includes the corrals, barns, feed storage, milk barn, lagoons and other manure handling facilities, but not including associated crop land or dwellings.

Day Care: A facility, including a residence that provides day care for more than 14 individuals.

Day Care, In Home Family Day Care: Pursuant to Health and Safety Code Section 1596.78, and as modified below, in home day care means a home that regularly provides care, protection, and supervision for fourteen 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home:

- a. **Large Family Day Care Home:** A home that provides family day care for nine to 14 children, inclusive, including children under the age of 10 years who reside at the home.
- b. **Small Family Day Care Home:** A home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home.

Density Bonus: An increase in the maximum number of residential dwelling units that are allowed on a site, granted to a developer in exchange for one or more concessions that constitute a specified public benefit.

Developer: Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities that seeks County permits and approvals for development.

Development: Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures, and/or the establishment of a new land use. “New Development” is any construction, or alteration of an existing structure or land use, after the effective date of this Development Code.

Disposal Site: A place, location, tract of land, area of premises in use, intended to be used or which has been used for the landfill disposal of solid wastes.

Drive Approach: A surfaced connection between a public roadway and a private driveway or parking area.

Drive-in and Drive-thru Business: Any place of business where customers order and receive goods, including prepared food, either by remaining in their vehicles or by driving to one or more windows.



Driveway: See “Access Drive”

Dwelling: A building or portion thereof designed exclusively for residential purposes, including single-family, and multifamily dwellings; but not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

Dwelling, Multifamily: A building containing two or more dwelling units, other than a single-family dwelling with an attached or detached “Second Dwelling Unit,”

Dwelling, Single-Family: A detached building containing one dwelling unit.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, working, and sanitation.

Easement: An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific living purpose, such as to cross it for access to a public road. Unlike a lease or license, an easement may last forever, but it does not give the holder the right to possess, take from, improve, or sell the land.

Educational Institutions: Public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either (1) offer general academic instruction equivalent to the standards prescribed by the California Board of Education, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit nor does it include commercial or trade schools.

Electrical Distribution Substation: An assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a sub-transmission voltage and transformed to a lower voltage for distribution for general consumer use.

Electric Transmission Substation: An assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a lower sub-transmission voltage for purposes of supplying electric power to- large individual consumers, interchange connections with other power-producing agencies or electric distribution substations for transformation to still lower voltage for distribution to smaller individual users.

Electric Vehicle Recharge Station: Electric car charging stations for commercial use is usually associated with or incidental to on-site vehicle parking spaces for commercial or public establishments. Examples would be as shown in Figure 25-3 below. The actual appearance and configuration will be different based on the manufacturer of the recharging station.

Figure 25-3
Electric Vehicle Recharge Station





Emergency Shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency shelter also includes a homeless shelter, domestic violence shelter and victim witness shelter. The stay in an emergency witness shelter is limited and conditional.

Employee Housing: A qualifying housing unit providing accommodations for 6 or fewer farmworkers pursuant to Health and Safety Code Sec. 17021.5. Employee housing shall be deemed a single-family structure for zoning purposes.

Environmental Advisory Committee (EAC): An informal committee appointed by the Board of Supervisors to advise County boards, commissions, committees, and departments concerning the implementation of CEQA.

Equipment Salvage Yards: See “Motor Vehicle Wrecking Yards”

Essential Service: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supplying, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health, safety or general welfare.

Establishment: A non-residential use of land involving structures which are subject to a building permit requirement. By way of example and not limitation, “establishment” includes businesses, schools, hospitals, factories, houses of worship, professional offices, etc.

Factory-Built Home: A residential building that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code. Factory-built housing does not include a mobile home, a recreational vehicle, or a commercial modular.

Family: One or more persons living as a bona fide single nonprofit relatively permanent housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or club suitable for group use. A family shall not include a fraternal, social or business group.

Faithful Performance/Payment Bond. A performance bond, payment bond, cash deposit, letter of credit, or other suitable financial instrument approved by the County that is convertible to cash, or any combination of the above, provided by the applicant to ensure the faithful performance of the project proponent's obligations, and/or the payment of amounts due, under a Reimbursement Agreement and/or an Indemnification Agreement entered into between the County and the project proponent under the terms and provisions of these local guidelines.

Farm Employee: Any farm worker who is employed by a particular agricultural operation and who thereby derives an income equivalent to at least 1,040 hours of work per year paid at the current prevailing minimum wage rate.

Farm Employee Housing: Living quarters, dwellings, boarding houses, bunkhouses, mobile homes, manufactured homes, or other housing accommodations maintained in one or more buildings or one or more sites for Farm Employees.



Farm Labor Supply Housing: Any place, area, or piece of land where housing is provided for five or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation that, for a fee or in-kind payment, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer and that, for a fee or in-kind payment, provides connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees. (b) supervises, times, checks, counts, weighs or otherwise directs or measures the work of such employees. (c) disburses wage payments to such employees.

Farm Laborer: See “Farm Employee”.

Feed Lot: Shall mean the same as "Stock Feeding Yard or Lot".

Feed Storage Area: Any area or structure on a dairy or other confined animal feeding facility used for storing animal feed. Feed storage areas may be covered or uncovered and may include hay barns, commodity barns, etc.

Fence, (Noise Attenuation): See “Wall (Noise Attenuation).”

Fence, Open: Any structural device forming a physical barrier which is so constructed that not less than 50 percent of the vertical surface is open to permit the transmission of light, air and vision through said surface.

Fence, Screened: Any structural device, compact evergreen hedge or compact evergreen shrub forming a physical barrier which is so constructed or grown so that 90% or more of the vertical surface is closed to the transmission of light, air and vision through said surface. A slatted chain link fence and a vine covered fence may be considered to be a screened fence if they meet this criteria.

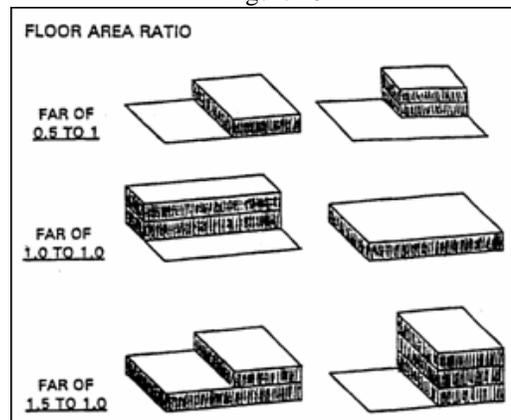
Fence, Solid: Any structural device forming a physical barrier which is so constructed that 51% or more of the vertical surface is closed to the transmission of light, air and vision through said surface.

Financial Assurance: A bond, letter of credit, certificate of deposit, or similar instrument, in an amount sufficient to guarantee some promised performance on the part of an Applicant or permit holder.

Floor Area, Gross: The total horizontal area in square feet on each floor within the exterior walls of a structure but not including the area of inner courts, shaft exposures or exterior walls.

Floor Area Ratio (FAR): The floor ratio is the ratio of the gross floor area of a development to the site area expressed as a factor of 1. That is, the total floor area on all levels of the building divided by the site area.

Figure 25-4



Footprint: The developed area of a property or parcel associated with a land use which includes the structures; parking areas, aisles and drive approaches; ancillary facilities; and landscaping associated with the land use, but not including associated farm land or dwellings and landscaping associated with the dwellings.

French Drain: A French drain or weeping tile (also blind drain, rubble drain, rock drain, drain tile, perimeter drain, land drain or French ditch) is a trench covered with gravel or rock or containing a perforated pipe that redirects surface and groundwater



away from an area. A French drain can have perforated hollow pipes along the bottom to quickly vent water that seeps down through the upper gravel or rock.

Frontage: The property line of a site abutting on a public road, other than the street side lot line of a corner lot. "Street Side Lot Line" means any property line that is not a front or rear lot line, but which abuts on a street or highway. (See Figure 25-10.)

Frontage Road: A local street that parallels a highway or through street and that provides access to property near the highway.

Garage, Private: A detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

Garage, Repair: A structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

Garage, Storage: A structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof.

Garden Structure: An arbor, deck, fountain, lath cover, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport, patio cover or storage building.

Grandfathered: Refers to those uses or structures which were lawfully established prior to adoption of the Development Code and as such, may not conform to the new rules established by the Development Code or its amendments. See Article 12 of this Development Code concerning non-conforming uses and structures.

Green Roof: An engineered roofing system that includes vegetation planted in a growing medium above an underlying waterproof membrane material. It has also been referred to as a living roof or Eco roof, to differentiate a vegetative extensive roof specifically from other types of sustainable roofs such as those covered with photo voltaic or highly reflective roofs (white roofs), which are often included in the broader environmental term of green or sustainable roofing systems.

Guest Ranch: A tourism enterprise involving recreational activities and facilities for compensation, with one or more buildings for the provision of meals and rooms.

Guest Room: A room or rooms without kitchen facilities, located in a main building which is rented or hired out for living or sleeping quarters.

Hazardous Waste: Means either of the following:

- a. A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:
 - (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - (2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- b. A waste which meets any of the criteria for the identification of a hazardous waste adopted by the California Department of Health Services pursuant to Health and Safety Code Section 25117.
- c. RCRA hazardous wastes as defined in Health and Safety Code section 25120.2.
- d. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste (Health and Safety Code Section 25117).

Hazardous Waste Facility: Means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste, and may consist of one



or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units (Health and Safety Code Section 25117.1).

Health and Fitness Centers: A commercial establishment providing fitness and exercise opportunities to individuals as a primary use. Examples of these uses include but are not limited to:

- Dance studios
- Fight clubs
- Gymnasiums
- Martial arts including Judo, Tae Bo, Jujitsu, etc.
- Physical culture studio
- Swimming pools
- Weight lifting

Health Facility: Any facility, place, or building that is organized, maintained and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer. (Health and Safety Code Section 1250).

Hobby Farm: An agricultural endeavor which is done on a non-commercial basis or at a level which does not provide an expectation of being a primary source of income for the occupant of the property.

Home Occupation, Minor: The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within a dwelling in an agricultural, rural residential, single-family residential, multifamily, professional office, or transitional district, which is clearly incidental and secondary to the use of the site for dwelling purposes, and which does not generate any outside traffic (no on-site sales or services provided to customers) or change the character of the neighborhood within which it is located, in accord with the regulations prescribed in Section 1102.A.

Home Occupation, Rural: The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within or adjacent to a dwelling in an agricultural district, which use is clearly incidental and secondary to the use of the site for dwelling purposes and which does not change the residential-agricultural character thereof, in accord with the regulations prescribed in Section 1102.B.

Home Occupation, Urban: The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within a dwelling in a residential district, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof, in accord with the regulations prescribed in Section 1102.C and D.

Hotel or Motel: Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, and personal services. Motels provide access to most guest rooms from an exterior walkway and also include accessory guest facilities (e.g., swimming pools, tennis courts, indoor athletic facilities, and accessory retail uses). This definition shall not be construed to include motel, mobile home park, sanitarium, hospital or other institutional building, or jail or other building where persons are housed under restraint.

Household Pets: Household pets include domestic dogs, cats, and birds ordinarily permitted within a yard area and inside of a dwelling and kept only for the company and pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use.

Human Scale: A term used to describe and design the relationship between the height of a building and the width of the adjacent street. The most human scale is achieved when the building height-to-street width ratio is between 1:2 and 1:3.



Typically, width is measured horizontally between opposing building fronts. Height is measured from the sidewalk to the building eaves. Site and building design elements are dimensionally related to pedestrians in human scaled project design.

Immediate Family Member: Parent(s), sibling(s), child(ren), grandparent(s), grandchild(ren), registered domestic partner or spouse.

Improvement: Any construction, building, paving or landscaping that materially adds to the value of a facility, substantially extends its useful life, adapts it to new uses or enhances its physical attributes. It also refers to the construction of streets and related appurtenances.

Incidental Sale of Alcohol: Pertains to the sale of alcoholic beverages in an eating establishment in a Commercial or Mixed Use zoning district where a license number 41, 47 or 75 is granted by the Department of Alcoholic Beverage Control. The sale of the alcohol is secondary or incidental to the sale of food in an establishment with sit-down dining and table service.

Incidental Use: A use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot nor serves property other than the lot where the principal use is located. Examples of an incidental use in a residential zoning district include tennis courts, swimming pools, etc.

Indemnification Agreement: An agreement between the County and a project applicant under the terms of which the applicant agrees to defend and indemnify the County from and against exposure to potential extraordinary costs associated with the processing of an application through the County’s final decision on the application, and any appeals of the County’s actions on such matters.

Individual Agricultural Specialty Store: A direct marketing outlet store owned and operated by the agricultural producer, located at or near the point of production, which provides an alternative method for growers to sell their products while benefiting the consumer by supplying quality produce at a reasonable price as well as selling value added products which may include, but are not limited to fruit and nut baskets, specialty gifts and snacks that augment or compliment the produce. Beer and wine may be included as value added items provided the appropriate ABC (Alcoholic Beverage Control) license is obtained.

