AGENDA

REGULAR CITY COUNCIL MEETING
Tuesday, May 17, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges
Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

7:00 p.m. **CONVENE REGULAR CITY COUNCIL MEETING**

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Mayor Lyman.

2. COUNCIL / STAFF COMMUNICATIONS *(Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.)*

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. PRESENTATIONS

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5J

A. Approval of Minutes

Approve the May 3, 2016 Special City Council, Regular City Council and City Council

Closed Session meeting minutes.

B. Garden Club 60th Anniversary Proclamation

Approve a proclamation commending the El Cerrito Garden Club for its important work throughout the community and recognizing the many contributions the Club makes toward civic beautification and in making El Cerrito a more beautiful place to live and work. The City Council congratulates the El Cerrito Garden Club on the occasion of its sixtieth anniversary to be celebrated on June 2, 2016.

C. State Homeland Security Grant Fiscal Year 2015 Award

Adopt a resolution authorizing the acceptance of $180,540.00 in grant funds from the California Office of Emergency Services Fiscal Year 2015 State Homeland Security Grant Program which is managed by the Contra Costa County Office of the Sheriff. These grant funds shall be used to reimburse the El Cerrito Fire Department for training and material for technical rescue classes for all of the West County Urban Search and Rescue Consortium personnel.

D. Amend Contract with Michael Baker International

Adopt a resolution authorizing the City Manager to amend the existing professional services agreement with Michael Baker International in the amount of $25,600 bringing the total contract amount to $50,060 to provide on-call planning services for the balance of the calendar year.

E. On-Call Planning and/or Environmental Planning Services Professional Services Agreements

Adopt a resolution providing the City Manager with the flexibility to execute professional services agreements as necessary with one or more of the following ten on-call planning and/or environmental planning firms: Circlepoint, David J. Powers & Associates, Grassetti Environmental Consulting, Lamphier-Gregory, Lexington Planning, LSA, M-Group, Michael Baker International, MIG and Opticos Design, Inc. to provide planning services for three years with options to extend for an additional two years in an amount not exceed $75,000 per year for each agreement. *Exempt from CEQA.*

F. All-Way Stop at the Intersection of Norvell Street and Donal Avenue

Adopt a resolution authorizing the Public Works Director/City Engineer to install stop signs on the northbound and southbound approaches of Norvell Street at Donal Avenue, creating an all-way stop. *Exempt from CEQA.*

G. Borrow Funds from the Municipal Services Corporation

Adopt a resolution authorizing the borrowing of funds from the Municipal Services Corporation.

H. CalRecycle Grant Program Application

Adopt a resolution authorizing the City Manager, or his designee, to submit applications for Payment Programs and related authorizations to the California Department of Resources Recycling and Recovery. *Exempt from CEQA.*

I. Rescheduling of June 7, 2016 City Council Meeting to June 14, 2016

Approve a recommendation confirming the rescheduling of the June 7, 2016 Regular City Council Meeting to Tuesday, June 14, 2016 to better facilitate the public's ability to participate and vote in the June 7, 2016 Statewide Primary Election. The polls close at 8:00 p.m.

J. Approval by the City Council of Acceptance of the Former Redevelopment Agency Properties in Accordance with the Successor Agency Long Range Property Management Plan

Staff requests that the City Council accept the conveyance of certain former Redevelopment Agency properties from the El Cerrito Municipal Services Corporation in accordance with the Successor Agency to the El Cerrito Redevelopment Agency Long Range Property Management Plan.

6. PUBLIC HEARINGS

A. Master Fee Schedule Revision for Fiscal Year 2016-17

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2016-17 Master Fee Schedule.

B. Confirm the Diagram and Levy the Assessment for Fiscal Year 2016-17 for Landscape and Lighting Assessment District No. 1988-1

Conduct a public hearing and upon conclusion and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year 2016-17 as $72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

C. Storm Drain Annual Report and Method of Collecting Fees

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2016-17 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

7. POLICY MATTERS

A. Proposed Medical Marijuana Facility and Impact on Current Medical Marijuana Moratorium

Councilmembers Quinto and Friedman request that the council discuss the current prohibition on medical marijuana facilities and the potential impact of the likely passage of a ballot initiative in November 2016 to legalize recreational marijuana use. The item is for discussion and direction only. There is a request to permit a new facility to open on San Pablo Avenue at the former Taco Bell site on the north end of town. It is widely expected that the ballot initiative to legalize recreational marijuana use will pass in November. By lifting the prohibition and permitting one medical marijuana facility we are able to exercise control, set conditions, and negotiate a substantial tax on gross receipts of the facility. If the City maintains the prohibition and does nothing and the initiative passes the City could quite likely have less control and would likely earn much less revenue. The purpose of the study session is to engage the public and City Council in a discussion in the pros and cons of fast tracking the proposed facility which would be called the El Cerrito Wellness Center. Depending on the direction of staff, the current prohibition on medical marijuana facilities would need to be revised and replaced.

B. Amended and Restated City Manager Employment Agreement

Adopt a resolution amending and restating the employment agreement between the City of El Cerrito and Scott Hanin, City Manager.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website http://www.el-cerrito.org/ind-ex.aspx?NID=114. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.

- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).

- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215–4305 Fax: 215–4379, email cmorse@ci.el-cerrito.ca.us

- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.

- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, May 3, 2016 – 6:40 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, May 3, 2016 – 7:00 p.m.
City Council Chambers

CITY COUNCIL CLOSED SESSION
Tuesday, May 3, 2016 – Immediately Following the Regular Meeting
Hillside Conference Room

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges
Councilmember Mark Friedman
Councilmember Gabriel Quinto

6:40 p.m. **ROLL CALL**

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Lyman convened the Special City Council meeting at 6:40 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – *No speakers.*

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct an interview of one candidate for city boards and commissions. The interview may result in an announcement of appointment at the meeting. The City Council may also discuss the status, scheduling and structure of future interviews.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:03 p.m.

ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.

7:00 p.m. **CONVENE REGULAR CITY COUNCIL MEETING**

Mayor Lyman convened the regular City Council meeting at 7:04 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Councilmember Bridges.

2. COUNCIL / STAFF COMMUNICATIONS

Paul Keith, Interim Chief of Police, reported that El Cerrito Police Explorers recently competed in Sacramento at the Annual California Highway Patrol Explorer Competition, which included 43 Explorer Posts, and brought home top awards: 1) Second place in Court Testimony; 2) Second Place in Law Enforcement/Investigation – Drunk in Public; 3) Third Place in Law Enforcement/Investigation – Domestic Violence; 4) Fourth Place in Law Enforcement/Investigation – Suspicious Person; and 5) Fifth Place in Physical Fitness Obstacle Course. Chief Keith stated that the Department is proud of the Explorer's effort and hard work and that the Police Department is interviewing ten more explorers to join the post. In the Explorer Academy individuals learn safe firearms handling, police department operations, citizenship and how police play a role in the community.

Mayor Pro Tem Abelson stated that she attended the "Redefining Mobility Summit" in April. This summit focused on innovation and the driverless car. The Contra Costa Transportation Authority (CCTA) is working on driverless car testing at the former Concord Naval Weapons Station. On April 28, Mayor Pro Tem Abelson attended the dedication of a bench at Cerrito Vista Park in memory of Charles Weaver who passed away recently. Mr. Weaver was an active member of the El Cerrito Chamber of Commerce and Rotary. On April 25, on behalf of the City and CCTA, Mayor Pro Tem Abelson visited State Senator Hancock and Assemblymember Thurmond as part of Legislative Action Day sponsored by the League of California Cities (LCC).

Councilmember Quinto also participated in Legislative Action Day last week in Sacramento. There are several bills being considered now that support the needs of the City's residents such as housing, transportation and education. Councilmembers Quinto and Abelson let the City's state legislators know about the needs of El Cerrito, particularly affordable housing, housing for seniors and transit oriented development. Assemblymember Thurmond supports San Pablo Avenue infill and senior housing. Assemblymembers Thurmond and Chew are working on a bill that will help those looking for housing in West County. Councilmember Quinto also attended the LCC Asian - Pacific Islander caucus meeting. Councilmember Quinto plans on working with them more to create more diversity in the County.

Mayor Lyman attended the April 30 grand opening for Daiso, located in El Cerrito Plaza. There were almost 300 people lined up to shop. Daiso is very pleased to be in El Cerrito. This afternoon at the Community Center, Mayor Lyman and Mayor Pro Tem Abelson thanked volunteers that work for the Recreation Department, Senior Center and Casa Cerrito.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Tom Panas, El Cerrito, announced that the El Cerrito Community Gardening Network and Richmond Grows Seed Organization are working together on an experiment with dry farming to successfully grow vegetables without any water. Mr. Panas said if ever there was a non-resident who should be on the Wall of Fame, it would be Susan Schwartz, Friends of Five Creeks. Mr. Panas said he would be honored if his picture on the Wall of Fame was replaced with Ms. Schwartz' picture.

Al Miller, El Cerrito, expressed support for Consent Calendar Item No. 5J – additional funding for library site feasibility and assessment. The item sends a strong message to the public about the City Council's commitment to the library.

4. PRESENTATIONS

Friends of Five Creeks Proclamation

Approve a proclamation declaring May 14, 2016 as Friends of Five Creeks Day in the City of El Cerrito and encouraging all residents of El Cerrito to join the Friends of Five Creeks 20th Anniversary Celebration at El Cerrito Creekside Park on that day.

Action: Moved, seconded (Friedman/Abelson) and carried unanimously to approve the proclamation. Proclamation presented to Susan Schwartz, Director, Friends of Five Creeks.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5J

Moved, seconded (Abelson/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5A and 5B and 5D through 5J in one motion as indicated below. Consent Calendar Item No. 5C was removed from the Consent Calendar for the purpose of presenting it to the East Bay Housing Organization.

A. Approval of Minutes

Approve the April 19, 2016 Regular City Council and City Council Closed Session meeting minutes.

Action: Approved minutes.

B. Bike to Work Proclamation

Approve a proclamation declaring May 12, 2016 as Bike to Work Day in the City of El Cerrito, recognizing the value of increased bicycle use and encouraging participation in the 22nd Annual Bike to Work Day and other bicycling activities during the month of May.