Industrial Classifications: When a use is listed as a permitted, permitted subject to conditions, or is expressly prohibited, the use shall be as defined in the latest edition of the Standard Industrial Classification (SIC) Manual, Executive Office of the President, Bureau of the Budget, on file at the Community Development Agency, if defined therein. The SIC manual is also available at <https://www.osha.gov/pls/imis/sicsearch.html> which allows an electronic search for codes.

Infirm Relative: An Immediate Family Member who is seriously incapacitated or disabled and not able to care for himself or herself due to illness or disability. Proof of the incapacity or disability may be required in the form of a statement from an attending physician stating the infirm person requires assistance from another person in providing for their daily needs.

Junk Yard: See “Salvage Yard”

Kennel or Cattery, Commercial: A lot or premises on which dogs and/or cats, are kept for some commercial purpose. For the purposes of the Development Code and the required permits under that Development Code, “keeping” includes boarding, grooming, breeding, training, sale and related purposes other than places maintained by a licensed veterinarian or an “animal rescue shelter” operated as a tax exempt entity under the provisions of *26 USC Section 501(c)(3)*.

Kitchen: Any room used or intended or designed to be used for cooking or the preparation of food.

Landfill: Means a disposal site employing a method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the wastes to the smallest practical volume, and to cover them with a layer of suitable cover material at specific designated intervals.

Land Use. The manner in which land is developed and used. The general categories of land use include: agricultural residential, commercial, mixed-use, industrial, recreational, open space and planned development.

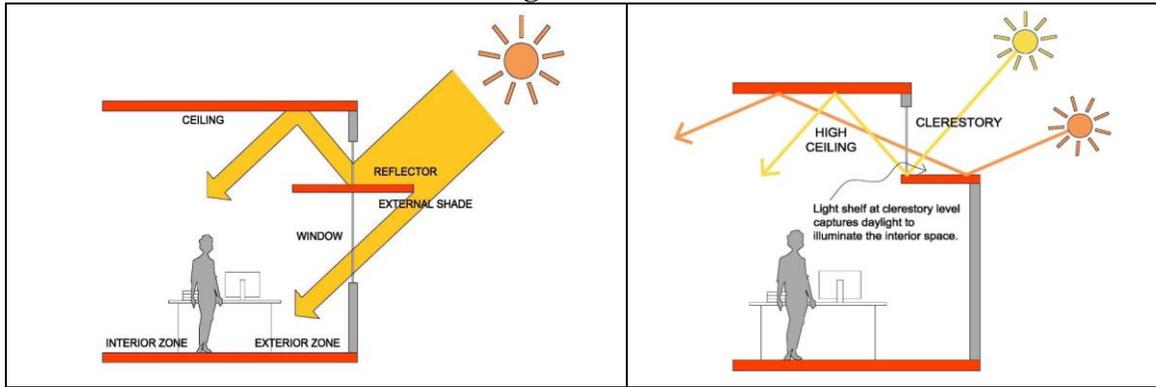
Land Use Permit or Zoning Permit: A documented permit issued by the County which approves a particular use or uses on a particular parcel of land consistent with the requirements of this Development Code.



Lath House: An open-sided garden structure used to provide shade to tender (or young) plants; the roof is constructed of laths or slats, spaced with gaps as wide as the slats themselves, providing approximately 50 percent shade.

Light Shelf: Architectural addition installed on the exterior or interior (or both) of a structure serving as shading devices and preventing solar gain from entering the building through windows. Light shelves can also allow daylight to penetrate deep into a building and to shade near the window to help reduce glare.

Figure. 25-5
Light Shelves



Liquor Store: A retail shop that sells prepackaged alcoholic beverages — typically in bottles — intended to be consumed off the store's premises.

Livestock: Farm animals, including horses, cows, goats, sheep, or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use, kept or raised for use, pleasure, or profit.

Livestock Grazing: Principally open range or permanent pasture land where animals are not confined and the natural feed is not supplemented except during inclement weather (e.g., drought, snow, etc.).

Living Area: Means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

Lodge: An order of society or persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. The meeting place of a branch of an organization such as a fraternal organization.

Lodge, Private Non-Commercial: An association of persons for some nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Associated club or lodge facilities are intended for the sole and exclusive use of lodge members, their immediate families, and member's guests by invitation. This provision does not extend to other outside groups, memberships or associations affiliated with any particular member. Private, non-commercial functions carried out by the lodge shall be under the control and auspices of a member of the lodge at all times. Facilities are not to be rented for commercial or monetary gain, unless specifically authorized under a valid land use permit.

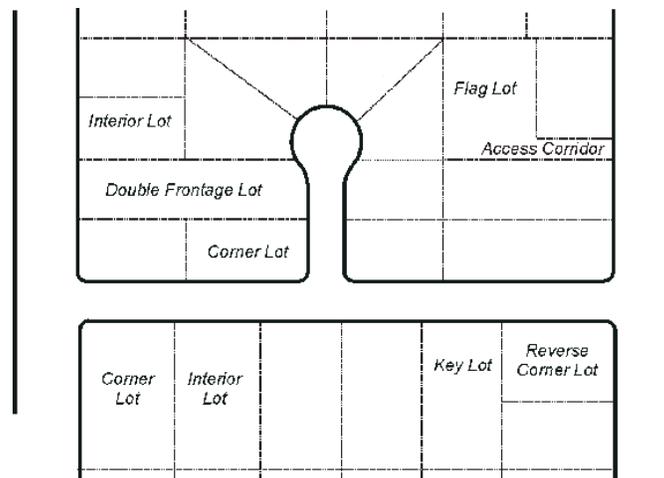
Lot: A legal lot or parcel of record is:

- a. A lot or parcel that is part of a subdivision, the map of which has been recorded in the Kings County Clerk-Recorder's Office on or after August 14, 1929; or
- b. A lot or parcel of land described by metes and bounds, the description of which has been recorded in a conveyance (such as a Grant Deed) in the Kings County Clerk-Recorder's Office prior to March 4, 1972, consistent with and in compliance with Subdivision Map Act and the Kings County Subdivision Ordinance in effect at the time of said recording.



- c. The term "lot" shall include a part of a lot, when such part is used as though a separate lot for all of the purposes and under all of the requirements of this Development Code.
- d. The term "lot" shall include two or more abutting lots when combined and used as though a single lot.
- e. Types of lots include the following.
- **Corner lot:** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.
 - **Flag lot:** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
 - **Interior lot:** A lot other than a corner lot or a reverse corner lot and abutting only one street.
 - **Key lot:** The first interior lot to the rear of a reversed corner lot the front line of which is a continuation of the side line of the reversed corner lot, whether or not separated by an alley, and fronting on the street that intersects or intercepts the street upon which the corner lot fronts.
 - **Reverse corner lot:** A corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.
 - **Through lot:** A lot with frontage on two generally parallel streets.
 - **Double frontage lot:** An interior lot having frontage on and with access on two parallel or approximately parallel streets.

Figure 25-6
Lot Types



Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

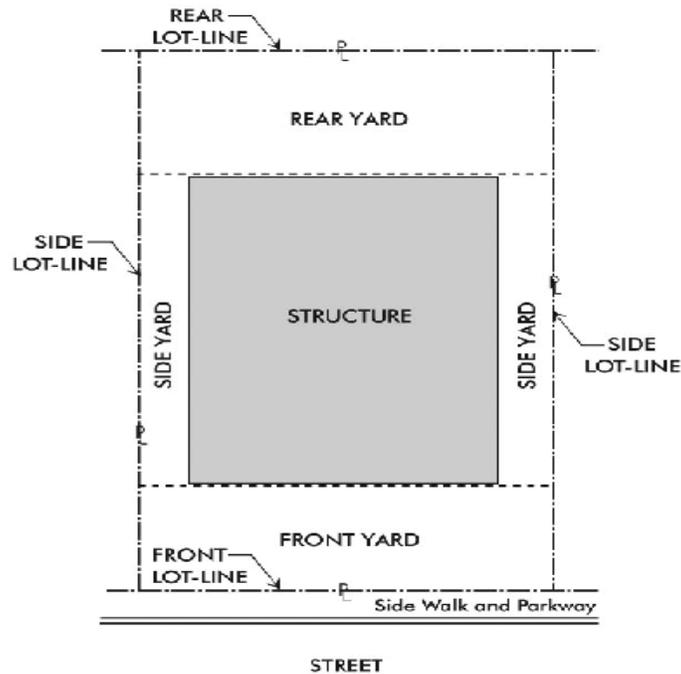
Lot Depth: The depth of a lot is the maximum distance between the front and rear lot lines.

Lot Frontage: The length of a lot or portion of a lot that abuts a street or an approved road easement, except the side of a corner lot.



Lot Line: A line defining an exterior boundary of a lot.

Figure 25-7
Lot Lines



Lot Line or Property Line, Front:

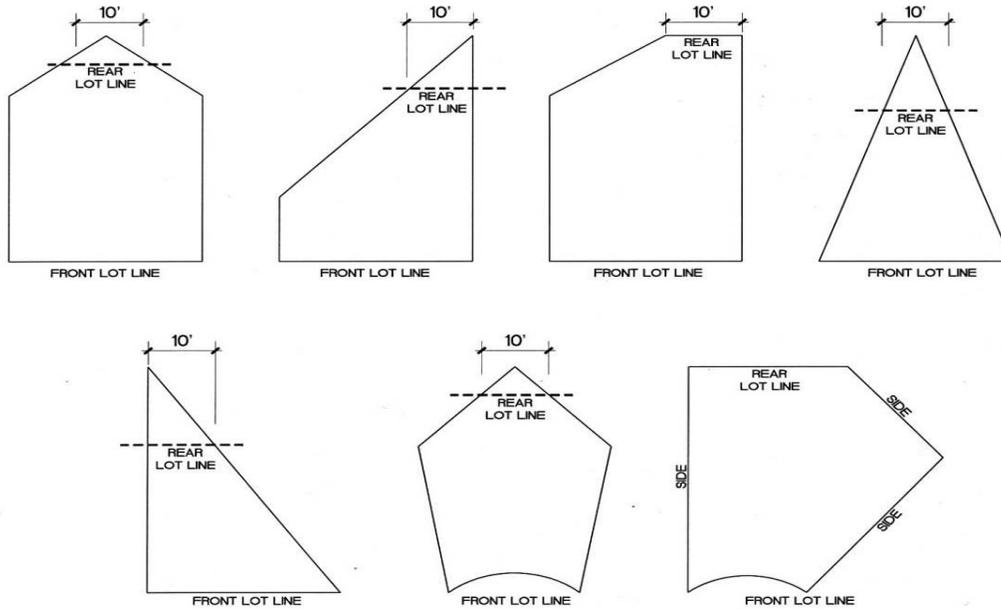
- a. In the case of an interior lot, a line separating the lot from the street (Right-of-Way).
- b. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot Line or Property Line, Rear:

- a. A lot line which is opposite and most distant from the front lot line; or
- b. In the case of irregular, triangular or gore-shaped lots, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Figure 25-8
Rear Lot Lines and Setbacks on Irregularly Shaped Parcels

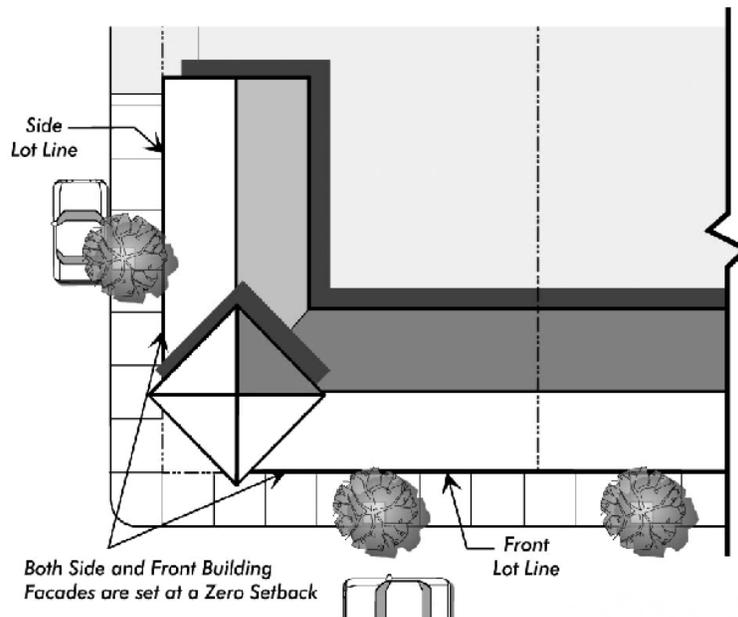




Lot Line or Property Line, Side: Any lot boundary line not a front lot line or a rear lot line.

Lot Line, Zero: The location of a building on a lot in such a manner that one or more of the building's walls is situated directly on the lot line or property line.

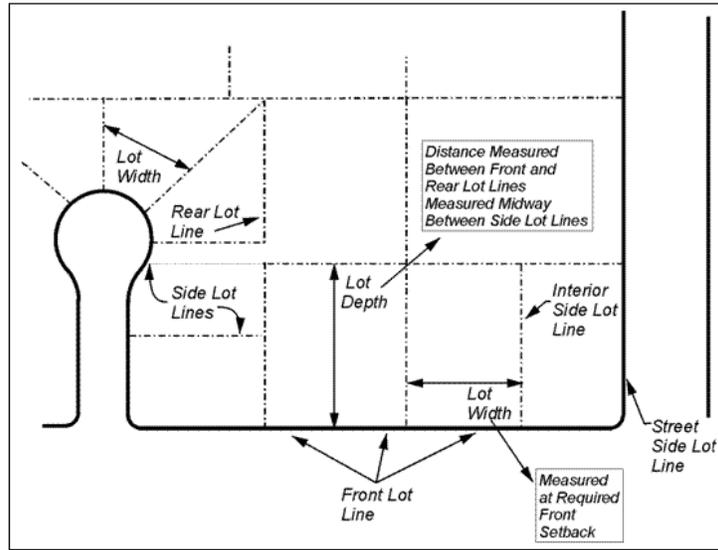
Figure 25-9
Zero Lot Line



Lot Width: The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Figure 25-10
Lot Features





Low Impact Development (LID): A different approach to traditional storm water management that retains and infiltrates rainfall on-site. The LID approach emphasizes site design and planning techniques that mimic the natural infiltration based, groundwater-driven hydrology of our historic landscape. LID includes the use of bioswales and rain gardens which can help prevent flooding.

Manufactured Home: A complete single-family home deliverable in one or more transportable sections, on a permanent chassis, constructed to the standards established by the U.S. Department of Housing and Urban Development (HCD) in the CFR, Title 24, Part 3280, commencing with Section 3280.1. When erected on site, it is 320 or more square feet in size, built after June 15, 1976 and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. "Manufactured home" includes a mobile home but is not a "factory-built home".

Manufactured Housing Community: Any area or tract of land where two or more manufactured home lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, only to accommodate the use of manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 and following) or mobile homes containing two or more dwelling units for human habitation. The rent paid for a manufactured home shall be deemed to include rent for the lot it occupies. Employee housing that has obtained a permit to operate pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000)) and that both meets the criteria of Section 17021.6 and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment shall not be deemed a manufactured housing community or mobile home park. The California Department of Housing and Community Development has enforcement authority over manufactured housing communities and mobile home parks.

Manure Storage Area: Any area or structure on a dairy or other confined animal feeding facility used for storing manure produced by the animals on the site. Manure storage areas may be covered or uncovered and may include manure separation pits, lagoons, ponds, pits, drying areas, manure tanks, etc.

Marquee: A permanent roofed structure attached to and supported by the building to which it is attached and projecting over an entrance.

Medical Buildings: Clinics or offices for doctors, and other licensed practitioners of the healing arts; including accessory laboratories and pharmacies but not including offices for veterinarians.

Mixed Use Development: A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl.



Mobile Home: A vehicle, other than a motor vehicle, constructed prior to June 15, 1976, designed and equipped to contain one or more dwelling units to be used without a permanent foundation and which is in excess of eight feet in width or in excess of 40 feet in length. "Mobile home" does not include a factory-built home, commercial coach or a recreational vehicle.

Mobile Home Park: See "Manufactured Housing Community".

Motel: See "Hotel or Motel".

Motor Vehicle Wrecking Yard: A site or portion of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of three or more motor vehicles which have not been capable of operating under their own power for 30 days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard.

Nightclub: An establishment operated as a place of entertainment, characterized by dancing and/or live, recorded, or televised entertainment as a principal use. Live, recorded or televised entertainment, includes but is not limited to performances by magicians, musicians or comedians.

Non Conforming Building or Structure:

- a. A building or structure or portion thereof lawfully existing immediately prior to the adoption of this Development Code, but which does not conform to the applicable regulations of this Development Code, or amendments thereto.
- b. A building or structure or portion thereof lawfully existing immediately prior to the adoption of any amendment of this Development Code, but which does not conform to the applicable regulations of such amendment.

Non Conforming Use: A use of a structure or land which was lawfully established and maintained prior to the adoption of this Development Code but which, under this Development Code, does not conform with the use regulations for the district in which it is located. Refer to Article 12 for additional information.

Notice of Violation: An administrative citation issued by the Kings County Community Development Agency for a violation of the Kings County Code of Ordinances.

Nursery School: A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five or more pre-elementary school age children, other than those resident on the site.

Nursing Home: A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases or mental illnesses, alcoholism or drug addiction; also not including facilities in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

Occupancy Category: A category used to determine structural requirements of a building based on occupancy. Occupancy classifications may be found in Chapter 3 of the California Building Code. The occupancy category is also used to determine if a structure is categorized as an occupied or non-occupied structure for determination of setback requirements.

Offices, Business and Professional: An establishment where professional and clerical functions are performed. Examples of these uses include but are not limited to:

- Accountant office
- Architect office
- Attorney office
- Consultant office
- Engineer office
- Life insurance office
- Loan office



- Medical billing office
- Tax preparation office

Off-street Loading Facilities: A site or a portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

Off-street Parking Facilities: A site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

Open Sided Shade Structure: A shade structure intended to shade animals which may include basic animal shade structures, corral shades, loafing barns, maternity barns and freestall barns.

Open Space: Land where basic natural values have been retained. Open space can include wilderness areas, a small park in the middle of a city, pastures, forested areas, agricultural groves, vineyards, golf courses, flood washes, etc. The function of open space may differ, depending upon the location. It may have a protective function, as in the case of open space in flood plain areas, where it serves to protect health and safety. It can have a structural or buffer function to space and separate conflicting land uses. It may serve a recreational function, or a scenic function to provide aesthetic views of forests or mountains.

Other Affected, or Directly Affected, Person or Party: A person or group of people who live(s), work(s), or own(s) property in the immediate vicinity of the project that is the subject of a zoning action, where there is direct evidence, provided by the affected person or party, that the person or party's property is, or will be, negatively impacted by the project, even after mitigation measures are applied to the project.

Outdoor or Off-Site Advertising Structures: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.

Outdoor Dining: Dining facilities consisting of tables, chairs and similar furniture located out-of-doors adjacent to an indoor eating establishment.

Outdoor Festival: Any music festival, dance festival, rock festival or similar activity to which members of the public are invited or admitted, and at which attendance is expected to exceed 500 persons.

Overlay Zone: An area within which a set of standards and requirements are employed to deal with special physical characteristics such as flood plains, hazardous areas and other special or unique areas. Overlay districts are mapped and imposed in conjunction with, and in addition to, the underlying land use zoning district. Refer to Article 10 for additional information.

Owner: See "Property Owner".

Package Store: See "Liquor Store"

Parcel: See "Lot"

Park Trailer: A trailer designed for human habitation for recreational or seasonal use only. It may include a loft area but may not exceed 14 feet in width at the maximum horizontal projection. A park trailer hitch, when designed by the manufacturer to be removable, may be removed and stored beneath a park trailer.

Parking Area, Public: An open area, other than a street or alley, used for the temporary parking of more than four vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

Parking District: A government parking district maintained by the federal, state, county or city government.

Parking Space, Vehicle: An off-street space available for the parking of one motor vehicle conforming to the parking lot standards described in Article 13 of this Development Code.



Patio Cover: A one-story structure which is intended to provide an outdoor recreation or dining area. Patios covers may be either attached to another structure, normally a dwelling, or detached and usually open on the sides. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

Pawn Shop: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Pedestrian Orientation: Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including but not limited to:

- Street furniture;
- Design amenities related to the street level such as awnings, paseos, gallery, arcades;
- Visibility into buildings at the street level;
- Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;
- Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
- Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
- Signage oriented and scaled to the pedestrian rather than the motorist; and
- Landscaping.

Permit Holder: When a land use permit has been issued for a use on a parcel, the permit holder is the property owner of the parcel as shown on the latest equalized assessment role/tax roll or the owner of the business or use on the parcel, if not the property owner.

Permitted Use: Any use allowed by right in a zoning district and subject to the provisions applicable to that district.

Personal Services: An establishment providing professional services to individuals as a primary use. Examples of these uses include but are not limited to:

- Barber shops
- Beauty salons and day spas
- Clothing, uniform shops, and costume rental
- Check cashing services
- Employment agencies
- Fortunetellers, psychics, and similar services
- Hair salons
- Health spa (not including a medical spa)
- Laundromats (self serve laundries)
- Locksmiths
- Massage therapy (licensed, therapeutic, non-sexual)
- Nail salons
- Pet grooming with no boarding
- Repair shops for home electronics and small appliances
- Shoe repair shops
- Tanning salons
- Tailors



Planned Unit Development (PUD): A PUD is both a type of building development as well as a regulatory process. A PUD is a designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, all within one contained development or subdivision.

Professional Services: Establishments that provide advice, designs, information, medical treatment, commercial education, consultation, travel, job placement, advertising, finance, insurance and real estate services, generally from an office with no on-site storage of goods. This category includes all types of business offices and service-type businesses where service is basically on an individual-to-individual or firm-to-firm basis as opposed to services that are performed on objects or personal property.

Professional Services Agreement: An agreement between the County and a consultant which specifies the work that will be performed for the preparation of environmental documents, and the cost of preparing such a document.

Project Review – Consultation Notice: A form used by the Community Development Agency to inform other agencies of a proposed project which has been submitted and to request pertinent comments from those agencies.

Property Line: The outermost limit of a legally created parcel. The property or parcel line is the basis for determining the lot dimensions, area and other measurement standards and is the basis for determining required setback distances.

Property Owner: Any person, partnership, corporation, trust, estate or other jurisdictional person with an ownership interest in a parcel of land or any real property.

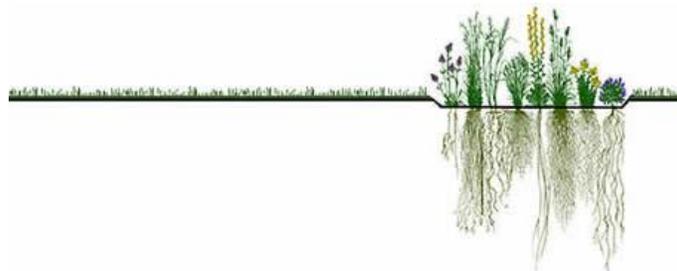
Public Road Right-of-Way: All public roads are located within land which is referred to as road right-of-way. Within a typical road right-of-way, the following public facilities can be found: the driving surface, roadside shoulders and ditch, public utilities, sidewalks, and traffic signs, etc. Road right-of-way width can be established by deed, statute, declaration, dedication, or prescriptive use. Regardless, lands within the road right-of-way, either fee or easement, are reserved for use of the traveling public.

Public Utility Service Yard: A site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps, spools of wire, pipe, conduits, transformers, cross-arms, utility poles, or any other material, tool or supply necessary for the normal maintenance of the utility facilities.

Railroad Right-of-Way: A strip of land of a maximum width of 100 feet for the accommodation of main line or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

Rain Garden: A rain garden is a depression (usually about 6 inches deep) that collects and stores storm water runoff from a roof, driveway or yard and allows it to infiltrate into the ground. Rain gardens are typically planted with shrubs and perennials (natives are ideal), and can be colorful, landscaped areas in a yard. Positioning a rain garden near a down spout or driveway allows the water that would normally flow into the sewer or offsite to be contained in the rain garden. When it is dry the native plants in rain gardens continue to grow although they may be shorter than normal, and when it is wet the plants may have a growth spurt and become taller.

Figure 25-11
Rain Garden



Recreation Vehicle: A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 320 square feet, excluding built-in equipment, including, but not limited to wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. It contains 400 square feet or less of gross area measured at maximum horizontal projections, is built on a single chassis, is either



self-propelled, truck-mounted, or permanently towable on the highways without a permit or is a park trailer. Recreational vehicles are not considered dwelling units.

Recreational Vehicle Park (RVP): An area where the land use zoning district allows recreational uses and where one or more lots are rented out to owners or users of recreational vehicles for temporary occupancy. Incidental food, beverages, sales and service intended for the convenience of the guests at the recreational vehicle park are allowed.

Recycling: To treat or process used or waste materials to make the materials suitable for reuse.

Recycling Facility (Small): Small collection facilities for glass, metal or plastic containers including California Redemption Value (CRV) containers as well as paper and other reusable items.

Recycling Facility (Large): A collection facility for recyclable materials including the storage, sorting, collecting or baling of ferrous and non-ferrous metals, junk, paper, rags or scrap for further transfer to another facility for re-reprocessing or to a solid waste facility. Also includes recycling of CRV containers for further transfer to another facility for re-reprocessing.

Regional Produce Stand: A large permanent facility designed to serve local residents and provide a regionally centralized location for the sale and distribution of locally grown produce.

Reimbursement Agreement: An agreement between the County and a project applicant under the terms of which the applicant agrees to provide the County with reimbursement for the extraordinary costs of reviewing, considering and processing the application and for preparing project documents. (Also see Indemnification Agreement.) As it pertains to CEQA, a reimbursement agreement is an agreement between the County and the project applicant to reimburse the County for the actual cost to prepare the environmental documents for the project, including the cost of the Professional Services Agreement and administrative costs incurred by County.