Action: Approved proclamation.

C. Affordable Housing Week Proclamation

Approve a proclamation declaring May 13 through May 21, 2016 as Annual Affordable Housing Week in the City of El Cerrito and confirming the City's commitment to work to support affordable housing at the local, regional and state level and encouraging all residents of El Cerrito to participate in regional Affordable Housing Week activities www.ebho.org/eventslist to raise awareness about the importance of affordable housing for families and communities.

Action: Removed from the Consent Calendar. Moved, seconded (Friedman/Quinto) and carried unanimously to approve the proclamation. Proclamation presented to Luis Rodriquez, Director, East Bay Housing Organization.

D. National Public Works Week Proclamation

Approve a proclamation declaring May 15 through May 21, 2016 as "National Public Works Week" in the City of El Cerrito and encouraging all residents and civic organizations to acquaint themselves with the issues involved in providing our public works infrastructure, facilities and services and to recognize the contributions public works personnel make every day to the City's health, safety, comfort and quality of life.

Action: Approved proclamation.

E. Asian American and Pacific Islander Heritage Month Proclamation

Approve a proclamation declaring the month of May 2016 Asian American and Pacific Islander Heritage Month in the City of El Cerrito and inviting everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

Action: Approved proclamation.

F. Jewish American Heritage Month Proclamation

Approve a proclamation declaring May 2016 as Jewish American Heritage Month in the City of El Cerrito and calling upon all residents to celebrate Jewish Americans who have helped weave the fabric of not only American History, culture and society but also the City of El Cerrito, to visit www.jewishamericanheritagemonth.us to learn more about the heritage and contributions of Jewish Americans, and to observe this month with solemn remembrance, appropriate programs, activities and ceremonies.

Action: Approved proclamation.

G. Complete Streets Policy for the Metropolitan Transportation Commission

Adopt a resolution adopting a Complete Streets Policy to maintain the eligibility of the City of El Cerrito for federal transportation funding available through the Metropolitan Transportation Commission. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016-28.

H. BKF Engineers Consulting Services Agreement Amendment

Adopt a resolution authorizing the City Manager to execute an amendment to the consulting services agreement with BKF Engineers (BKF) to provide engineering and design services for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project, City Project No. C3076, Federal Project No. CML-5239(025) in an amount not to exceed $55,000 bringing the total contract amount to $475,100 and under the original contract term.

Action: Adopted Resolution No. 2016-29.

I. Accept the Engineer's Report on Landscape and Lighting Assessment District No. 1988-1, Resolution of Intention to Order Improvements and Set the Date for the Public Hearing

Accept the Engineer's Report specifying assessments for the Landscape and Lighting Assessment District and adopt a Resolution of Intention Ordering Improvements pursuant to the Landscape and Lighting Act of 1972, and setting the time, date and place of the public hearing as May 17, 2016 at 7:00 p.m.

Action: Adopted Resolution No. 2016-30.

J. Authorize Additional Funds for Agreements Related to Library Facility Site Feasibility and Assessment

Staff requests that the Council take the following actions: 1) Approve a budget amendment to appropriate an amount not to exceed $50,000 from the current year unrestricted general fund balance; and 2) Adopt two separate resolutions extending existing service agreements for additional library site assessment work in the amount of $25,000 for Swinerton Management and Consulting to provide construction management advice and cost estimations and $25,000 for Group 4 Architecture, Research + Planning, Inc, to provide preliminary massing studies and site selection analysis for additional possible locations.

Action: Adopted Resolution No. 2016-31 and Resolution No. 2016-32.

6. PUBLIC HEARINGS – *None*

7. POLICY MATTERS – *None*

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Councilmember Bridges reported that the Planning Commission received a report on

changes, primarily traffic, that were submitted by the Summit K2 Charter School. The Commission will convene a study session at a later date. The meeting was standing room only.

Mayor Lyman reported that the last Marin Clean Energy Board meeting was uneventful. At its April meeting, the West County Mayors Association received a presentation from AC Transit regarding a Fall 2016 ballot measure for renewal of an existing parcel tax. AC Transit General Manager, Michael Hursh, gave compelling reasons why the renewal is needed. Seventy percent of fares goes toward operations.

9. CONVENE CITY COUNCIL CLOSED SESSION

Mayor Lyman convened the City Council Closed Session at 7:29 p.m.

ANNOUNCEMENT OF CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – *Pursuant to Government Code Section 54957*

Title*:* City Manager

Speakers: Tom Panas, El Cerrito, expressed appreciation for the work Mr. Hanin has done for the City in the last fifteen years. Mr. Hanin has pushed the city forward in a positive way and has displayed insight in hiring people and has created an amazing team. Those that have been promoted internally are doing a great job. Too often, Mr. Hanin has had to push things along without enough funding. Mr. Panas said he was thrilled personally to have such a great City Manager and said he was grateful to the City Council of 15 years ago for hiring him.

Al Miller, El Cerrito, expressed his appreciation for Mr. Hanin's personal character and leadership style. This has allowed him to acquire and develop city staff that have made El Cerrito a city that everyone enjoys living in. Mr. Miller said that it is amazing what can be done if no one cares who gets credit for it.

RECESSED INTO CLOSED SESSION at 7:33 p.m.

RECONVENE IN OPEN SESSION AND POSSIBLE REPORT OUT OF CLOSED SESSION at 8:35 p.m.

Mayor Lyman reported that the City Council gave direction to the Compensation Subcommittee.

10. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:37 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Commission Interviews

1. Recommendation for Nga Trinh for Arts and Culture Commission – *Submitted by Heidi Rand, Arts and Culture Commissioner.*

Agenda Item No. 5(B)

EL CERRITO CITY COUNCIL PROCLAMATION

Designating June 2, 2016 as the 60th Anniversary of the El Cerrito Garden Club

WHEREAS, the El Cerrito Garden Club was organized and federated in 1956-57 to stimulate knowledge and love of gardening among amateurs; to aid in the protection of native trees, plants and birds; and to encourage civic beautification, conducts monthly education meetings, and propagates plants to sell at a citywide event; and

WHEREAS, the club sponsors a yearly garden beautification contest in honor of Sundar Shadi, awarding three cash prizes annually; and

WHEREAS, the club maintains three Blue Star Memorial Markers (more than any other club in the country), the most recent of which was presented Memorial Day 2012 at the Red Oak Victory Ship; and

WHEREAS, the club contributes to ten conservation organizations, including the El Cerrito High School Community Garden which is run by one of the Garden Club's members; and

WHEREAS, the club collects Penny Pines donations for the U.S Forest Service reforestation program; and

WHEREAS, the club plants trees at the Memorial Grove in El Cerrito and participates in Arbor Day by planting trees in El Cerrito.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend the El Cerrito Garden Club for its important work throughout the community and recognizes the many contributions the Club makes toward civic beautification and making El Cerrito a more beautiful place to live and work. The City Council hereby congratulates the El Cerrito Garden Club on the occasion of its sixtieth anniversary to be celebrated on June 2, 2016

Dated: May 17, 2016

_____

Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 5(C)

Date: May 17, 2016

To: El Cerrito City Council

From: Lance Maples, Fire Chief

Subject: State Homeland Security Grant Fiscal Year 2015 Award

ACTION REQUESTED

Adopt a resolution authorizing the acceptance of $180,540.00 in grant funds from the California Office of Emergency Services Fiscal Year 2015 State Homeland Security Grant Program which is managed by the Contra Costa County Office of the Sheriff. These grant funds shall be used to reimburse the El Cerrito Fire Department for training and material for technical rescue classes for all of the West County Urban Search and Rescue Consortium personnel.

BACKGROUND

In 2007, the Bay Area Super Urban Security Initiative funded a comprehensive study of fire agencies in the Bay Area to respond to chemical, biological, nuclear, radiological or explosive incidents, and identified gaps that were specific to West Contra Costa County and provided recommendations for filling those gaps which included a technical search and rescue team that would provide a resource that was currently not available. Based on these recommendations, in 2010 the West Contra Costa County Urban Search and Rescue Consortium (West County US&R) was formed with Richmond Fire Department designated as the lead agency. In the following years the El Cerrito and Richmond Fire Departments have applied for funding to cover the purchase of equipment and training dedicated to this goal. Currently the El Cerrito Fire Department has 11 trained personnel and three additional members working on training to meet the minimum requirements. In addition, the Fire Department has designed, purchased and built a cribbing and shoring trailer that provides the materials and tools needed to respond to collapsed buildings, trenches and other structures.

To maintain the skill level for these technical rescue disciplines and to train new personnel, refresher classes are required for personnel to practice and improve their skill levels. Due to requirements to maintain minimum on duty staffing and cover the cost of the instructors and the material required for the training, these grant funds are vital to minimize the financial impact on the Fire Department's budget.

STRATEGIC PLAN CONSIDERATIONS

Approval of this resolution benefits the El Cerrito Fire Department programs and service objectives for emergency response. It would also support Strategic Plan Goal B Financial Sustainability and Goal E Public Health and Safety.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations for this project.

FINANCIAL CONSIDERATIONS

No appropriations were specially made during the 2015/2016 budget process for technical rescue classes aside from normal scheduled training and educational reimbursements. The acceptance of these grant funds will cover the reimbursements required and will not impact the Fire Department budget.

LEGAL CONSIDERATIONS

The approval of this resolution will have no legal considerations or consequences as it will be authorizing the reimbursement of costs associated with training related to the technical rescue program for West Contra Costa County. All training will be performed by qualified and insured companies and all personnel attending the training will be covered by their agency's Worker's Comprehensive Insurance. It will require the City to maintain its registration in the Federal Government's System for Award Management (SAM).

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution
2. Award letter from the Contra Costa County Office of the Sheriff
3. Copy of the SHSGP FY15 Application

Agenda Item No. 5(C)
Attachment 1

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING THE ACCEPTANCE OF FUNDS FROM THE CALIFORNIA OFFICE OF EMERGENCY SERVICES FISCAL YEAR 2015 STATE HOMELAND SECURITY GRANT PROGRAM FOR WEST CONTRA COSTA COUNTY URBAN SEARCH AND RESCUE TRAINING AND MATERIAL COSTS

WHEREAS, in 2007, the Bay Area Super Urban Area Security Initiative (SUASI) determined a need in the West County area to respond to chemical, biological, nuclear, radiological, or explosive (CBNRE) incidents; and

WHEREAS, the El Cerrito Fire Department assisted Richmond Fire Department in forming the West County Urban Search and Rescue Consortium (West County US&R); and

WHEREAS, the West County US&R secured grants to provide equipment and training in technical rescue disciplines for all West County Agencies; and

WHEREAS, the El Cerrito Fire Department applied for a continuing education training grant from the State Homeland Security Grant Program Fiscal Year 2015 (SHSGP FY15) and were awarded funds through the Contra Costa County Office of the Sheriff to cover training and equipment for all West County agencies.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the El Cerrito Fire Chief or his authorized project manager to enter into a contract with the Contra Costa County Office of the Sheriff to accept the grant from the SHSGP FY15 on behalf of the West County US&R program in the amount of $180,540.00.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

I CERTIFY that at a regular meeting on May 17, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

April 11, 2016

Battalion Chief Michael Pigoni
El Cerrito Fire Department
10900 San Pablo Ave
El Cerrito, CA 94530

Dear Chief Pigoni,

The California Office of Emergency Services has approved our FY15 State Homeland Security Grant Program (SHSGP) application. Your project request for funding for has been approved.

Project Letter	Project Name	Discipline	Project Manager	Total Obligated
C	WCCC USAR Training	EMS-F	Battalion Chief Michael Pigoni	$180,540

You have been assigned the project identifier of **FY15 SHSGP Project C – WCCC USAR Training**. The total approved allocation for your project is $180,540.

Please reference **FY15 SHSG Project C** on all documents generated for the implementation of this project. If using county forms for accounting/invoicing, please code your invoices to Org # 3623 and include "Y5A" in the Option Code on all reimbursement documents.

All purchases, allocations, contracts etc. must be completed by April 1, 2017. You may be requested to provide occasional progress updates to the Office of the Sheriff during the grant cycle. Failure to provide requested data will risk reallocation of your award to other SHSGP projects.

Important note: All vendors must be registered in the Federal Government's System for Award Management (SAM) or they cannot provide goods or services under the grant. It is your responsibility to ensure that a vendor is registered in SAM before conducting business with that vendor under the grant. Reimbursement/Payment cannot be made by the County under any grant to any vendor that is not registered in SAM. Registration can be done at: www.sam.gov

As with most grants, there has been a significant delay from when this project was presented to when the State approved it. If your project scope has changed, including costs, technology and/or needs, please contact me to ensure that there are no new impediments to completing the project as planned. Reimbursements cannot be retroactive prior to April 1, 2016.

Please review the attached guidelines. They have been included with this letter to assist you in managing your responsibilities relating to this grant.

If you have any questions or need assistance, please contact Lt. Alan Johnson or Rick Kovar at the Office of the Sheriff, Emergency Services Division at 925-646-4461.

Sincerely,

David O. Livingston, Sheriff

Alan Johnson, Lieutenant
Assistant Division Commander, Emergency Services Division

Grant Provisions At-A-Glance

Below are listed some guidelines that will help you and the Office of the Sheriff better facilitate the grant administration process. These guidelines are based on federal, state, and/or local rules and regulations. While this is not an all-inclusive list, it should provide sufficient guidance for a hassle free grant partnership. Please don't hesitate to contact us with questions or concerns.

- **CORRESPONDENCE:** All grant related correspondence, including invoices and requests for reimbursement must be addressed to the following:

  Grant Administrator
  Office of the Sheriff
  Emergency Services Division
  50 Glacier Drive
  Martinez, CA 94553

  Remember to include all appropriate references to the grant and project that you were provided in your award letter in your correspondence. Failure to properly address correspondence could result in the delay of reimbursement.

- **SYSTEM for AWARD MANAGEMENT (SAM):** All vendors must be registered in SAM or they cannot provide goods or services under the grant. This is a federal grant requirement. It is your responsibility to ensure that a vendor is registered in SAM before conducting business with that vendor under the grant. Reimbursement/Payment cannot be made by the County under any grant to any vendor that is not registered in SAM. Registration can be done at: www.sam.gov

- **PROCUREMENT:** You are responsible for your purchase. You must follow your agency's procurement procedures, which reflect applicable federal, state, and local laws and regulations, regarding the competitive bidding and sole sourcing processes.

- **MODIFICATIONS:** Once approved, any modification to a project must be submitted for review and approval by the grant administrator (Office of the Sheriff)

- **RECORD KEEPING:** You must maintain records which adequately identify the source and application of grant funds. Records must be retained for three (3) years, or if litigation is pending, until the end of litigation, whichever is last.

- **ACCOUNTABILITY:** You must maintain effective control and accountability over all assets and must assure that they are used solely for authorized purposes. All assets must have a Contra Costa County Asset Tag affixed to them. The asset tag will be delivered upon receipt of the invoice for the purchased item.

- **REPORTS:** You must follow reasonable procedures to ensure that the Office of the Sheriff receives timely reports on acquisitions and expenditures.

- **REIMBURSEMENT:** Reimbursement may be withheld or your grant award may be suspended for failure to comply with the terms of the grant.

- **THIRD PARTY VENDORS:** The use of third party vendors for services (such as training) requires prior approval.

- **SOLE SOURCE:** To support sole sourcing, documents must be submitted to explain why this is the best option as opposed to the competitive bidding process. It is incumbent upon you, the grant sub-awardee, to support your request. As a note, **vendor letters are generally insufficient to support sole sourcing.** A vendor letter simply says that a particular vendor is the only one that sells a product. It does not, however, explain why that product is the only one that will meet your needs. You need to explain why that product is the only one that will work for you.

- **SALES TAX:** In your grant project proposals, **don't forget to add CA sales tax**. Your proposal must break out the cost of the item(s) and tax separately. Failure to account for sales tax could result in your agency paying it.

- **INVOICES:** When submitting invoices, all items must correspond to a project. For example if your proposal has two project components, let's call them "Project A" and "Project B," and you buy 20 items between the two projects, your invoice must show which of the 20 items belong to Project A and which belong to Project B. A list of items purchased without assignment to a particular project is not acceptable.

  Additionally, a delivery or packing slip must accompany all invoices. The delivery or packing slip must identify the item(s) and date(s) received. Failure to provide a delivery or packing slip will result in the delay of reimbursement.

THE CITY OF
EL CERRITO
OFFICE OF THE CITY CLERK

May 17, 2016
Regular City Council Meeting

Agenda Item No. 5(C)
2015 Homeland Security Grant Award
Attachment 3 – Application

A hardcopy is available for review at:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito, CA
(510) 215-4305

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA

AGENDA BILL

Agenda Item No. 5(D)

Date: May 17, 2016

To: El Cerrito City Council

From: Margaret Kavanaugh-Lynch, Development Services Manager

Subject: Amend Professional Services Agreement between City of El Cerrito and Michael Baker International

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to amend the existing Professional Services Agreement with Michael Baker International in the amount of an additional $25,600 bringing the total contract amount to $50,060 to provide on-call planning services for the balance of the calendar year.

BACKGROUND

The City of El Cerrito has administrative policies and procedures in place for securing Professional Services Agreements. In any fiscal year, the total amount between any one Consultant and the City may not exceed $25,000 without prior City Council approval. The City has an existing Professional Services Agreement with Michael Baker International for On-Call Planning Services for up to $25,000 which is about to be expended.

Staff is requesting the proposed amendment of the existing Professional Services Agreement between the City and Michael Baker International to continue the assistance of a professional planner that has been working in the department one day a week. This planner assists the Community Development Department with a backlog of planning tasks, including development of new forms and website improvements, the completion of current planning tasks and also provides customer service at the planning and permit services counter. Staff proposes extending the Agreement through December 31, 2016 for an additional $25,600, bringing the total contract amount to $50,600.

STRATEGIC PLAN CONSIDERATIONS

Assisting the Community Development Department with a backlog of planning tasks is consistent with the Strategic Plan Goal of Delivering exemplary government services.

FINANCIAL CONSIDERATIONS

The cost of the proposed amendment to the Professional Services Agreement will be paid for through the Community Development Department operational budget. No new budget appropriation is required.

LEGAL CONSIDERATIONS

The Professional Services Agreement conforms to the City's standard agreement approved by the City Attorney.

Reviewed by:

Scott Hanin
City Manager

Attachment:

1. Resolution

Agenda Item No. 5(D)
Attachment

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO AMEND AN EXISTING PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL TO PROVIDE PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED $25,600, BRINGING THE TOTAL CONTRACT AMOUNT TO $50,600

WHEREAS, the City requires the services of a consultant firm to perform planning services; and

WHEREAS, the City and Michael Baker International ("Consultant") entered into a Professional Services Agreement in September 2015 to provide planning services; and

WHEREAS, Administrative Policy and Procurement Memorandum No. III1 stipulates that purchases over $25,000, and purchases from a single vendor over $25,000 in one fiscal year must be approved by the City Council; and

WHEREAS, the proposed amendment is for an amount not to exceed of $25,600 and brings the total contract amount to $50,600, and extends the contract through December 31, 2016.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby:

1. Finds that retaining a planning consultant to assist with a backlog of planning projects facilitates the Community Development Department's mission and goal to provide excellent customer service; and

2. Authorizes the execution of this Professional Services Agreement amendment in an amount not to exceed $25,600.00 for the period beginning on May 1, 2016 and concluding on December 31, 2016.

I CERTIFY that at a regular meeting on May 17, 2016, the City Council passed this resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2016.