Religious Facilities: Facilities operated by religious organizations for worship and other religious activities, including churches, mosques, synagogues, temples, and religious schools; includes accessory uses on the same site (e.g., living quarters for ministers and staff, and child day care facilities) where authorized by the same type of land use permit required for the religious facility itself.

Residence: See “Dwelling”

Residential Clustering: A form of land development in which principal buildings and structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, agriculture, recreation, and public and semipublic uses (Whyte 1964; Unterman and Small 1977; Arendt 1996; Sanders 1980). Is also called “Residential Cluster Development.”

Restaurant: An establishment which serves food or beverages to persons on the premises and which may also offer take-out and food delivery services. This includes drive-in restaurants, drive-through restaurants, coffee houses, bistros, cafes and tearooms, etc. Also included are food trucks, mobile kitchens, ice cream trucks, etc. which locate in one location for more than two hours and do not meet the criteria of “peddler” as defined in Chapter 15, Section 15-21 of the Kings County Code of Ordinances.

Rest Homes: An establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases, mental illness or disorder, and surgical or obstetrical operations. The term shall not include Nursing Home.

Retail Sales: A sale of commodities or goods for personal household or farm consumption directly to the ultimate consumer. Sales are normally in small quantities and may include the rendering of services incidental to and supportive of the sale of the merchandise. These businesses provide retail sales of merchandise not specifically listed under another use. Examples of these uses include but are not limited to:

- Antique stores
- Art galleries (for profit)
- Artist, hobby and craft supplies
- Audiovisual equipment and supplies



- Automobile parts sales; no installation or service
- Bakery goods stores (retail), donut shops
- Bicycle shops
- Book stores and rental libraries
- Boutiques
- Business machines, office furniture and equipment
- Cameras and photographic supply stores
- Candy, nut, and confectionary stores
- Ceramic and pottery shops
- Clothing and accessory stores
- Collectibles stores (cards, stamps, coins, comics, etc.)
- Computer, phone, satellite antenna sales and other similar consumer electronics shops
- Consignment shops
- Department stores
- Drug and discount stores
- Dry goods stores
- Electronics/TV stores
- Fabrics and sewing stores
- Florists and houseplant stores (indoor sales only – outdoor sales are “Nurseries”)
- Furniture, home furnishings and equipment
- General stores
- Gift, novelty, and souvenir stores
- Hardware stores
- Hobby materials stores
- Jewelry including clock and watch repairing
- Luggage and leather goods
- Musical instruments, parts and accessories
- News stands and magazine stores
- Orthopedic supplies, hearing aids, and assistive devices sales
- Paint and wallpaper sales
- Pet supplies sales, including fish, birds, reptiles and other small animals
- Religious goods
- Secondhand clothing and appliances and furniture, and thrift stores
- Shoe stores
- Small wares
- Specialty shops including tobacco stores and smoke shops
- Sporting goods and athletic equipment supply stores
- Stationary stores



- Toys and games
- Trophy shops
- Variety stores
- Video and DVD rental and sales

Reverse Vending Machine: A device utilizing advanced technology to identify, sort, collect, and process used beverage containers and return money to the user.

Right-of-Way, Public: Any place that is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, median, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park square and other similar public way. Also used for public utilities and storm drainage.

Roadside Field Retail Stand: A temporary use of a place, building or shade structure less than 400 square feet in area or less and not requiring a building permit, from which California agricultural products grown or produced by the producer and non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks are sold.

Salvage Yard: A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like; excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section.

Secondhand Store: A retail or wholesale business in which the largest portion of merchandise is pre-owned. This classification does not include pawnshops and the sale of secondhand motor vehicle parts or accessories.

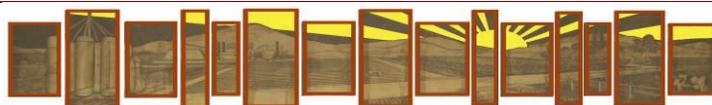
School, Elementary, Junior High or High: Public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State of California Board of Education.

School, Private: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non governmental organization.

School, Trade: Schools offering instruction primarily in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by non-governmental organizations.

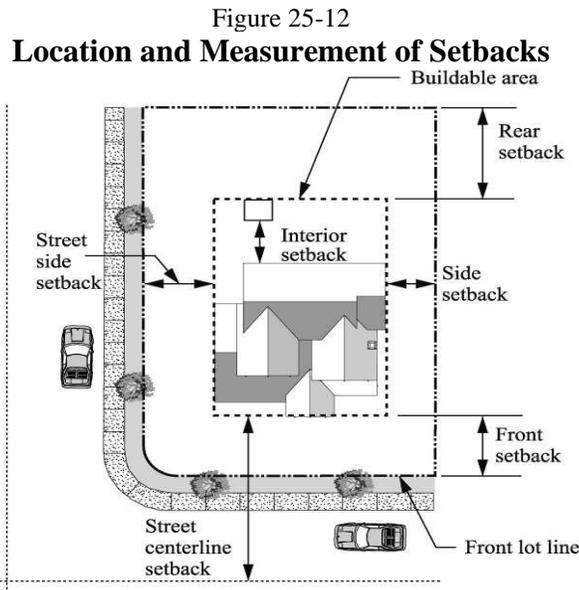
Service Station: An establishment which provides for the fueling and servicing of electric, hybrid and motor vehicles and operations incidental thereto, including:

- a. Retail sale of oil, tires, batteries and new accessories;
- b. Automobile washing, including mechanical car wash or steam cleaning;
- c. Incidental waxing and polishing;
- d. Tire changing and repairing, but not including recapping;
- e. Battery service, charging and replacement, but not including repair or rebuilding;
- f. Radiator cleaning and flushing, but not including repair or steam cleaning;
- g. Installation of minor accessories;
- h. Lubrication of motor vehicles;
- i. Brake adjustment, replacement of brake cylinders, brake fluid lines and brake shoes;



- j. The testing, adjustment and replacement of motor parts and accessories, not involving engine overhaul; and
- k. SMOG testing and reporting.

Setback: The minimum required distance that a building, structure, parking area or other development feature must be separated from the property /lot line, or other structure or development feature. Setbacks are established to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.



Setback, Second Story: The additional distance that the second story of a structure must be set back from the ground floor setback line. The setback distance as noted in the Development Standards Tables located in some Articles of this Development Code is in addition to the setback distance required for the ground floor of a structure. Therefore, where the setback for the exterior wall on the ground floor of the structure is 10 feet and the second story setback requirement is 10 additional feet, the exterior wall of the second story shall be 20 feet from the property line.

Shared Parking: The provision that two or more uses that are within close proximity may share parking facilities to fulfill their individual parking requirements because their prime operational hours do not overlap.

Sign: Any lettering or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever placed for advertising, identification or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle, trailer or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. "Sign" for the purposes of this Development Code does not include official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty or by any person giving legal notice, and directional warning or informational signs or structures required or authorized by law.

a. **Additional Signage Terms:**

A-frame: A portable sign, hinged or fastened on one end, capable of standing up by itself and which has copy on the two exterior sides.

Animated Sign: A sign that uses movement, lighting, or special materials to depict action or create a special effect or scene. This classification includes wind-actuated and other elements such as balloons, bunting, pennants, streamers, whirligigs, or other similar devices.



Attached Sign: Any sign which is fastened, attached, connected or supported in whole or in part to a building or structure.

Awning Sign: An awning sign is a roof-like structure usually covered in fabric (e.g., canvas) that projects from the wall of a building for the purpose of shielding a doorway or window from the elements which may incorporate information about a commercial business as an integral part of the awning.

Banner: A temporary sign of fabric, plastic, paper or other light pliable material with no enclosing framework.

Bench Sign: Copy painted or attached to a bench.

Building Frontage: For the purposes of signage, building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street or highway, excluding an alley.

Business Identification Sign: A sign pertaining to a permitted use, permitted use with Site Plan Review or Conditional Use conducted on the site.

Cabinet Sign (Can Sign): A sign that has one or more plastic, acrylic, or similar material faces (panels) that may or may not be internally illuminated. The sign panels may be either flat or shaped (“pan face”) and are attached to a structural frame cabinet.

Canopy Sign: A sign located on a permanent roof-like structure or canopy of rigid or fabric materials extending from the main entrance of a building.

Changeable Copy Sign (electronic): A sign with changeable copy that is changed by incorporating video display, flip disks, incandescent lamps, fluorescent lamps, fiber optics, light-emitting diodes, liquid crystals displays, plasma displays, field emission displays, or any other mechanical or light-emitting matrix to convey changing copy or images including time and temperature.

Changeable Copy Sign (manual): A sign with changeable copy that is manually changed, regardless of method of attachment or materials of construction. This classification includes bulletin boards, and changeable copy signs on marquees.

Commercial Message: A message displayed on a sign that relates primarily to economic interests such as exchange of goods or services. This definition shall automatically incorporate court rulings defining the term “commercial speech”. In ambiguous situations, whether speech proposes a consumer transaction must be determined by identifying the speaker and the intended audience, and by evaluating the content of the message. The speaker necessarily will be someone engaged in commerce or acting for the benefit of someone engaged in commerce, and the intended audience typically will be actual or potential consumers, or those who are likely to influence consumers. With respect to the content of the message, commercial speech has an economic motivation, and typically includes factual representations about the business operations, products, or services of the speaker. (See *Kasky v. Nike, Inc.* (2002) 27 Cal.4th 939.)

Civic Event Sign: A temporary sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Copy: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

Detached Sign: Any sign permanently anchored to the ground which stands alone on its own foundation and structural supports, and detached from any supporting elements of a building. This includes monument, pylon, and pole mounted signs, etc.

Direct Illumination: A sign which is illuminated by lights which are external of the sign and must be hooded to prevent light from shining anywhere except on the sign.

Directional Signs: A sign which includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic.



Face of Sign: The area of a sign on which the copy is placed.

Freestanding Sign: Same as Detached Sign.

Fixed Balloon: Any lighter-than-air or gas filled inflatable object attached by a tether to a fixed place on the ground.

Flashing Sign: A sign that changes its message more than once every four seconds.

Hanging Sign: A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning.

Home Occupation Sign: A sign which provides information concerning a home occupation which has been approved through a zoning permit.

Illuminated Sign: A sign with an artificial light source for the purpose of decorating, outlining, accentuating, or brightening the sign area.

Internal Illumination: A source of illumination entirely within the sign which makes the sign content visible at night by means of a light being transmitted through a translucent material, but wherein the source of illumination is not visible.

Logo: A sign component consisting of a trademark or symbol used to identify a business.

Marquee Sign: A sign permanently affixed to a permanent roofed structure attached to and supported by the building to which it is attached and projecting over an entrance.

Menu Sign: A sign used to inform the public of the list of entrees, dishes, foods, services, or entertainment available in a restaurant or other commercial establishment.

Message Center Sign: An advertising display where the message is changed more than once every two minutes, but no more than once every four seconds.

Monument Sign: A detached sign mounted on or incorporated into a solid supporting structure.

Multi-Tenant Sign: An identification sign for a commercial site with multiple tenants, displaying the names of more than one tenant on the site.

Mural: A non-commercial painting or pictorial representation applied to or incorporated into a structure or wall that can be viewed from public places, roads, alleys or rights-of-way.

Name Plate: A sign for the purpose of displaying the family name of the occupants of a structure and or address of the property.

Noncommercial message: A sign message that is not a “Commercial Message”, as defined above. This definition shall automatically incorporate court rulings defining the term “noncommercial speech”.

Permanent Sign: A sign designed with durable materials and intended to be used in excess of 60 days per calendar year.

Pole Sign: A detached sign supported by one or more uncovered or exposed uprights, supports, or braces. (See also Pylon Sign)

Political Sign: A sign which is utilized for the purpose of proposing or opposing the election of a candidate or ballot measure.

Portable Sign: Any sign or advertising device not secured in place, such as an A-frame or spring loaded sign.

Projecting Sign: A sign that projects from and is supported by a wall or a building.



Pylon Sign: A sign that is supported by two or more uprights, poles, or braces in or upon the ground that are not a part of a building or enclosed within the exterior walls of a building and are separated from any other structures.

Real Estate Sign: A sign advertising real property for sale, exchange, lease or rent, but not including signs advertising transient occupancy, such as hotel or motel accommodations.

Temporary Sign: A sign either portable or stationary used to display information relating to land use or event of limited duration which is intended to be removed upon termination of said land use or event.

Vehicle Sign: A sign mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile, or other form of motor vehicle which is parked or placed so that the sign is discernable from a public street or right-of-way as a means of communication. The term shall not include:

- a. License plates.
- b. License plate frames
- c. Registration insignia.
- d. Noncommercial messages painted on or otherwise attached in a manner such that the vehicle can be legally operated on public rights-of-way, or any noncommercial message that does not exceed a total of three square feet in size.
- e. Messages on a vehicle used in the course of business to transport personnel or products, or to provide services (not including general advertising) that are advertised by the messages on the vehicle, provided that the messages are painted or otherwise attached in a manner such that the vehicle can be operated on public right-of-way.
- f. Commercial messages painted on or otherwise attached in a manner such that the vehicle can be legally operated on public rights-of-way, or any noncommercial message that does not exceed a total of three square feet in size; and,
- g. Commercial messages on duly licensed mass transit vehicles that operate within and pass through the County.