_____

Cheryl Morse, City Clerk

APPROVED:

_____

Gregory B. Lyman, Mayor

2654015.1

AGENDA BILL

Agenda Item No. 5(E)

Date: May 17, 2016

To: El Cerrito City Council

From: Margaret Kavanaugh-Lynch, Development Services Manager

Subject: On-Call Planning and/or Environmental Planning Services– Professional Services Agreements

ACTION REQUESTED

Adopt a resolution providing the City Manager with the flexibility to execute professional services agreements as necessary with one or more of the following ten on-call planning and/or environmental planning firms: Circlepoint, David J. Powers & Associates, Grassetti Environmental Consulting, Lamphier-Gregory, Lexington Planning, LSA, M-Group, Michael Baker International, MIG and Opticos Design, Inc. to provide planning services for three years with options to extend for an additional two years in an amount not exceed $75,000 per year for each agreement.

BACKGROUND

In September of 2014, the City Council certified a Programmatic Environmental Impact Report (EIR) and approved the San Pablo Avenue Specific Plan (Plan). The Programmatic EIR assessed all foreseeable potential environmental impacts resulting from implementation of the Plan. The Plan established new land use, development, and urban design regulations for the Plan area for a 20-year planning period. When a new development project is submitted to the city, a project planner must perform a professional analysis of the application, reviewing for both compliance with relevant development standards, General Plan goals, and to establish what Tier of review the project shall require to be considered for action. City Planners must also determine the appropriate level of environmental review that must be completed to analyze whether any new environmental effects not identified in the Programmatic EIR might be created. Then, the planner must ensure that the environmental review is completed in a professional and timely manner.

Since the adoption of the Plan, staff has seen an increase in projects submitted to the City. In order to be prepared to analyze the increasing number of projects in a timely manner and oversee the preparation of the necessary level of environmental review; staff issued a Request for Qualifications (RFQ) to seek qualified persons or firms (Consultants) to submit a Statement of Qualifications (SOQ) demonstrating their ability to perform planning and/or environmental planning services on development applications on an “on-call” basis. Because some consultants have expertise in only one of these two areas, the RFQs were issued separately, however, if preferred, the consultant was allowed to respond to both, concurrently.

Because the anticipated amount of work will be variable in scope and the timing of project submittal is hard to predict, on-call agreements with consultant firms are appropriate to assign work as needed. Many cities choose to enter into on-call agreements with multiple firms in order

to assure that a consultant's workload issues will not get in the way of a city's critical-path needs and also to allow staff to best fit the expertise of a particular firm with the specific needs of an assignment. For certain projects, a city may ask for task proposals from more than one of their on-call firms to further ensure compatibility.

Staff sent the RFQ to 21 firms on April 13, 2016 requesting SOQs, which were due on April 29, 2016. Staff received five responses for environmental planning services, one for on-call planning services and four responses for both on call planning and environmental planning services. All firms possess several key or all requested areas of expertise, have demonstrated experience handling on-call services for municipalities, and are available to commence services immediately. The list of firms consists of Circlepoint; David J. Powers & Associates; Grassetti Environmental Consulting; Lamphier-Gregory; Lexington Planning; LSA; M-Group; Michael Baker, International; MIG; and Opticos Design, Inc.

The agreements are crafted as master agreements, with specific scope of work and cost to be determined on a task order basis. The agreements have an initial term of three years with the option to extend for up to two additional years. This time frame will allow the City and the respective consultants to develop significant relationships to better serve the City's residents. All firms have submitted fee schedules for the various skill levels and specific team members listed in their SOQs along with other charge conditions such as direct costs and mileage.

As needs arise, one or more of the firms will be asked to propose on the scope for an individual task. Once a proposal and fee are agreed upon, the Development Services Manager will issue a task order for the specific assignment. If the cost of any one task exceeds $75,000.00 in any one fiscal year or if a series of tasks with one firm exceed $75,000.00, staff will present additional information and analyses to the City Council for final consideration.

STRATEGIC PLAN CONSIDERATIONS

Completing all necessary review and analysis of proposed development projects in a professional and timely manner is consistent with the Strategic Plan Goal of Delivering Exemplary Government Services.

ENVIRONMENTAL CONSIDERATIONS

This proposed action will not result in a project as defined by the California Environmental Quality Act, (CEQA). No further environmental review is needed.

FINANCIAL CONSIDERATIONS

The on-call agreements do not have dollar amounts directly associated with them. The agreed upon proposal for each task will be subject to funding available for that project and provided by the applicant proposing the development or for non-project related expenses which will be covered by the Department's operating budget.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this staff report and associated resolution as part of the packet. In addition, the City Attorney has approved the Professional Services Agreement.

Reviewed by:

Scott Hanin
City Manager

Attachment:

1. Resolution

Agenda Item No. 5(E)
Attachment

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH TEN CONSULTANTS IN AN AMOUNT NOT TO EXCEED $75,000 PER AGREEMENT TO PROVIDE PLANNING SERVICES ON AN ON-CALL BASIS

WHEREAS, the City requires the services of consultant firms to perform on-call planning and/or environmental planning services; and

WHEREAS, it is customary for a city to enter into one or more agreements for these services on an as-needed basis; and

WHEREAS, Government Code Section 4526 requires State and local agencies to select professional services firms such as these on the basis of demonstrated competency and professional qualifications; and

WHEREAS, the City issued a Request for Qualifications to twenty-one firms for on-call planning and/or environmental planning services; and

WHEREAS, ten firms for on-call planning and/or environmental planning services responded in a timely manner with complete statements of qualifications. The list of firms consists of Circlepoint; David J. Powers & Associates; Grassetti Environmental Consulting; Lamphier-Gregory; Lexington Planning; LSA; M-Group; Michael Baker, International; MIG; and Opticos Design, Inc.

WHEREAS, the on-call agreements do not have dollar amounts directly associated with them; and the agreed upon proposal for each task will be subject to funding available for that project and paid for by the applicant proposing the development, or for non-development project related expenses will be covered by the Department's operating budget.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby provides the City Manager with the flexibility to execute professional services agreements as necessary with one or more of the following ten on-call planning and/or environmental planning firms: Circlepoint, David J. Powers & Associates, Grassetti Environmental Consulting, Lamphier-Gregory, Lexington Planning, LSA, M-Group, Michael Baker International, MIG and Opticos Design, Inc. to provide planning services for periods of three years with options to extend for an additional two years in an amount not to exceed $75,000 per year for each agreement.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on May 17, 2016, the City Council passed this resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2016.

_____

Cheryl Morse, City Clerk

APPROVED:

_____

Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 5(F)

Date: May 17, 2016

To: El Cerrito City Council

From: Melissa Tigbao, Engineering Manager / Senior Engineer
Yvetteh Ortiz, Public Works Director / City Engineer

Subject: All-Way Stop at the Intersection of Norvell Street and Donal Avenue

ACTION REQUESTED

Adopt a resolution authorizing the Public Works Director/City Engineer to install stop signs on the northbound and southbound approaches of Norvell Street at Donal Avenue, creating an all-way stop.

DISCUSSION

The West Contra Costa Unified School District opened Korematsu Middle School at its new location, 7125 Donal Avenue, on March 28, 2016. The City's Public Works Department has been working with the School District and the Police Department to improve the safety and circulation on the streets and intersections surrounding the school. More specifically, Public Works staff and El Cerrito Police officers observed the traffic circulation during the first few weeks of the school opening and evaluated the existing conditions, including signs, striping and pavement markings at the intersection of Norvell Street and Donal Avenue.

The intersection of Norvell Street and Donal Avenue is a four-legged intersection, currently controlled by a two-way stop sign control. The stop signs are configured so that eastbound and westbound traffic on Donal Avenue must stop for northbound and southbound traffic on Norvell Street. This intersection is immediately adjacent to the Korematsu Middle School Campus, at its west side, and is on the vehicular route to the passenger loading zone on the east side of Norvell Street. This intersection is one of the major school crossing locations marked with yellow paint.

In order for Public Works to recommend installation of all-way stop sign control, the intersection must meet one or more specific traffic criteria established by the State of California, Department of Transportation. This is because all-way (also known as multi-way) stop control has been determined to be useful as a safety measure at intersections if certain traffic conditions exist. The State criteria indicates that all-way stop control should be installed where the number of vehicles approaching the intersection from all directions is approximately equal or where there is a collision problem as indicated by a specific number and types of incidents. Other criteria that may be considered in an engineering study include the need to control left-turn conflicts; the need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volume; locations where a road user, after stopping, cannot see conflicting traffic and is not able to safely negotiate the intersection unless conflicting cross traffic is also required to stop; and an intersection of two residential collector streets of similar design and operating characteristics where all-way stop control would improve traffic operational characteristics of the intersection.

Since the opening of Korematsu Middle School, Public Works and Police Department staff have observed the increase in vehicular traffic on Donal Avenue since the school opening, and noted that the existing right-of-way designation at this intersection has caused confusion. In addition, the installation of a new passenger loading zone on Norvell Street and a new AC Transit bus stop and loading zone on Donal Avenue has contributed to an increase in pedestrian activity, and as such, there has been an increase in vehicle/pedestrian conflicts at this intersection. This intersection is similar in operations to the intersection of Lawrence Street and Donal Avenue, at the east side of the school, which has yellow school crosswalks and is controlled by an all-way stop. Based on these factors, staff recommends the installation of two new stop signs on the northbound and southbound approaches of Norvell Street at Donal Avenue, creating an all-way stop.

STRATEGIC PLAN CONSIDERATIONS

Approval of the various stop sign installations around the Korematsu Middle School is consistent with the following El Cerrito Strategic Plan Goals:

- Goal E – *Ensure the public's health and safety* by providing a clear right-of-way designation for vehicular traffic circulating the school area and providing a safer pedestrian crossing by reducing pedestrian-vehicular conflict.

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a minor alteration of an existing public facility involving negligible or no expansion of use beyond that presently existing. More specifically, the installation of curb markings and signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, which is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The cost for the installation of signs, pavement markings, and curb markings are estimated to be under $2,000 and are included in the Public Works Capital Improvements Project budget for traffic safety and management.

LEGAL CONSIDERATIONS

El Cerrito Municipal Code Section 11.36.010 requires that the installation of stop signs be approved by a resolution of the City Council.

Reviewed by:

Scott Hanin, City Manager

Attachment:

1. Resolution

Agenda Item No. 5(F)
Attachment

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE ESTABLISHMENT OF AN ALL-WAY STOP AT THE INTERSECTION OF NORVELL STREET AND DONAL AVENUE

WHEREAS, the City of El Cerrito Public Works Department, has been working with the West Contra Costa Unified School District and El Cerrito Police Department on improving safety and circulation on the streets and intersections surrounding the new Korematsu Middle School which opened on March 28, 2016; and

WHEREAS, Public Works staff and Police Department officers observed an increase in vehicular and pedestrian traffic on Donal Avenue since the school opened, and noted that the existing right-of-way designation at the intersection of Norvell Street and Donal Avenue has caused confusion and an increase in vehicle/pedestrian conflicts at this intersection; and

WHEREAS, the Public Works Department has determined that the subject intersection meets the State of California criteria for all-way stop control based on a combination of factors including pedestrian safety and traffic operational characteristics; and

WHEREAS, El Cerrito Municipal Code Section 11.36.010 requires that the installation of any stop sign be approved by City Council resolution.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of El Cerrito hereby authorizes the Public Works Director/City Engineer to establish an all-way stop at the intersection of Norvell Street and Donal Avenue.

BE IT FUTHER RESOLVED, this project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because it is considered a minor alteration of existing public facility involving negligible or no expansion of use beyond that presently existing. More specifically, the installation of curb markings and signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, which is exempt from CEQA.

BE IT FUTHER RESOLVED, that this resolution shall become effective immediately upon its passage and adoption.

I CERTIFY that at a regular meeting on May 17, 2016, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 5(G)

Date: May 17, 2016

To: City Council of the City of El Cerrito

From: Melanie Mintz, Community Development Director

Subject: Borrow funds from the Municipal Services Corporation

ACTION REQUESTED

Adopt a resolution authorizing the borrowing of funds from the Municipal Services Corporation.

BACKGROUND

In November 2015, the City entered into an Installment Payment Plan agreement ("Agreement") with the Department of Finance in order to obtain a Finding of Completion related to the dissolution of the Redevelopment Agency. The Agreement requires that the City make payments totaling $1,981,989 to the taxing entities via the County Auditor-Controller. The Agreement allowed the Successor Agency to obtain a Finding of Completion and receive approval of its Long Range Property Management Plan, allowing it to proceed with disposition of former Redevelopment Agency (RDA) properties. The $1,981,989 represent funds determined by the Department of Finance to be available to the taxing entities resulting from the dissolution of the former RDA. As a result of making the installment payments required by the Agreement, and as discussed in the December 21, 2015Agenda Bill regarding the Installment Payment Plan agreement, in order to make the first payment, the City would need short-term cash flow assistance from the El Cerrito Municipal Services Corporation ("MSC"). The City has therefore requested a short-term loan from the MSC.

ANALYSIS

As a nonprofit public benefit corporation, the MSC's specific charitable and public purposes include, among other things, to benefit and support the City and to lessen the burdens of government of the City. Providing short-term cash-flow assistance to the City is consistent with these purposes.

This assistance would take the form of a loan agreement and promissory note with the following terms:

- Loan Amount: $350,000
- Interest Rate: Zero percent (0%) simple interest per annum
- Repayment: Full repayment by Fiscal Year 2020, or when sufficient funds are available after completion of the Installment Payment Plan agreement, in either a single lump sum or installments of any amount that equal the amount of the loan. Should the City default on any loan terms and fail to cure within the applicable cure period, the Corporation may declare the loan due and payable in full. The

City may prepay any portion of the loan at any time, without penalty or premium.

- Use of Proceeds: The City may use the loan proceeds solely and exclusively to pay for legitimate costs of governmental operation.
- Disbursement: Upon execution of the loan agreement and promissory note, the loan will be disbursed in a lump sum.

LEGAL CONSIDERATIONS

The actions being considered are consistent with California Corporations Law, the Corporation's public and charitable purposes, its Amended and Restated Bylaws, and the Board's previous actions.

Reviewed by:

Scott Hanin, City Manager

Attachment:

1. Resolution with Exhibit - Loan Agreement

Agenda Item No. 5(G)
Attachment 1

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING THE BORROWING OF FUNDS FROM THE EL CERRITO MUNICIPAL SERVICES CORPORATION

WHEREAS, the El Cerrito Municipal Service Corporation (the "Corporation") is a nonprofit public benefit corporation organized under the California Nonprofit Public Benefit Corporation Law for charitable purposes; and

WHEREAS, the specific charitable and public purposes for which the Corporation is organized are, among other things, to benefit and support the City of El Cerrito (the "City"), in accordance with Section 509(a)(3) of the Internal Revenue Code of 1986, as amended, and to lessen the burdens of government of the City; and

WHEREAS, the City and the El Cerrito Redevelopment Successor Agency ("Successor Agency") entered into an Installment Payment Plan agreement with the Department of Finance so that the Successor Agency could obtain a Finding of Completion and obtain approval of the Long Range Property Management Plan and as a result of making payments in accordance with the Installment Payment Plan agreement, the City presently needs short-term cash flow assistance and has therefore requested a short-term loan from the Corporation; and

WHEREAS, the Corporation currently has sufficient resources to fund the loan and the City anticipates sufficient revenues in the near-term to repay the loan on the terms requested; and

WHEREAS, providing short-term cash-flow assistance to the City in the form of a loan is consistent with the Corporation's charitable and public purposes; and

WHEREAS, the Corporation is willing to loan funds to the City under terms and conditions that are substantially in the form described in the attached Loan Agreement, which is Exhibit 1 to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of El Cerrito finds that the above recitals are true and correct.

BE IT FURTHER RESOLVED, that the Council does hereby authorize the City Manager to enter into a Loan Agreement with the El Cerrito Municipal Services Corporation substantially in the form of Exhibit 1 attached hereto.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption.

Agenda Item No. 5(G)
Attachment 1

I CERTIFY that at a regular meeting on May 17, 2016, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Councilmember:
NOES: Councilmember:
ABSENT: Councilmember:

IN WITNESS of this action, I sign this document on May __, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

EXHIBIT 1 TO
RESOLUTION 2016-XX

LOAN AGREEMENT BETWEEN THE CITY OF EL CERRITO AND THE EL CERRITO MUNICIPAL SERVICES CORPORATION

THIS LOAN AGREEMENT (this "Agreement") is entered into as of _____, 2016 (the "Effective date"), by and between the City of El Cerrito, a California municipal corporation (the "City"), and the El Cerrito Municipal Services Corporation, a nonprofit public benefit corporation (the "Corporation"). The City and the Corporation are hereinafter collectively referred to as the "Parties."

RECITALS

A. The Corporation is a nonprofit public benefit corporation organized under the California Nonprofit Public Benefit Corporation Law for charitable purposes. The specific charitable and public purposes for which the Corporation is organized are, among other things, to benefit and support the City of El Cerrito, in accordance with Section 509(a)(3) of the Internal Revenue Code of 1986, as amended, and to lessen the burdens of government of the City.

B. In November 2015, the City and Department of Finance entered into a Installment Payment Plan agreement related to the dissolution of the former El Cerrito Redevelopment Agency. Pursuant to the Installment Payment Plan agreement, the City agreed to pay funds to the taxing entities via the County Auditor-Controller determined by the Department of Finance to be available as a result of the dissolution of the former Redevelopment Agency, so that the Successor Agency could get a Finding of Completion and obtain approval of its Long Range Property Management Plan, allowing it to proceed with disposition of former RDA properties. As a result of making the installment payments in accordance with the agreement, the City is presently experiencing a need for short-term cash flow assistance. The City has therefore requested a short-term loan from the Corporation.

C. The Corporation believes that providing short-term cash-flow assistance to the City in the form of a loan is consistent with its corporate purposes and is willing to loan funds to the City pursuant to the terms and conditions described in this Agreement.

D. Concurrently herewith the City shall execute a promissory note (the "Note") in the amount of the Loan. This Agreement and the Note are collectively hereinafter referred to as the "Loan Documents."

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows.

ARTICLE I
LOAN TERMS

1.1. Loan and Note. Corporation agrees to loan to City, and City agrees to borrow from Corporation, subject to the provisions of Section 1.2.1, , the sum of up to Three hundred

fifty thousand dollars ($350,000) upon the terms and conditions and for the purposes set forth in this Agreement (the "Loan"). The Loan shall be evidenced by the Note which shall be dated as of the Effective Date and executed by the City substantially in the form attached hereto as Exhibit A. Provided that City has complied with all conditions set forth in Section 2.3, the Loan Proceeds shall be disbursed in accordance with Section 2.2 hereof. The Parties agree that the Corporation shall disburse Loan Proceeds only for and to the extent necessary for the purposes set forth in Section 2.1.

1.2. Interest Rate; Right to Demand Payment Upon Default. The outstanding principal balance of the Note shall bear interest at the rate of zero percent (0%) simple interest per annum. Provided that the City is not in default under the Loan Documents, no periodic payments shall be due on the Loan. The Corporation shall have the right to declare the entire outstanding principal balance of the Loan together with accrued interest and all other sums due under the Loan Documents due and payable in full upon the occurrence of an Event of Default under the Loan Documents and the expiration of any applicable cure period.

1.3. None

1.4. Payment. The City shall fully repay the Loan on or before June 30, 2020, unless the Parties agree to a later date. At the City's discretion, it may repay the Loan in a single lump sum or in installments of any amount that equal the amount of the Loan.

1.5. Prepayment. The Loan or any portion of the outstanding principal balance due under the Loan Documents may be prepaid at any time and from time to time, without penalty or premium. Prepayments shall be applied first to accrued but unpaid interest and then to principal. In no event shall any amount due under the Loan Documents become subject to any rights of offset, deduction, or counterclaim on the part of the City.

ARTICLE II
USE AND DISBURSEMENT OF LOAN PROCEEDS

2.1. Use of Proceeds. The City may use the proceeds of the Loan ("Loan Proceeds") solely and exclusively to pay for legitimate costs of governmental operation.

2.2. Disbursement of Proceeds. Upon satisfaction of the conditions set forth in Section 2.3, provided that the City has provided Corporation with such other documentation as Corporation may reasonably require, Corporation shall disburse Loan Proceeds to City in a lump sum.