Wall Mounted Sign: A sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall.

Window Sign: Any sign placed on, affixed to, painted on, or located within the casement or sill area of a window.

Single Room Occupancy (SRO) Hotel: Single room occupancy hotels are small (approximately 250-300 square feet in size) studio-type apartment units with a kitchen or a bathroom, typically occupied by extremely-low-income persons.

Site: A parcel of land, subdivided or un-subdivided, occupied or to be occupied by a use or structure. A lot.

Site Area: The total horizontal area included within the property lines of a site.

Site Coverage: The percentage of total site area occupied by structures/buildings, and includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall.

Site Depth: The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

Site Plan: A scale drawing prepared as part of a proposal for a zoning permit or building permit depicting the actual project site and structures on the site.



Site Width: The horizontal distance between the side property lines of a site measured at right angles to the Site Depth at a point midway between the front and rear property lines.

Situs Address: A term used to indicate the site location of a property.

Solid Waste Transfer/Processing Station: Includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid waste directly from smaller to larger vehicles for transport to their final place of disposition.

Special Occupancy Park: A recreational vehicle park, temporary recreational vehicle park as defined in Health & Safety Code Section 18862.39 and intended to accommodate owners or users of recreational vehicles, camping cabins or tents. The California Department of Housing and Community Development has enforcement authority over special occupancy parks within the confines of the park.

Special Use Permits: Special Use Permits are no longer issued by the County, but uses permitted through this process may still be in effect.

Stable: A detached accessory structure including, but not limited to a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, Commercial: A structure including, but not limited to a corral or paddock for the keeping of horses for remuneration, hire or sale.

Stock Feeding Yard or Lot: A site or portion of a site used for the concentrated feeding of livestock, or any hoofed animal, including but not limited to, cattle or hogs, or similar activity prior to selling, shipping to market, or slaughtering.

Storage Shed: A one story detached accessory structure used for tool, lawn equipment, or general storage, playhouse, and similar uses, provided the floor area does not exceed 120 square feet in size and generally does not require a building permit. *(Note: The installation of electrical, mechanical or plumbing in any structure requires a building permit regardless of the size of the structure).*

Street: A public or County approved private way permanently dedicated or reserved as a primary means of access to abutting property.

Street, Complete: A street design that, in addition to motor vehicle lanes, incorporates elements which promote and allow safe pedestrian walkability, bicycle usage, and accessibility by wheel chairs and other mobility devices including sidewalks, curbs with curb cuts and accessibility ramps, bicycle lanes and signage, and raised medians and planting strips.

Street Line: The boundary line between street rights-of-way and abutting property.

Structure: Anything built, constructed or erected that requires a fixed location on the ground, including a building, swimming pool, etc., but not including a fence, a wall used as a fence, a driveway, paving or concrete slabs.

Structure, Main: A structure housing the principal use of a site or functioning as the principal use.

Structural Alteration: Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

Subdivision: The term "Subdivision," when referring to divisions of land, shall have the same meaning as found in the Subdivision Map Act (Government Code beginning at Section 66410). (See Kings County Subdivision Ordinance)

Substantially Developed Fringe Area: Groups of parcels, already largely subdivided, in the unincorporated areas of the County within city primary spheres of influence or community service district boundaries where the majority of parcels have been issued land use and/or building permits.

Supportive Housing: Housing with no limit on length of stay that is occupied by the Target Population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health



status, maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone.

Surface Mining Operations: All, or any part, of the process involved in the mining of minerals (except water, geothermal resources, natural gas, and petroleum) on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster shall not be included. Surface mining operations shall include, but are not limited to:

- a. In-place distillation or retorting or leaching.
- b. The production and disposal of mining wastes.
- c. Prospecting and exploring activities.
- d. Borrow pitting.
- e. Streambed skimming.
- f. Segregation and stockpiling of mined materials (and recovery of same).
- g. Activities that are and become subject to the requirements of the Surface Mining and Reclamation Act (Chapter 9, Division 2, of the Public Resources Code).

Target Population: Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Act (Division 4.5 (Commencing with Section 4500) of the Welfare and Institutions Code). May include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

Tattoo Parlor: Establishments in which artistic expression takes place through the insertion of inks under the surface of the skin of the human body by pricking with a needle to produce an indelible mark resulting in a design, picture or words visible through the skin. Tattooing does not include those services performed by a physician licensed in the State of California to perform this type of work.

Tavern: See “Bar”

Temporary Recreational Vehicle Park: Any area or tract of land where two or more lots are rented, leased, or held out for rent or lease to owners or users of recreational vehicles, and that is established for one operation or event not to exceed 11 consecutive days, and is then removed. (Also see Special Occupancy Parks)

Temporary Use: A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period, and which does not permanently alter the character or physical facilities of the property.

Thermal Power Facility: Any stationary or floating electrical generating facility using any source of thermal energy (including coal, oil, or natural gas), and any facilities appurtenant thereto, to produce mechanical energy or to produce steam to spin a turbine that operates a generator. Thermal power facilities do not include any wind, hydroelectric, solar photovoltaic electrical generating facilities. Thermal power facilities also do not include any electrical generating facilities installed as incidental and accessory structures and uses located on the same sites as permitted uses requiring Site Plan Review or Conditional Use Permits.

Thrift Store: An establishment primarily engaged in the sale of used clothing, household goods, furniture or appliances. This definition does not include antique stores or pawn shops.

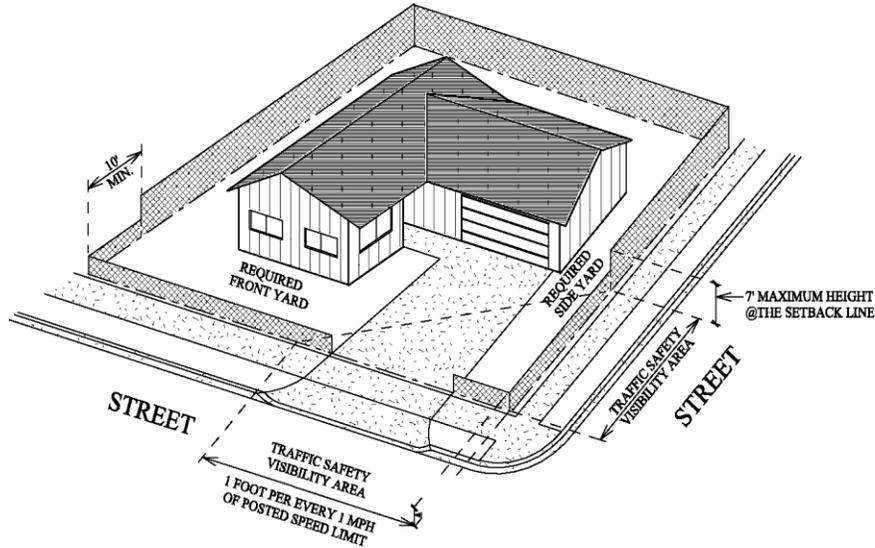
Traffic Safety Visibility Area: A space set aside on a lot in which all visual obstructions, such as structures, fences and plantings that inhibit visibility and thus have the potential to cause a hazard to traffic and pedestrian safety are prohibited, as follows:



a. **Area adjacent to any existing driveway on any lot** - the Traffic Safety Visibility Area is that area on the street side of a diagonal line connecting points, measured from the intersection of the driveway (located on the property or adjoining parcel) and the street right of way line, 20 feet along the side of the driveway and 20 feet along the street side of a lot.

b. **On a corner lot** - the Traffic Safety Visibility Area also includes that area of a corner lot on the street side of a diagonal line connecting points, measured from the property corner where the streets intersect, set back one foot for every one mile per hour of the posted speed limit along each street.

Figure 25-13
Traffic Safety Visibility Area



Transitional Housing: Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Single- or multi-family dwellings may be configured for use as transitional housing. Transitional housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone.

(Ord No. 668-1-16, §22, 1/12/16)

Urban Fringe: A transition area around existing cities where urban and rural areas meet in which land uses are managed to prevent urban sprawl and protect agricultural land.

Use: The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or a structure is or may be occupied or maintained.

Use, Permitted with Administrative Approval: A use which is listed as a use permitted with administrative approval in any given district in the previous Zoning Ordinance. Such uses may be required to meet certain requirements as a condition precedent to the granting of administrative approval which will allow the establishment of the use in any given district. (Note: administrative approvals were removed from the Zoning Ordinance when Ordinance No. 269.40 was adopted by the Kings County Board of Supervisors on October 4, 1994. Uses that were previously listed under administrative approval were moved to either Site Plan Review or Conditional Use Permit depending on whether or not an environmental review was required.)

Vacant Site: A site that is not developed with a building for which a permit has been issued pursuant to the provisions of Chapter 5 of the Code of Ordinances of the county.

Variance: A discretionary entitlement which permits the departure from the strict application of the development standards contained in the Development Code under specific circumstances. See Article 18 of this Development Code.



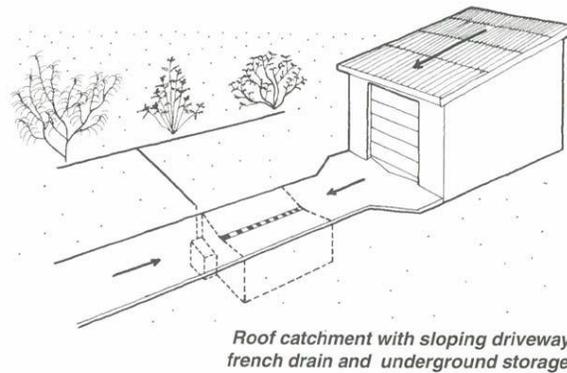
Wall: Any structural device forming a physical barrier which is so constructed that more than 50% of the vertical surface is closed to the transmission of light, air, and vision through said surface.

Wall (Noise Attenuation): A wall or fence constructed as a mitigation measure to reduce the effect of a potential noise source.

Watchman’s Quarters: A dwelling, attached or detached, provided specifically for the use of a person whose responsibility is to provide security for the approved use on the site.

Water Collection: Refers to the practices of using rain barrels, cisterns, and storage tanks to collect and store rainwater for various uses, including irrigating plants. Rain barrels are most often used for individual residences, while cisterns have both residential and commercial applications.

Figure. 25-14
Water Collection



Williamson Act: California Land Conservation Act of 1965, California Government Code Section 51200 et. seq.

Winery: A facility that engages in the conversion of grapes, berries, or other fruit into wine.

Wireless Telecommunication Facility: A broad range of telecommunications services that enable people and devices to communicate independent of location. This includes equipment and network components such as towers, utility poles, transmitters, base stations, and emergency powers systems that are integral to the provision of cellular communications and personal communications services. This excludes noncommercial antennas, radio and television signals, and noncommercial satellite dishes.

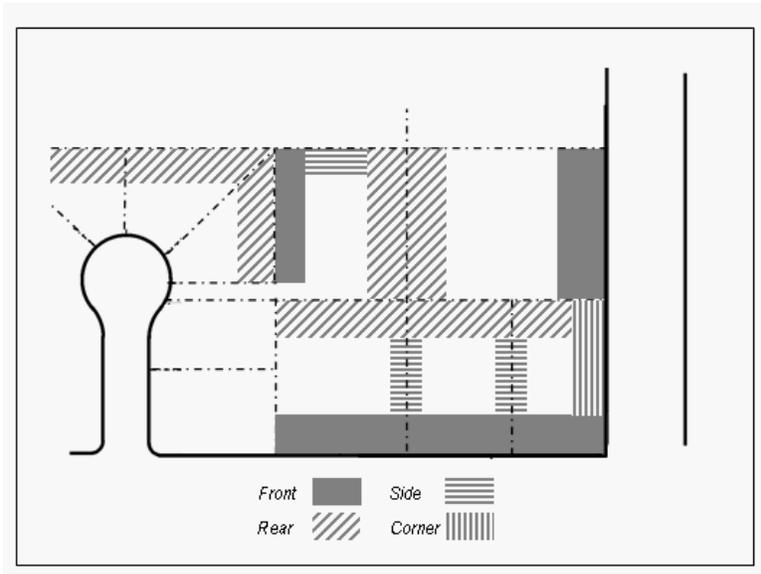
Wrecking Yard: See “Salvage Yard”.

Xeriscape: A water conserving method of landscaping in arid or semiarid climates which provide groundcover and dust control. In practice, xeriscaping means simply landscaping with slow-growing, drought tolerant plants to conserve water and reduce yard trimmings.

Yard: Open and unoccupied setback space on a lot in which structures may not be built, constructed or erected.



Figure 25-15
Yard Types



Yard, Front: A yard, the depth of which is the minimum required horizontal distance between the front lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

Yard, Rear: A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

Yard, Side: A yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of required front yard or required rear yard.