2.3. Conditions Precedent to the Disbursement of Proceeds.

(a) Corporation's obligation to disburse the Loan Proceeds is conditioned upon the City's delivery to the Corporation of fully-executed and acknowledged copies of the

Note and this Agreement and such documentation as Corporation shall reasonably require regarding City's authority to execute and perform its obligations under the Loan Documents.

(b) No material adverse change as determined by the Corporation in its reasonable judgment shall have occurred in the financial or other condition of the City since the date of this Agreement.

ARTICLE III
REPRESENTATIONS, WARRANTIES, AND COVENANTS

3.1. City's Representations, Warranties, and Covenants. The City represents and warrants to the Corporation as follows, and the City covenants that until the expiration or earlier termination of this Agreement, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 3.1 not to be true, the City shall immediately give written notice of such fact or condition to the Corporation. The City acknowledges that the Corporation shall rely upon the City's representations made herein notwithstanding any investigation made by or on behalf of the Corporation.

(a) Legal Status; Authority. The City is California municipal corporation, duly organized and operating under the laws of the State of California. The City has the full right, power and authority to deliver and perform all obligations of the City under the Loan Documents. The City's execution, performance and delivery of the Loan Documents has been duly authorized by all requisite actions, and when executed and delivered will each constitute a valid and binding obligation of the City, enforceable in accordance with the respective terms thereof. The persons executing this Agreement on behalf of the City have been duly authorized to do so. This Agreement and the other Loan Documents constitute valid and binding obligations of the City, enforceable in accordance with their respective terms.

(b) No Conflict. The execution of the Loan Documents and the City's performance thereunder do not and will not result in a breach of or constitute a default under any agreement, contract, order, indenture or other instrument to which the City is a party or by which the City may be bound.

(c) No Litigation or Other Proceeding. There are no pending or, to the City knowledge, threatened actions or proceedings before any court or administrative body which may adversely affect the financial condition or operation of the City or the City's use of the Proceeds.

(d) No Bankruptcy. The City is not the subject of a bankruptcy or insolvency proceeding.

(e) Compliance with Laws. The City is in compliance in all material respects with all local, state, and federal laws, rules, regulations, orders, and decrees that are applicable to the Loan or to the City in relation thereto ("Applicable Law")

3.2. Corporation's Representations, Warranties, and Covenants. The Corporation represents and warrants to the City as follows, and the Corporation covenants that until the expiration or earlier termination of this Agreement, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 3.2 not to be true, the Corporation shall immediately give written notice of such fact or condition to the City. The Corporation acknowledges that the City shall rely upon the Corporation's representations made herein notwithstanding any investigation made by or on behalf of the City.

(a) Legal Status; Authority. The Corporation is a nonprofit public benefit corporation, duly organized and operating under the laws of the State of California and the United States. The Corporation has the full right, power and authority to deliver and perform all obligations of the Corporation under the Loan Documents. The Corporation's execution, performance and delivery of the Loan Documents has been duly authorized by all requisite actions, and when executed and delivered will each constitute a valid and binding obligation of the Corporation, enforceable in accordance with the respective terms thereof. The persons executing this Agreement on behalf of the Corporation have been duly authorized to do so. This Agreement and the other Loan Documents constitute valid and binding obligations of the Corporation, enforceable in accordance with their respective terms.

(b) No Conflict. The execution of the Loan Documents and the Corporation performance thereunder do not and will not result in a breach of or constitute a default under any agreement, contract, order, indenture or other instrument to which the Corporation is a party or by which the Corporation may be bound.

(c) No Litigation or Other Proceeding. There are no pending or, to the Corporation knowledge, threatened actions or proceedings before any court or administrative body which may adversely affect the financial condition or operation of the Corporation or the Corporation's ability to make the Loan.

(d) No Bankruptcy. The Corporation is not the subject of a bankruptcy or insolvency proceeding.

(e) Compliance with Laws. The Corporation is in compliance in all material respects with all local, state, and federal laws, rules, regulations, orders, and decrees that are applicable to the Loan or to the Corporation in relation thereto ("Applicable Law")

ARTICLE IV
INDEMNIFICATION

4.1. Indemnification of Corporation by City. The City shall defend (with counsel reasonably acceptable to Corporation), hold harmless and indemnify the Corporation, its officers, employees and agents from and against all claims, liability, costs, expenses, loss or damages of any nature whatsoever, including reasonable attorneys' fees, arising out of or in any way connected with its failure to perform its covenants and obligations under this Agreement

and any of its operations or activities related thereto, excluding the willful misconduct or gross negligence of the person or entity seeking to be defended, indemnified, or held harmless.

4.2. Indemnification of City by Corporation. The Corporation shall defend (with counsel reasonably acceptable to Corporation), hold harmless and indemnify the City, its officers, employees and agents from and against all claims, liability, costs, expenses, loss or damages of any nature whatsoever, including reasonable attorneys' fees, arising out of or in any way connected with its failure to perform its covenants and obligations under this Agreement and any of its operations or activities related thereto, excluding the willful misconduct or gross negligence of the person or entity seeking to be defended, indemnified, or held harmless.

ARTICLE V
EVENTS OF DEFAULT AND REMEDIES

5.1. Events of Default. Each of the following events will constitute an Event of Default ("Event of Default") under this Agreement:

(a) Non-disbursal of Loan Proceeds. The Corporation's failure to disburse Loan Proceeds pursuant to this Agreement.

(b) Nonpayment. The City's failure to make payments pursuant to this Agreement.

(c) Failure to Perform. Either Party's failure, neglect or refusal to perform any promise, agreement, covenant or obligation contained in this Agreement, after any applicable cure periods.

5.2. Notice of Default. Whenever any Event of Default has occurred, other than a failure to pay any sums due, a Party shall give written notice of default to the other Party. If the default is not cured within thirty (30) calendar days after the Date of Default (defined herein), or any extension approved in writing by the Party providing notice, the Party not in default may enforce its rights and remedies under Section 5.3 below. Any default that has occurred will be deemed to commence on the date that written notice of default is effective pursuant to Section 6.1 of this Agreement (the "Date of Default"). In the event of a default in the payment of any payment when due, the City shall have ten (10) calendar days from the payment due date to cure such default, whether or not the Corporation gives written notice.

5.3. Remedies. Upon the occurrence of any Event of Default, a Party, in addition to any other remedies provided herein or by law, has the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(a) In the event that the City fails to make a loan payment, the Corporation may accelerate and declare the balance of the Loan and interest accrued thereon immediately due and payable.

(b) Seek specific performance to enforce the terms of the Loan Documents.

(c) Pursue any and all other remedies available under law to enforce the terms of the Loan Documents and the Party's rights thereunder.

5.4. Remedies Cumulative. Each of the remedies provided herein is cumulative and not exclusive of, and shall not prejudice any other remedy provided in any other Loan Document. A Party may exercise from time to time any rights and remedies available to it under applicable law, in addition to, and not in lieu of, any rights and remedies expressly granted in this Agreement or in any other instrument or notice, demand or legal process of any kind.

ARTICLE VI
MISCELLANEOUS

6.1. Notices. Except as otherwise specified in this Agreement, all notices to be sent pursuant to this Agreement shall be made in writing, and sent to the Parties at their respective addresses specified below or to such other address as a Party may designate by written notice delivered to the other Party in accordance with this Section. All such notices shall be sent by:

(a) Personal delivery, in which case notice shall be deemed delivered upon receipt;

(b) Certified or registered mail, return receipt requested, in which case notice shall be deemed delivered two (2) business days after deposit, postage prepaid in the United States mail;

(c) Nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) day after deposit with such courier; or

(d) Facsimile transmission, in which case notice shall be deemed delivered on transmittal, provided that a transmission report is generated reflecting the accurate transmission thereof.

City:

City of El Cerrito
Attn: Finance Director/City Treasurer
10890 San Pablo Avenue
El Cerrito, CA 94530-2323

Corporation:

El Cerrito Municipal Services Corporation
Attn: Chief Financial Officer
10890 San Pablo Avenue
El Cerrito, CA 94530-2323

6.2. Counterparts. This Agreement may be executed in multiple counterparts each of which shall be an original and all of which taken together shall constitute one and the same instrument.

6.3. Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the Parties are materially altered or abridged by such invalidation, voiding or unenforceability.

6.4. Legal Actions; Attorneys' Fees. In the event any legal action is commenced to interpret or to enforce the terms of this Agreement or to collect damages as a result of any breach thereof, the Party prevailing in any such action shall be entitled to recover against the other Party all reasonable attorneys' fees and costs incurred in such action.

6.5. Captions; Interpretation. The captions of the Sections and Articles of this Agreement are for convenience only and are not intended to affect the interpretation or construction of the provisions herein contained. The language of this Agreement shall be construed as a whole according to its fair meaning and not strictly for or against any Party. Time is of the essence in the performance of this Agreement.

6.6. Further Assurances. The Parties agree to execute, acknowledge and deliver to the other such other documents and instruments, and take such other actions, as either shall reasonably request as may be necessary to carry out the intent of this Agreement.

6.7. Parties Not Co-Venturers. Nothing in this Agreement is intended to or shall establish the Parties as partners, co-venturers, or principal and agent with one another.

6.8. Governing Law; Venue. This Agreement shall in all respects be construed and enforced in accordance with laws of the State of California without regard to principles of conflicts of laws. The Parties agree that any action to enforce or interpret this Agreement shall be litigated exclusively in courts having jurisdiction in Contra Costa County. The Parties irrevocably consents to service, jurisdiction, and venue of such courts for any such litigation and waives any other venue to which it might be entitled by virtue of domicile, habitual residence or otherwise.

6.9. Waiver; Modification And Amendment. No failure or delay on the part of the a Party in exercising any right, power, or remedy hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any such right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy hereunder. No modification or waiver of any provision of this Agreement, nor any consent to any departure by a Party therefrom, shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which given. No notice to or demand on a Party in any case shall entitle the Party to any other or further notice or demand in similar or other circumstances. No amendment to

this Agreement shall be effective unless and until such amendment is in writing, properly approved in accordance with applicable procedures, and executed by the Parties.