Yard, Corner: A yard, the width of which is the minimum required horizontal distance between the street side lot line and a line parallel thereto on the lot, not including any portion of required front yard.

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement and other development standards. The Zoning Plan consists of a map and this Development Code.

Zoning District: Areas of land mapped on district maps which designate uses or activities that may take place on that land.



Exhibit "B"
BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF DEVELOPMENT CODE) RESOLUTION NO. 23-03
TEXT CHANGE NO. 668.17(b), AMENDING)
VARIOUS SECTIONS OF ARTICLES 5, 7, 12 & 25)
OF THE KINGS COUNTY DEVELOPMENT)
CODE TO ADDRESS THE STATE'S)
AMENDMENTS TO ACCESSORY DWELLING)
UNIT (ADU) LAW AS PART OF THE)
COMMUNITY DEVELOPMENT AGENCY'S)
CONTINUING ADMINISTRATION AND)
MAINTENANCE OF THE KINGS COUNTY)
DEVELOPMENT CODE) Re: Development Code Text Change No.
668.17(b)

WHEREAS, the County of Kings has adopted an Ordinance known as Development Code No. 668 in order to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the County of Kings and there are occasions in which the language of that Ordinance may need to be amended; and

WHEREAS, the Kings County Community Development Agency is entrusted with administering the County's land use authority, and on occasion may determine the need to update and or correct various provisions of the County's land use policies and zoning regulations to maintain consistency and relevance; and

WHEREAS, in June 2023, the Kings County Community Development Agency initiated Development Code Text Change No. 668.17(b) to amend various sections of Articles 5, 7, 12 & 25 of the Kings County Development Code to address the State's amendments to Accessory Dwelling Unit (ADU) law as part of the Community Development Agency's continuing administration and maintenance of the Kings County Development Code; and

WHEREAS, in June 2023, the Kings County Community Development Agency drafted proposed changes to various sections of the Development Code, provided as Attachment No. 1 of the attached Resolution, after ensuring that it is consistent with current law, is internally consistent, implements policies within the *2035 Kings County General Plan*, and addresses the needs of the county and the people who live and work here; and

WHEREAS, the approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to *CEQA*. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. In addition, any new uses added to the Development Code will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review.

WHEREAS, on July 3, 2023, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, on July 3, 2023, this Commission considered all of the testimony it has received and the report and recommendation of the Community Development Agency Director before taking the following action.

NOW, THEREFORE, BE IT RESOLVED AND CERTIFIED, that this Commission finds that:

1. The approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the Guidelines for *California Environmental Quality Act (CEQA Guidelines)*.
2. The Commission finds that Development Code Text Change No. 668.17(b) is consistent with and will implement the policies of the *2035 Kings County General Plan*.
3. The Commission finds that Development Code Text Change No. 668.17(b) will achieve the objectives of the General Plan and the Development Code.
4. Adopt Resolution No. 23-03, recommending that the Board of Supervisors approve Development Code Text Change No. 668.17(b).

The foregoing Resolution was adopted on a motion by Commissioner Maciel and seconded by Commissioner Bryant, at a regular meeting held before the Kings County Planning Commission on July 3, 2023 by the following roll call vote:

AYES:	COMMISSIONERS: Maciel, Bryant, Jones
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS: Dias

KINGS COUNTY PLANNING COMMISSION



Riley Jones, Chairperson

WITNESS, my hand this 3rd day of July, 2023.



Chuck Kinney
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel

Attachments: Attachment No. 1 – Proposed Development Code Changes

**KINGS COUNTY PLANNING COMMISSION
STAFF REPORT**

**Development Code Text Change No. 668.17(b)
July 3, 2023**

APPLICANT: Kings County Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA

PROPOSED CHANGES: **Development Code Text Change No. 668.17(b)**
Amendment of various sections of Articles 5, 7, 12 & 25 of the Kings County Development Code to address the State's amendments to Accessory Dwelling Unit (ADU) law as part of the Community Development Agency's continuing administration and maintenance of the Kings County Development Code.

DEVELOPMENT CODE DISCUSSION:

The Kings County Community Development Agency (CDA) has the responsibility to administer and maintain the Kings County Development Code. Since the adoption of the Development Code in April 2015, Staff has come across various unintended minor omissions and/or needed additions/clarifications throughout the code. In addition, as State laws are created and/or amended, there are provisions in the Development Code that need to be updated to be consistent with State law. The proposed Development Code amendments are an accumulation of all the mentioned changes. The proposed amendments are in blue and underlined, and the proposed deletions are in red with strikethroughs. The proposed changes are provided as Attachment No. 1 of Resolution No. 23-03.

The following are summaries for the more significant proposed amendments within each Article:

Article 5 – Residential Zoning Districts

1. ADDITION PROPOSED:

- a. Added “Junior Accessory Dwelling Unit (JADU)” to provisions of Article 5 where “Accessory Dwelling Unit (ADU)” are mentioned so that they are covered under the Development Code and allowed in a similar manner as Accessory Dwelling Units.
- b. Added “Junior Accessory Dwelling Unit (JADU)” to Section 505, Table 5-1, to be a permitted use requiring no zoning permit.
- c. Added “Junior Accessory Dwelling Unit (JADU)” State standards that differ between JADUs and ADUs including floor area, quantity, off-street parking, setbacks, and owner occupancy to Section 507.

2. CHANGE PROPOSED:

- a. Changed the “Accessory Dwelling Unit” use from requiring a Site Plan Review zoning permit to being permitted without a zoning permit to Section 505, Table 5-1.

- b. Changed “Section 507- Accessory Dwelling Units” to include Junior Accessory Dwelling Units. Updated said section to incorporate the most recent updates to ADU law including, floor area, quantity, setbacks, height requirements, and off-street parking.

Article 7- Mixed Use Zoning Districts

1. ADDITION PROPOSED:

- a. Added the use, “Accessory Dwelling Unit & Junior Accessory Dwelling Unit” to the “Residential Uses” section of Section 703, Table 7-1 as a use permitted without a zoning permit.
- b. Added the statement, “In compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Article 5, Section 507.” to the use “Accessory Dwelling Unit & Junior Accessory Dwelling Unit” in Section 703, Table 7-1.
- c. Added note number six to Section 704 which outlines that attached or detached accessory dwelling units and junior accessory dwelling units must have minimum 4-foot rear and side setbacks.
- d. Added the statement, “Accessory dwelling units and junior accessory dwelling units shall comply with Article 5, Section 507.C.6 of the Kings County Development Code.” to Section 705.B.

Article 12- Pre-Existing Uses and Nonconforming Sites, Structures, and Uses

1. CHANGE PROPOSED:

- a. Changed Section 1204.A.3.b. to allow for an increase to the number of nonconforming residential dwelling units from none to not in excess of Government Code Sections 65852.2 & 65852.22.

Article 25- Definitions

1. CHANGE PROPOSED:

- a. Changed the definition of “Accessory Dwelling Unit” to include the four categories of ADUs, detached, attached, converted existing space, and junior accessory dwelling unit.

GENERAL PLAN REVIEW:

The Community Development Agency (CDA) has the responsibility to administer and maintain the *2035 Kings County General Plan*. The proposed changes would remain consistent with the goals and objectives of the General Plan. Specifically, *Goal 2* of the *Housing Element* of the *2035 Kings County General Plan* which strives to facilitate and encourage the provision of a range of housing types and prices to meet the diverse needs of County residents. As well as *LU Policy D1.4.4* of the *Land Use Element* of the *2035 Kings County General Plan* which seeks to increase the affordability of housing, the amount of housing for farm employee housing, and the number of multi-family residential units as detailed in the *Housing Element*.

ENVIRONMENTAL REVIEW:

The approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b) (3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant

effect on the environment, the activity is not subject to *CEQA*. The changes to the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code Text Change. In addition, any new uses added by the Development Code Text Change will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review.

STAFF RECOMMENDATION: Staff recommends that the Commission, upon completion of the public hearing recommend:

1. The approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*.
2. The Commission finds that Development Code Text Change No. 668.17(b) is consistent with and will implement the policies of the *2035 Kings County General Plan*.
3. The Commission finds that Development Code Text Change 668.17(b) will achieve the objectives of the General Plan and the Development Code.
4. Adopt Resolution No. 23-03, recommending that the Board of Supervisors approve the Development Code Text Change No. 668.17(b)

Prepared by the Kings County Community Development Agency (Victor Hernandez) on June 25, 2023. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

Kings County Development Code

Article 21, Section 2108

Sec. 2108. Action of the Planning Commission:

- A. Within 45 days following the close of the public hearing or hearings, the Commission shall make a specific finding as to whether the change is in the public interest and will achieve the objectives of the Development Code prescribed in Article 1, Section 104 of this Development Code and whether the change would be consistent with the purposes and intended applications of the zoning classification proposed.
- B. Within 90 days following the close of the public hearing, the Commission shall transmit a written report to the Board of Supervisors recommending that the application be granted or denied or that the proposal be adopted or rejected. The report shall include the following:
 - 1. One copy of the application.
 - 2. The resolution of the Commission or request of the Board.
 - 3. The scale drawing of the site and the surrounding area, and all other data filed with the site plan.
 - 4. The minutes of the public hearing.
 - 5. The report of the Zoning Administrator.
 - 6. The findings of the Commission,
 - 7. Reasons for the recommendation concerning the proposed amendment.

Exhibit "D"



CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT

ACCESSORY DWELLING UNIT HANDBOOK

UPDATED JULY 2022



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Understanding Accessory Dwelling Units (ADUs) and Their Importance



California's housing production is not keeping pace with demand. In the last decade, fewer than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are accessory dwelling units (ADUs – also referred to as second units, in-law units, casitas, or granny flats) and junior accessory dwelling units (JADUs).

What is an ADU?

An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- JADU: A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build than new detached single-family homes and offer benefits that address common development barriers, such as environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land or other costly infrastructure often required to build a new single-family home. Because they are contained inside existing or proposed single-family homes, JADUs require relatively modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one- or two-story wood frames, which are also less expensive than other construction types. Additionally, prefabricated ADUs (e.g., manufactured housing and factory-built housing) can be directly purchased and can further reduce construction time and cost. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their housing needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. Homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners, who can receive extra monthly rental income while also contributing to meeting state housing production goals.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place, even if they require more care, thus helping extended families stay together while maintaining privacy. ADUs provide housing for family members, students, the elderly, in-home health care providers, individuals with disabilities, and others at below market prices within existing neighborhoods.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees that local jurisdictions may charge for ADU construction and relaxing local zoning requirements. ADUs and JADUs can often be built at a fraction of the price of a new single-family home, and homeowners may use their existing lot to create additional housing. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable to renters and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to ADU Laws



In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing ADUs in zones that allow single-family and multifamily uses provides additional rental housing and is an essential component in addressing California's housing needs. Over the years, State ADU Law has been revised to improve its effectiveness at creating more housing units. Changes to State ADU Law effective January 1, 2021, further reduce barriers, streamline approval processes, and expand capacity to accommodate the development of ADUs and JADUs. Within this context, the California Department of Housing and Community Development (HCD) developed –

and continues to update – this handbook to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. Below is a summary of recent legislation that amended State ADU Law. Please see Attachment 1 for the complete statutory changes.

AB 345 (Chapter 343, Statutes of 2021)

AB 345 (Chapter 343, Statutes of 2021) builds upon recent changes to State ADU Law, particularly Government Code sections 65852.2 and 65852.26, to require the allowance of the separate conveyance of ADUs from the primary dwelling in certain circumstances, provided they meet certain conditions, including those listed below, found in Government Code section 65852.26, subdivisions (a)(1-5):

- The ADU or primary dwelling was built or developed by a qualified nonprofit. (Gov. Code, § 65852.26, subd. (a).)
- There is an enforceable restriction on the use of the property between the low-income buyer and nonprofit that satisfies the requirements of Section 402.1 of the Revenue and Taxation Code. (Gov. Code, § 65852.26, subd. (a)(2).)
- The entire property is subject to the affordability restrictions to assure that the ADU and primary dwelling are preserved for owner-occupied, low-income housing for 45 years and are sold or resold only to a qualified buyer. (Gov. Code, § 65852.26, subd. (a)(3)(D).)
- The property is held in a recorded tenancy in common agreement that meets certain requirements. (Gov. Code, § 65852.26, subd. (a)(3).)

AB 345 does not apply to JADUs, and local ordinances must continue to prohibit JADUs from being sold separately from the primary residence.

AB 3182 (Chapter 198, Statutes of 2020)

AB 3182 (Chapter 198, Statutes of 2020) builds upon recent changes to State ADU Law, specifically Government Code section 65852.2 and Civil Code Sections 4740 and 4741, to further address barriers to the development and use of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days. (Gov. Code, § 65852.2, subd. (a)(3).)
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met. (Gov. Code, § 65852.2, subd. (e)(1)(A).)
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents. (Civ. Code, § 4740, subd. (a), and Civ. Code, § 4741, subd. (a).)
- Provides that not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units. (Civ. Code, § 4740, subd. (b).)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019) build upon recent changes to ADU and JADU Law, specifically Government Code sections 65852.2 and 65852.22, and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lotsize. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)
- Clarifies that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety. (Gov. Code, § 65852.2, subd. (a)(1)(A).)
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025. (Gov. Code, § 65852.2, subd. (a)(6).)
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and

requires approval of a permit to build an ADU of up to 800 square feet. (Gov. Code, § 65852.2, subds. (c)(2)(B) and (C).)

- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required by the local agency. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days. (Gov. Code, § 65852.2, subd. (a)(3) and (b).)
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public. (Gov. Code, § 65852.2, subd. (j)(9).)
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. (Gov. Code, § 65852.2, subd. (f)(3).)
- Defines an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot. (Gov. Code, § 65852.2, subd. (j)(2).)
- Authorizes HCD to notify the local agency if HCD finds that the local ADU ordinance is not in compliance with state law. (Gov. Code, § 65852.2, subd. (h)(2).)
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy its Regional Housing Needs Allocation (RHNA). (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m).)
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them. (Gov. Code, § 65852.2, subds. (b) and (e).)
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence. (Gov. Code, § 65852.22, subd. (a)(4-5).)
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency. (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).)

[AB 587](#) (Chapter 657, Statutes of 2019), [AB 670](#) (Chapter 178, Statutes of 2019), and [AB 671](#) (Chapter 658, Statutes of 2019)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an

impact on State ADU Law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households. (Gov. Code, § 65852.26.)
- AB 670 provides that covenants, conditions and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable. (Civ. Code, § 4751.)
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583; Health & Safety Code, § 50504.5.)

Frequently Asked Questions

1. Legislative Intent

- **Should a local ordinance encourage the development of ADUs?**

Yes. Pursuant to Government Code section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities, and others. Therefore, ADUs are an essential component of California's housing supply.

State ADU Law and recent changes intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

ADU Law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).) Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies.

Government Code section 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs required jurisdiction-wide?**

No. ADUs proposed pursuant to subdivision (e) of Government Code section 65852.2 must be permitted in any residential or mixed-use zone, which should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service and on the impacts on traffic flow and public safety.

Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors. If a lot with a residence has been rezoned to a use that does not allow for residential uses, that lot is no longer eligible to create an ADU. (Gov. Code § 65852.2 subd. (a)(1) and (e)(1).)

Impacts on traffic flow should consider factors like lower car ownership rates for ADUs. Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns.

- **Can ADUs exceed general plan and zoning densities?**

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning and does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

- **Can a local government apply design and development standards?**

Yes. With an adopted ADU ordinance in compliance with State ADU Law, a local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. **However, these standards should be objective to allow ministerial review of an ADU.** (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(4).)

ADUs created under subdivision (e) of Government Code section 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to pursue this route. In this scenario, the applicant assumes time and monetary costs associated with a discretionary approval process. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with State ADU Law.

- **Are ADUs permitted ministerially?**

Yes. ADUs subject to State ADU Law must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways, such as privacy, compatibility with neighboring properties, or promoting harmony and balance in the community; subjective standards must not be imposed on ADU development. Further, ADUs must not be subject to hearing requirements or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code § 65852.2, subds. (a)(3) and (a)(4).)

- **Is there a streamlined permitting process for ADU and JADU applications?**

Yes. Whether or not a local agency has adopted an ordinance, applications to create an ADU or JADU shall be considered and approved ministerially within 60 days from the date the local agency receives a completed application. Although the allowed 60-day review period may be interrupted due to an applicant addressing comments generated by a local agency during the permitting process, additional 60-day time periods may not be required by the local agency for minor revisions to the application. (Gov. Code § 65852.2, subds. (a)(3) and (b).)

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and by building a new detached ADU subject to certain development standards. (Gov. Code § 65852.2, subds. (e)(1)(A) and (B).)

- **What is considered a multifamily dwelling under ADU Law?**

For the purposes of State ADU Law, a structure with two or more attached dwellings on

a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

- **Can I build an ADU in a historic district or if the primary residence is subject to historic preservation?**

Yes. ADUs are allowed within a historic district and on lots where the primary residence is subject to historic preservation. State ADU Law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinances and to submit these standards along with their ordinances to HCD. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(5).)

B) Size Requirements

- **Can minimum lot size requirements be imposed on ADUs? What about lot coverage, floor area ratio, or open space requirements?**

No. While local governments may impose certain development standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (see below). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area, or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility. (Gov. Code, § 65852.2, subds. (c)(2)(C).)

What is a statewide exemption ADU?

A statewide exemption ADU, found in Government Code section 65852, subdivision (e), is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks. State ADU Law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, State ADU Law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs; however, maximum unit size requirements must allow an ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ADU ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits the development of an efficiency unit as defined in Health and Safety Code section 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. For example, an existing 3,000 square-foot barn converted to an ADU would not be subject to the local unit size requirements, regardless of whether a local government has an adopted ADU ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in State ADU Law or in the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used to limit the maximum size of an ADU?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached ADUs, but only if it does not restrict an ADU's size to less than the standard of at least 850 square feet (or at least 1,000 square feet for ADUs with more than one bedroom). Local agencies shall not, by ordinance, establish any other minimum or maximum unit sizes, including limits based on a percentage of the area of the primary dwelling, that precludes an 800 square-foot ADU. (Gov. Code, § 65852.2, subd. (c)(2)(C).) Local agencies utilizing percentages of the primary dwelling as maximum unit sizes can consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

Yes. Maximum unit sizes can exceed 1,200 square feet for ADUs through the adoption of a local ADU ordinance. State ADU Law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).)

C) Parking Requirements

- **Are certain ADUs exempt from parking requirements?**

Yes. A local agency shall not impose ADU parking standards for any of the following ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10):

- (1) ADUs located within one-half mile walking distance of public transit.
- (2) ADUs located within an architecturally and historically significant historic district.
- (3) ADUs that are part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the ADU.
- (5) When there is a car share vehicle located within one block of the ADU.

Note: For the purposes of State ADU Law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the Coastal Zone.

- **Can ADU parking requirements exceed one space per unit or bedroom?**

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances. For certain ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10), a local agency may not impose any ADU parking standards (see above question).

What is Tandem Parking?

Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subs. (a)(1)(D)(x)(l) and (j)(11).)

Local agencies may choose to eliminate or reduce parking requirements for ADUs, such as requiring zero or half a parking space per each ADU, to remove barriers to ADU construction and to facilitate development.

- **Is flexibility for siting ADU parking recommended?**

Yes. Local agencies should be flexible when siting parking for ADUs. Off-street parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)

D) Setbacks

- **Can setbacks be required for ADUs?**

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. However, setbacks should not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).) Additional setback requirements may be required in the Coastal Zone if required by a local Coastal Program. Setback requirements must also comply with any recorded utility easements or other previously recorded setback restrictions.

No setback shall be required for an ADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location as an existing structure, while not exceeding the existing dimensions, including height. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet, respectively. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs. (Gov. Code, §65852.2, subd. (c) and (e).)

- **Is there a distance requirement between an ADU and other structures on the lot?**

State ADU Law does not address the distance between an ADU and other structures on a lot. A local agency may impose development standards for the creation of ADUs, and ADUs shall comply with local building codes. However, development standards should not unduly constrain the creation of ADUs, cannot preclude a statewide exemption ADU (an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks), and should not unduly constrain the creation of all types of ADUs, where feasible. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

- **Is there a limit on the height or number of stories of an ADU?**

There is no height limit contained in State ADU Law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).) For a local agency to impose a height limit, it must do so through the adoption of a compliant ADU ordinance.

F) Bedrooms

- **Can a limit on the number of bedrooms in an ADU be imposed?**

A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs. Building code standards for minimum bedroom size still apply.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is “Proportionately”?

“Proportionately” is some amount in relation to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square-foot primary dwelling with a proposed 1,000 square-foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and, ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs. A proportional fee shall not be greater than 100 percent, as when a proposed ADU exceeds the size of the existing primary dwelling.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square-foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

- **Can local agencies, special districts, or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized to, but do not have to, levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district, or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000.)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. ADU Law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2).)

H) Ministerially Approved ADUs and Junior ADUs (JADUs) Not Subject to Local Standards

- **Are local agencies required to comply with Government Code section 65852.2, subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of State ADU Law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e)(1) are:

- (A) One ADU and one JADU are permitted per lot within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
- (B) One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU, and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.

(C) Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.

(D) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four-foot rear and side yard setbacks.

The above four categories may be combined. For example, local governments must allow (A) and (B) together or (C) and (D) together.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square-foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings.

These types of ADUs are also eligible for a 150 square-foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide parking if the ADU qualifies for one of the five exemptions listed under subdivision (d). Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner occupancy.

- **How many ADUs are allowed on a multifamily site under subdivision (e)?**

Under subdivision (e), an applicant may apply to build up to two detached ADUs and at least one interior ADU up to 25 percent of the number of units in the proposed or existing multifamily dwelling. All interior ADUs, however, must be converted from non-livable space, which is not a requirement under subdivision (a) for ADUs associated with single-family sites. It should also be noted that if there is no existing non-livable space within a multifamily structure, an applicant would not be able to build an interior ADU under subdivision (e). Attached ADUs are also prohibited under this subdivision.

By contrast, under subdivision (a), an applicant may choose to build one attached, detached, or conversion ADU on a site with a proposed or existing multifamily dwelling, with local objective development standards applied in the same manner as they would be applied to an ADU proposed on a single-family site under subdivision (a). JADUs can only be constructed on a site with a proposed or existing single-family dwelling; however, a JADU cannot be constructed on a multifamily site concurrently with an ADU under subdivision (a).

- **Can I convert my accessory structure into an ADU?**

Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through State ADU Law.

These conversions of accessory structures are not subject to any additional development standards, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits based on when the structure was created, and the structure must meet standards for health and safety.

Additionally, the two ADUs allowed on each multifamily site under subdivision (e) may be converted from existing detached structures on the site. Existing, detached accessory structures on a lot with an existing multifamily dwelling that are converted to ADUs cannot be required to be modified to correct for a non-conforming use. Both structures must be accessory structures detached from the primary residence, and because they are conversions of existing structures, these ADUs would not have to comply with the four-foot setback requirements under subdivision (e) if the existing structures are closer than four feet to the property line. This would also mean that the 16-foot height limitation would not apply if the existing structure were taller than 16 feet. Conversion ADUs in this scenario would not be subject to any square footage restrictions as long as they are built within the footprint of the previous structure.

- **Can an ADU created by converting existing space be expanded?**

Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. Per State ADU Law, only an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An ADU created within the space of an existing or proposed single-family dwelling is subject to local development standards. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per State ADU Law or per a local agency's adopted ordinance. (Gov. Code, § 65852.2, subd. (e)(1)(i).)

As a JADU is limited to being created within the walls of a primary residence and not an accessory structure, this expansion of up to 150 square feet does not pertain to JADUs.

- **Can an ADU be constructed in the non-livable spaces of the non-residential portions of a mixed-use development?**

No. The non-livable space used to create an ADU or ADUs under Government Code section 65852.2, subdivision (e)(1)(C), should be limited to the residential areas of a mixed-use development, and not the areas used for commercial or other activities. The parking and storage areas for these non-residential uses would also be excluded from potential ADU development.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per State ADU Law. For example, an applicant shall not be required to improve sidewalks or carry out street or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)

J) Renter- and Owner-Occupancy

- **Are rental terms allowed?**

Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, §65852.2, subds. (a)(6) and (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to State ADU Law removed the owner-occupancy requirement for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024; however, local agencies may not retroactively require owner-occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.22, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Can fire sprinklers be required for ADUs?**

Installation of fire sprinklers may not be required in ADUs (attached, detached, or conversion) where sprinklers were not required by building codes for the existing primary residence. For example, a detached single-family home designed and constructed decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. However, if the same primary dwelling recently underwent significant alteration and is now required to have fire sprinklers, any ADU created after that alteration must be provided with fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence” for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

For additional guidance on ADUs and fire sprinkler system requirements, please consult the Office of the State Fire Marshal.

L) Solar System Requirements

- **Are solar systems required for newly constructed ADUs?**

Yes, newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached ADU (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.

Please refer to the CEC on this matter. For more information, see the CEC’s website at www.energy.ca.gov. You may email your questions to title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD’s website at <https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>.

See HCD’s [Information Bulletin 2020-10](#) for information on the applicability of California solar requirements to manufactured housing.

3. JADUs – Government Code Section 65852.22

- **What is a JADU?**

A “junior accessory dwelling unit” or JADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. (Gov. Code, § 65852.22, subd. (h)(1).)

- **Are two JADUs allowed on a lot?**

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs required to have an interior connection to the primary dwelling?**

No. Although JADUs are required to be within the walls of the primary dwelling, they are not required to have an interior connection to the primary dwelling. That said, JADUs may share a significant interior connection to the primary dwelling, as they are allowed to share bathroom facilities with the primary dwelling.