6.10. Assignment. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns. Notwithstanding the foregoing, the Corporation's obligation to make the Loan is personal to the City, and shall not be assignable by the City by operation of law or otherwise absent the express written consent of the Corporation, and any such assignment by operation of law or otherwise shall be void.

6.11. No Third Party Beneficiaries. There shall be no third party beneficiaries to this Agreement.

6.12. Entire Agreement; Exhibits. This Agreement, together with the other Loan Documents, constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes any and all prior or contemporaneous oral or written agreements and negotiations between the Parties with respect thereto. Exhibit A attached hereto is incorporated herein by reference as though fully set forth herein.

6.13. Survival. All representations made by the Parties herein, all indemnity provisions and all other provisions that state that they shall survive the termination hereof shall survive the expiration or earlier termination of this Agreement. The representations of a Party made herein have been or will be relied upon by the other Party, notwithstanding any investigation made by the party or on its behalf.

6.14. Corporation Status. The City recognizes and agrees that the Corporation is not a commercial lending institution, but a public benefit nonprofit corporation acting pursuant to its corporate purpose. Any duties or obligations that a commercial lending institution might have to the City shall not apply to this transaction except as set forth herein and in the Loan Documents.

6.15. Action by the City. Except as may be otherwise specifically provided herein, whenever any approval, notice, direction, or consent by the City is required or permitted under this Agreement, such action shall be in writing, and such action may be given, made or taken by the City Manager or by any person who shall have been designated by the City Manager, without further approval by the City Council.

6.16. Non-Liability of City and City Officials, Employees, and Agents. No member, official, employee or agent of the City shall be personally liable to the Corporation or any successor in interest to any of the foregoing in the event of any default or breach by the City, or for any amount of money which may become due to the Corporation or the Corporation's successors in interest or for any obligation of City under this Agreement.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the City and the Corporation have executed this Agreement as of the Effective Date.

City of El Cerrito	**El Cerrito Municipal Services Corporation**
_____	_____
Scott Hanin, City Manager	Scott Hanin, Executive Director
Attest:	Attest:
_____	_____
Cheryl Morse, City Clerk	Cheryl Morse, Secretary
Approved as to Form:	Approved as to Form:
_____	_____
Sky Woodruff, City Attorney	Karen Tiedemann, Counsel

2649495.1

EXHIBIT A

FORM OF PROMISSORY NOTE

PROMISSORY NOTE

$350,000 El Cerrito, California
_____, 2016

A. FOR VALUE RECEIVED, the CITY OF EL CERRITO, a municipal corporation, operating and as authorized by applicable law of the State of California ("Maker"), promises to pay to the EL CERRITO MUNICIPAL SERVICES CORPORATION ("Holder"), the principal sum of THREE HUNDRED FIFTY THOUSAND DOLLARS ($350,000), or so much thereof as may be advanced by Holder pursuant to the loan agreement described below, together with interest on the outstanding principal balance, in accordance with the terms and conditions described herein.

This Promissory Note ("Note") has been executed and delivered pursuant to the terms of a Loan Agreement dated _____, 2016 (the "Agreement") between Maker and Holder which details the terms and conditions under which Holder agrees to lend to Maker, and Maker agrees to borrow, up to THREE HUNDRED FIFTY THOUSAND DOLLARS ($350,000), (the "Loan"). The Agreement requires Holder to disburse the amount for the Loan in a lump sum. This Note reflects the disbursement under the Agreement. The rights and obligations of Maker under this Note shall be governed by the Agreement and by the terms set forth in this Note. Capitalized terms used, but not defined herein, shall have the same meaning as set forth in the Agreement.

B. Note Terms.

(1) Loan Term. The Maker shall repay any loan principal and accrued interest in an amount required to pay off the total outstanding loan principal, together with accrued interest thereon, on or before June 30, 2020 (the "Maturity Date").

(2) Interest Rate. The unpaid principal balance of the Loan shall accrue interest at the rate of zero percent (0%) until all indebtedness and other amounts payable under this Agreement are paid in full.

(3) Payments. At the Maker's discretion, it may repay the loan in a single lump sum or in installments of any amount that equal the amount of the loan.

(4) Place and Manner of Payment. Payments shall be made in lawful money of the United States to Holder at 10890 San Pablo Avenue, El Cerrito, CA 94530, or at such other place as Holder may from time to time designate in writing to Maker.

(5) Prepayment. Maker may prepay this Note, including any accrued interest, either in whole or in part, at any time prior to the Maturity Date without penalty or other charge.

C. If default occurs in the payment of this Note when due, and the default is not cured within thirty (30) days, the Holder may accelerate and declare the balance of the loan and interest accrued thereon immediately due and payable. In case of any default by the Maker, Holder shall have available all remedy options stated in Article 5 of the Agreement.

D. Maker agrees to pay the following costs, expenses and attorneys' fees paid or incurred by Holder, or adjudged by a court: (1) reasonable costs of collection, costs, expenses and attorneys' fees paid or incurred in connection with the collection or enforcement of this Note, whether or not suit is filed; and (2) costs of suit and such sums as the court may adjudge as attorneys' fees in an action to enforce payment of this Note or any part thereof.

E. This Note shall be governed by and construed in accordance with the laws of the State of California.

F. The terms of this Note shall be binding upon and inure to the benefit of the respective heirs, successors in interest and assigns of Maker and Holder.

G. Time is of the essence with respect to each and every provision hereof. If any provision hereof is found to be invalid or unenforceable by a court of competent jurisdiction, the invalidity thereof shall not affect the enforceability of the remaining provisions of this Note.

Executed in El Cerrito, California on _____, 2016

CITY OF EL CERRITO

_____

By: Scott Hanin
Its: City Manager

AGENDA BILL

Agenda Item No. 5(H)

Date: May 17, 2016

To: El Cerrito City Council

From: Maria Sanders, Operations + Environmental Services Division Manager
Yvetteh Ortiz, Public Works Director / City Engineer

Subject: CalRecycle Grant Program Application

ACTION REQUESTED

Adopt a resolution authorizing the City Manager, or his designee, to submit applications for Payment Programs and related authorizations to the California Department of Resources Recycling and Recovery.

DISCUSSION

CalRecycle, officially known as the Department of Resources Recycling and Recovery, is the department within the California Natural Resources Agency that administers the State's integrated waste management programs. Through Public Resources Code section 48000 et seq., CalRecycle has established various programs to make payments to qualifying jurisdictions. Such programs include the City/County Payment Program, which provides block grants, calculated on a per capita basis, to promote beverage container litter reduction and recycling activities.

The City annually receives approximately $6,500 per year. During this year's funding cycle, the City is entitled to receive $6,470. Staff proposes to use the funds to purchase dual stream trash receptacles for use in City parks and in other public spaces to accommodate proper disposal of trash and recyclables and to generally improve recycling access in public places.

These grants are not competitive, but require qualifying jurisdictions to submit applications to receive funding. Beginning with this year's funding cycle, all jurisdictions are required to adopt the attached resolution authorizing the submittal of the grant application. Adoption of the Resolution will authorize staff to continue submitting City/County Payment Program funding requests until such time as the resolution is rescinded.

STRATEGIC PLAN CONSIDERATIONS

Adoption of the resolution will entitle the City to receive funds to promote recycling in the City public spaces. This would help fulfill the following City of El Cerrito Strategic Plan goal and objective:

- *Goal F: Foster Environmental Sustainability Citywide* by implementing the City's *Climate Action Plan, including reducing the amount of waste generated in El Cerrito.*

ENVIRONMENTAL CONSIDERATIONS

This action does not constitute a "Project" under the California Environmental Quality Act (CEQA) Section 15378.

FINANCIAL CONSIDERATIONS

Adoption of the resolution will enable the City to apply for approximately $6,470 in block grant funds, to be appropriated into the Integrated Waste Management Fund as part of the Fiscal Year 2016-2017 budget process. There are no matching funds requirements.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution

Agenda Item No. 5(H)
Attachment

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT APPLICATIONS FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the California Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes submittal of applications to CalRecycle for any and all payment programs offered, and that the City Manager, or his designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage and adoption and until rescinded by Signature Authority or this governing body.

I CERTIFY that at a regular meeting on May 17, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May xx, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 5(J)

Date: May 17, 2016

To: City Council of the City of El Cerrito

From: Melanie Mintz, Community Development Director

Subject: Approval by the City Council of Acceptance of the Former Redevelopment Agency Properties in Accordance with the Successor Agency Long Range Property Management Plan

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ACTION REQUESTED

That the City Council adopt a resolution accepting the conveyance of certain former Redevelopment Agency properties form the El Cerrito Municipal Services Corporation in accordance with the Successor Agency to the El Cerrito Redevelopment Agency Long Range Property Management Plan.

BACKGROUND

Prior to the dissolution of the El Cerrito Redevelopment Agency, the Redevelopment Agency entered into conveyance agreements with the El Cerrito Municipal Services Corporation (MSC) whereby the former Redevelopment Agency agreed to convey to the MSC properties owned by the former Redevelopment Agency and the MSC agreed to accept the properties and to use the properties in a manner consistent with the Redevelopment Plan. (Resolutions 2011-03 and Redevelopment Resolution 612.) The properties conveyed to the MSC were the Mayfair Block properties (11600 and 11690 San Pablo Avenue and 1925 Kearney), the Eastshore Block Properties (1133-041 San Pablo Avenue, 6111 Potrero, and 1718 Eastshore), the Civic Center Property (10930-10940 San Pablo Avenue) and the Cerrito Theater property (10066-72 San Pablo Avenue). Subsequent to the dissolution of the Redevelopment Agency, the State Controller's Office and the California Department of Finance ordered the reversal of the transfer of the properties to the MSC, claiming that the transfers violated the Redevelopment Dissolution Laws. The City, the MSC and the Successor Agency to the former Redevelopment Agency dispute the State's determination regarding the validity of the transfers of the property and currently have pending an appeal with the California Court of Appeal on this matter.