- **Are JADUs allowed in detached accessory structures?**

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. (Gov. Code, § 65852.22, subds. (a)(1) and (a)(4).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

No. Only ADUs are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

Yes. The owner must reside in either the remaining portion of the primary residence or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes

- **Are manufactured homes considered to be an ADU?**

Yes. An ADU is any residential dwelling unit with independent living facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home. (Health & Saf. Code, § 18007.)

Health and Safety Code section 18007, subdivision (a): **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. Regional Housing Needs Allocation (RHNA) and the Housing Element

- **Do ADUs and JADUs count toward a local agency’s RHNA?**

Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the RHNA and Housing Element Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are

counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other local applications. For more information, please contact HousingElements@hcd.ca.gov.

- **What analysis is required to count ADUs toward the RHNA in the housing element?**

To count ADUs towards the RHNA in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability, and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures, and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.) This list is available on HCD's ADU webpage.

6. Homeowners Associations

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?**

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance. Refer to Section 4100 of the Civil Code for the meaning of a common interest development.

7. ADU Ordinances and Local Agencies

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

Maybe. ADU ordinances existing prior to the new 2020 laws, as well as newly adopted ordinances, are null and void when they conflict with State ADU Law. Subdivision (a)(4) of Government Code section 65852.2 states that an ordinance that fails to meet the requirements of subdivision (a) shall be null and void, and the local agency shall apply the state standards until a compliant ordinance is adopted. See the question on Enforcement below for more detail.

- **Do local agencies have to adopt an ADU ordinance?**

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose not to adopt an ADU ordinance, any proposed ADU development would be subject only to standards set in State ADU Law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with State ADU Law.

- **Is a local government required to send an ADU ordinance to HCD?**

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with State ADU Law. (Gov. Code, § 65852.2, subd. (h)(1).)

Local governments may also submit a draft ADU ordinance for preliminary review by HCD. HCD recommends that local agencies do so, as this provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with State ADU Law prior to adoption.

- **Are charter cities and counties subject to the new ADU laws?**

Yes. State ADU Law applies to a local agency, which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared State ADU Law addresses “...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution” and concluded that State ADU Law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the California Coastal Zone?**

Yes. ADU laws apply to jurisdictions in the California Coastal Zone, but do not

necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (l).) Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the [California Coastal Commission 2020 Memo](#) and reach out to the locality's local Coastal Commission district office.

- **Do the new ADU laws apply to areas governed by the Tahoe Regional Planning Agency (TRPA)?**

Possibly. The TRPA was formed through a bistate compact between California and Nevada. Under the compact, TRPA has authority to adopt ordinances, rules, and regulations, and those ordinances, rules, and regulations are considered federal law. Under this authority, TRPA has adopted certain restrictions that effectively limit lot coverage on developed land. State ADU Law may conflict to a degree with the TRPA standards, and to the extent that it does, the TRPA law likely preempts or overrides State ADU Law.

8. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

Yes. Pursuant to Government Code section 65852.2, subdivision (h), local agencies are required to submit a copy of newly adopted ADU ordinances within 60 days of adoption. HCD may thereafter provide written findings to the local agency as to whether the ordinance complies with State ADU Law. If HCD finds that the local agency's ADU ordinance does not comply with State ADU Law, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond. The local agency shall either amend its ordinance in accordance with HCD's written findings or adopt the ordinance without changes but include findings in its resolution explaining why the ordinance complies with State ADU Law despite HCD's findings. If the local agency does not amend its ordinance in accordance with HCD's findings or adopt a resolution explaining why the ordinance is compliant, HCD shall notify the local agency that it is in violation of State ADU Law. HCD may also notify the Attorney General of the local agency's violation. While an ordinance is non-compliant, the local agency shall apply state standards.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify State ADU Law.

9. Senate Bill (SB) 9 (2021)

- **Does SB 9 have any impact on ADUs?**

SB 9 (Gov. Code Sections 66452.6, 65852.21 and 66411.7) contains some overlaps with State ADU Law, but only on a relatively small number of topics. Please note that although HCD does not administer or enforce SB 9, violations of SB 9 may concurrently violate other housing laws that HCD does enforce, including, but not limited to, State ADU Law and State Housing Element Law. As local jurisdictions implement SB 9, including adopting local

ordinances, it is important to keep these and other housing laws in mind. For details regarding SB 9, please see HCD's [SB 9 Factsheet](#).

10. Funding

- **Is there financial assistance or funding available for ADUs?**

Effective September 20, 2021, the California Housing Finance Agency's (CalHFA) ADU Grant Program provides up to \$40,000 in assistance to reimburse qualifying homeowners for predevelopment costs necessary to build and occupy an ADU or JADU on a lot with a single-family dwelling unit. The ADU Grant Program is intended to create more housing units in California by providing a grant to reimburse qualifying homeowners for predevelopment costs. Predevelopment costs include, but are not limited to, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports. For additional information or questions, please see CalHFA's ADU Grant Program at <https://www.calhfa.ca.gov/adu> or contact the CalHFA Single Family Lending Division at (916) 326-8033 or SFLending@calhfa.ca.gov.

Resources



Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4,
ARTICLE 2**
**Combined changes from AB 345, AB 3182, AB 881,
AB 68, and SB 13** (Changes noted in strikeout,
underline/italics)

Effective January 1, 2022, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of ~~Historic~~ *Historical* Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) ~~The~~ *Except as provided in Section 65852.26, the* accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is

converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(1) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(2) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. [If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.](#) A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(3) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an

ordinance that complies with this section.

(4) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(5) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(6) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(7) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local

development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ *and* one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The space has exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

- (i) A total floor area limitation of not more than 800 square feet.
- (ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory

dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision

(b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other

action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the

effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted in underline/italic):

65852.2.

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or

existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs

of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed

accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that~~ imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If

the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

~~(4)~~ (5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision

(b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory

dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home~~. [dwelling](#).

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2)(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located

on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed.~~
become operative on January 1, 2025.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4,
ARTICLE 2
AB 345 (Accessory Dwelling Units)**

Effective January 1, 2022, Section 65852.26 is amended to read:

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency ~~may, by ordinance,~~ *shall* allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

- (1) The ~~property~~ *accessory dwelling unit or the primary dwelling* was built or developed by a qualified nonprofit corporation.
- (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each *that* qualified buyer occupies.
 - (B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ~~property~~ *accessory dwelling unit or primary dwelling* if the buyer desires to sell or convey the property.
 - (C) A requirement that the qualified buyer occupy the ~~property~~ *accessory dwelling unit or primary dwelling* as the buyer's principal residence.
 - (D) Affordability restrictions on the sale and conveyance of the ~~property~~ *accessory dwelling unit or primary dwelling* that ensure the ~~property~~ *accessory dwelling unit and primary dwelling* will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - (E) *If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following*
 - (i) *Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.*
 - (ii) *Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.*

(iii) Procedures for dispute resolution among the parties before resorting to legal action.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in ~~strikeout~~, underline/*italics*) (AB 3182 (Ting)):

4740.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to ~~his or her~~ their separate interest.

~~(b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.~~

(c) ~~(b)~~ For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:

(1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.

(2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.

~~(d)~~ ~~(c)~~ Prior to renting or leasing ~~his or her~~ their separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative.

~~(e)~~ ~~(d)~~ Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.

~~(f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.~~

Effective January 1, 2021 of the Section 4741 was added to the Civil Code, to read:

4741.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.

(b) A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased. (c) This section does not prohibit a common interest development from adopting and enforcing a provision in a governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.

(d) For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.

(e) For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.

(f) A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.

(g) A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(h) In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code was amended to read:

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

- (1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- (2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the

structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, landtrust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b)(1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as

that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 was added to the Health and Safety Code, immediately following Section 17980.11, to read:

17980.12.

(a)(1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement agency determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

**CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5,
ARTICLE 1
AB 670 Accessory Dwelling Units**

Effective January 1, 2020, Section 4751 was added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3,
ARTICLE 10.6
AB 671 Accessory Dwelling Units**

Effective January 1, 2020, Section 65583(c)(7) of the Government Code was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 was added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2 & TITLE 7, DIVISION 2,
CHAPTER 1, ARTICLE 1
SB 9 Housing development: approvals**

Effective January 1, 2022, Section 65852.21 was added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application. 94 — 3 — Ch. 162

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b)(1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2)(A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. (B)(i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel. (2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is 94 Ch. 162 — 4 — no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (l) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet. (B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing: (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section. (G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.
(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.
(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:
(1) Easements required for the provision of public services and facilities.
(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:
(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
(B) There is a car share vehicle located within one block of the parcel.
(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.
(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.
(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.
(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.
(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (l) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

Attachment 2: ADU Resources

[ACCESSORY DWELLING UNITS: CASE STUDY](#)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats— are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

[ADU UPDATE: EARLY LESSONS AND IMPACTS OF CALIFORNIA'S STATE AND LOCAL POLICY CHANGES](#)

By David Garcia (2017)

Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

[ACCESSORY DWELLING UNITS AS LOW-INCOME HOUSING: CALIFORNIA' FAUSTIAN BARGAIN](#)

By Darrel Ramsey-Musolf (2018)

University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

[IMPLEMENTING THE BACKYARD REVOLUTION: PERSPECTIVES OF CALIFORNIA'S ADU OWNERS \(2022\)](#)

By Karen Chapple, Dori Ganetsos, and Emmanuel Lopez (2022)
UC Berkeley Center for Community Innovation

The report presents the findings from the first-ever statewide ADU owner survey in California.

[JUMPSTARTING THE MARKET FOR ACCESSORY DWELLING UNITS: LESSONS LEARNED FROM PORTLAND, SEATTLE AND VANCOUVER](#)

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

[THE MACRO VIEW ON MICRO UNITS](#)

By Bill Whitlow, et al. – Urban Land Institute
(2014)Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

[REACHING CALIFORNIA'S ADU POTENTIAL: PROGRESS TO DATE AND THE NEED FOR ADU FINANCE](#)

Karen Chapple, et al. – Turner Center (2020)

To build upon the early success of ADU legislation, the study argues that more financial tools are needed to facilitate greater ADU development amongst low to moderate income homeowners who do not have access to cash saving and cannot leverage home equity. The study recommends that the federal government create ADU-specific construction lending programs. In addition, California could lead this effort by creating a program to assist homeowners in qualifying for ADU construction loans.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#)

By William P. Macht. Urbanland online. (March 6, 2015)

Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

[REGULATION ADUS IN CALIFORNIA: LOCAL APPROACHES & OUTCOMES](#)

By Deidra Pfeiffer (May 16, 2019)

Turner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Turner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2)

a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

[SECONDARY UNITS AND URBAN INFILL: A LITERATURE REVIEW](#)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

Exhibit "E"

2023 California Environmental Quality Act & CEQA Guidelines

Section 15300.2. Exceptions.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 29, 2023

SUBMITTED BY: Community Development Agency – Chuck Kinney/Alex Hernandez
SUBJECT: PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT CV1
(20-CDBG-CV1-00016) CLOSEOUT REPORT

SUMMARY:

Overview:

Upon completion of a Community Development Block Grant (CDBG) contract, a public hearing is required to notify the public about accomplishments funded by the grant and allow for public comment. The Kings County 2020 CDBG CV1 Grant (20-CDBG-CV1-00016) was used to provide Low-Moderate Income (LMI) clients/households who have been financially impacted, as a direct result of the coronavirus pandemic, with emergency mortgage, rent and/or utility assistance for the purpose of preventing eviction and/or cutoff of utility services (Subsistence Payments). The grant is scheduled to be closed out by September 22, 2023.

Recommendation:

- a. Conduct a public hearing to provide citizens with an opportunity to make their comments known regarding the County’s 2020 Community Development Block Grant CV1 accomplishments;
- b. Authorize the Community Development Agency Director to sign and submit the documents required to closeout the grant to the Department of Housing and Community Development.

Fiscal Impact:

None to the General Fund. The County was awarded \$137,099 and \$136,700 was expended. The remaining \$398 will be disencumbered by the State. This grant was on a reimbursement basis therefore there is no impact to the general fund.

BACKGROUND:

The County’s 2020 CDBG CV1 Grant (20-CDBG-CV1-00016) is being closed out and the public hearing is one
(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT CV1 (20-CDBG-CV1-00016) CLOSEOUT REPORT

August 29, 2023

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of the final steps required by the State. The County received a grant award of \$137,099 from the Department of Housing and Community Development (HCD) CDBG CV1 program to be used to provide Low-Moderate Income (LMI) clients/households, who have been financially impacted, as a direct result of the coronavirus pandemic, with emergency mortgage, rent and/or utility assistance for the purpose of preventing eviction and/or cutoff of utility services, also known as subsistence payments. The grant budget included \$126,131 for subsistence payments and \$10,968 for General Administration of the grant.

County Staff, along with Self-Help Enterprises, administered this grant. Over the life of the entire program the County processed 47 applications assisting 43 households and over 70 individuals. Applications consisted of various requests of subsistence payments including mortgage, rent, and/or utility assistance. The maximum assistance allotted was \$5,000 per household. The county was able to expend all but \$398. The unspent funds will be disencumbered by the state.