In an effort to move forward with the potential development of the former Redevelopment Agency properties, the Successor Agency in December prepared and the Department of Finance approved a Long Range Property Management Plan (LRPMP) related to the former Redevelopment Agency properties (SA Resolution 2015-03). The LRPMP called for the Mayfair Block and the Eastshore Block to be transferred to the City for future development. The LRPMP called for the Civic Center Property to be transferred to the City as a government purpose property. The LRPMP called for the Cerrito Theater to be sold with the sales proceeds to be distributed to the taxing entities

and allowed for the City to acquire the property pursuant to a compensation agreement with the taxing entities.

The City is proceeding with an RFQ/RFP for the Mayfair Block with the goal of selecting a developer for the Mayfair Block early this summer. (It is anticipated that staff will recommend a preferred developer to enter into an Exclusive Negotiating Rights Agreement with the City to City Council in approximately July.) The City also expects to procced with the sale of the Eastshore Block soon. In order to proceed with the disposition of the Mayfair Block and the Eastshore Block in accordance with the LRPMP, the properties need to transfer from the MSC to the City. Additionally, the Civic Center property should transfer to the City as a government purpose property.

The MSC is proposing to transfer the Mayfair Block, the Eastshore Block and the Civic Center Property to the City at this time. Transfer of the Cerrito Theater will occur at a later date. Once transferred to the City, the City can proceed with the selection of developers for the Mayfair Block and the Eastshore Block. Upon sale of both the Mayfair Block and the Eastshore Block, the sales proceeds will be distributed to the taxing entities in accordance with the requirements of the LRPMP. The City will retain the Civic Center property for continued use as storage, parking and operations support for police and fire equipment.

FINANCIAL CONSIDERATIONS

The transfer of the properties to the City will relieve the MSC of the continued obligation to pay property taxes for the former Redevelopment Agency properties. Transfer of the Mayfair Block and the Eastshore Block will be the first step toward sale and development of these properties. Development of these properties is consistent with the San Pablo Avenue Specific Plan and is expected to generate future property taxes to the City as well as other taxing entities as well as place underutilized properties into viable use.

LEGAL CONSIDERATION

These actions are consistent with the Long Range Property Management Plan the Dissolution Law and have been reviewed by the Successor Agency Counsel.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. City Council Resolution

Agenda Item No. 5(J)

RESOLUTION NO. 2016-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL ACCEPTING CONVEYANCE OF CERTAIN FORMER EL CERRITO REDEVELOPMENT AGENCY PROPERTIES PURSUANT TO THE SUCCESSOR AGENCY TO THE EL CERRITO REDEVELOPMENT AGENCY LONG RANGE PROPERTY MANAGEMENT PLAN

WHEREAS, prior to the dissolution of the El Cerrito Redevelopment Agency (the "Dissolved RDA"), the Dissolved RDA owned certain properties (the "Properties") located within the City of El Cerrito Redevelopment Project Area (the "Project Area") and more particularly described on Exhibit A attached hereto and incorporated herein; and

WHEREAS, prior to dissolution of the Dissolved RDA, the Dissolved RDA transferred the Properties to the El Cerrito Municipal Services Corporation ("MSC") pursuant to certain conveyance agreements; and

WHEREAS, upon dissolution of the Dissolved RDA in accordance with California Law, the Successor Agency to the El Cerrito Redevelopment Agency (the "Successor Agency") succeeded to all the rights and obligations of the Dissolved RDA; and

WHEREAS, the Successor Agency has been ordered by the California State Controller's Office and the California Department of Finance to reverse the transfers of the Properties to the MSC; and

WHEREAS, the City, the MSC and the Successor Agency continue to dispute the Controller's and the Department of Finance's orders and the validity of those orders is the subject of a pending appeal with the California Court of Appeal; and

WHEREAS, notwithstanding the ongoing dispute over the validity of the transfers of the Properties to the MSC, the Successor Agency, in accordance with Health and Safety Code Section 34191.5 prepared and the Department of Finance approved a Long Range Property Management Plan including the Properties which calls for the Properties to be transferred to the City for future development and governmental purposes; and

WHEREAS, the City has determined that acceptance of the Properties is in the best interest of the City; and

WHEREAS, pursuant to Section 15061(b)(3) of the CEQA Guidelines, CEQA review of the conveyance of the Properties is not required because it can be seen with certainty that conveyance of the Properties will not alter the existing use of the Properties and that prior to any development of the Properties compliance with CEQA will be required.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council finds that the above recitals are accurate.

2. The City Council hereby approves the acceptance of the Properties and approves execution of any documents necessary to obtain conveyance of the Properties to the City by the City Manager, including Certificates of Acceptance, grant deeds and all ancillary documents.

3. Nothing in this Resolution shall affect the City's policy discretion in granting or denying the land use entitlements, or any other planning approvals necessary for the development of the Properties.

4. This Resolution shall take immediate effect upon its adoption.

I CERTIFY that at a regular meeting on May ___, 2016, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAINS:	Councilmembers:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May ___, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

EXHIBIT A
PROPERTIES

Future Development Properties:

1. Mayfair Block :
    a. 1925 Kearny St.;
       11690 San Pablo Avenue;
       11600 San Pablo Avenue

2. Eastshore Block
    a. 11335-41 San Pablo Ave.
    b. 6111 Potrero
    c. 1718 Eastshore

Government Purpose Property:

3. Civic Center
    a. 10930/10940 San Pablo Ave.

AGENDA BILL

Agenda Item No. 6(A)

THE CITY OF EL CERRITO

Date: May 17, 2016

To: El Cerrito City Council

From: Stacey Johnson, Administrative Analyst

Subject: Master Fee Schedule Revision for Fiscal Year 2016-17

ACTION REQUESTED

Conduct a public hearing and adopt a resolution approving the Fiscal Year 2016-17 Master Fee Schedule.

BACKGROUND

The Master Fee Schedule, which includes all of the City's user fees, charges for services, and business license tax rates, is revised annually, as required by El Cerrito Municipal Code §4.01.010:

> *Prior to July 1st of each year, the council shall consider and adopt the schedule of all general and special fees and charges to be known as the master fee schedule. The master fee schedule shall list all fees and charges by department and is on file in the office of the city clerk.*

Adjustments to fees and charges for service are intended to cover changes in the City's cost of providing programs and services. Each year, changes in costs are analyzed and adjustments are proposed. In some cases, a proposed fee may not fully cover the cost of the program or service, such as if raising it to do so would result in a drop in revenue, due to other cities and organizations offering comparable programs with lower fees, or if the increase would be inconsistent with the legal restriction on regulatory fees.

Over the last few years, fees and charges for services have generally been increased between 3% and 5% each year. Commonly used consumer price indices have increased by close to 3% in recent years, while the City's costs have increased at a higher rate. For FY 2016-17, fees were generally increased by 3%, with some exceptions discussed in more detail below.

ANALYSIS

General Adjustments

The proposed FY 2016-17 Master Fee Schedule reflects a recommended 3% increase for most fees, representing the City's increased costs of providing services. This adjustment reflects increases in both personnel and non-personnel related costs.

Some proposed fees have been adjusted by amounts other than the 3% general adjustment or held constant with the FY 2015-16 levels. The primary factors in these varying adjustments are market conditions that call for competitive pricing, changes in staffing, re-evaluation of cost of a service, or have other issues that will be discussed further in this report. In the attached Draft FY 2016-17 Master Fee Schedule, the cost adjustment column reflects the percentage applied to the particular fee, including where the adjustment varies from 3%. Cost adjustments are applied to the fees before rounding.

Building Construction and Inspection Fees

Building construction and inspection fees are increased by the general 3% factor, except in 3 categories: 1) All A Tenant Improvements; 2) Office Tenant Improvements; and 3) Retail Tenant Improvements. Staff does not recommend increasing fees for these specific commercial improvements at this time, in order to incentivize commercial improvements and due to these fees being higher than some adjacent communities. Staff also proposes to do a Permit Fee Study next fiscal year to assure that our fees are both adequately set for cost recovery while also achieving City goals, for example to promote and encourage economic development. .

Additional permit fees mandated by other agencies are included in the fee schedule for information only, as the City does not set but does collect those fees. This year the fee for Sidewalk Sign Permit is proposed to be added both inside and outside the Specific Plan area to create a streamlined way for staff to review and approve sidewalk signs when they will be installed alone, e.g. without the review of other permanent signs. Staff is also proposing to add a fee for Electric Vehicle Charging Stations, for both Residential Chargers and Commercial Chargers.

In addition, a fee for Solar Water System Fixtures (solar panels, tanks, water treatment equipment) is being added at $213.00, to be in line with installation of solar photovoltaic systems.

Public Works Fees

A new category is proposed to be added in the Grading Section of the Public Works fees. The new category is “Grading Work Started Prior to Obtaining a Permit.” An increase in the flat rate to cover costs for the furnishing, issuance, and installing of trees has been proposed for Tree Planting. Other minor edits have been proposed to better identify the item/description of services.

Recreation Fees

Every year, staff analyzes the usage of various programs and adjusts fees in accordance with market and cost changes as well as the needs of the community. This year’s proposed fees reflect a 3% increase generally. Exceptions include market-driven fees for programs and rentals, as well as accounting for adjustments to the amount of time that programs take place. Some fee increases in the Aquatics Division are being proposed to exceed 3% to help partially offset the 15%-20% hourly pay rate increases received by part time workers at the Swim Center. The majority of Recreation facility fees remain unchanged due to market conditions as well as facility quality and age. New fees have

been introduced to help standardize how all facilities are rented out in accordance with the different hourly rates that are charged. There is a new fee for Optional Clean-Up Service (additional hours) for facilities rentals, as well as a new Transfer Fee for Picnics. Discounts for Co-Sponsored and Non-Profit rentals are being standardized to a percentage discount rather than being listed individually for the different types of facilities. This Master Fee Schedule also includes a new El Cerrito Co-Sponsored Youth Group Discount (hourly rates only) and a new Splash Park Only Ten Swim Pass for both residents and non-residents, with residents receiving a nominal discount due to their El Cerrito resident status.

Business License Tax

For the City's Business License Tax rates, increases are prescribed per El Cerrito Municipal Code Section 4.32.381, as follows:

> *All business license taxes or fees payable under this chapter for ensuing years after 1988-89, beginning with the fiscal year which starts July 1, 1989, with the exception of rates in Sections 4.32.370 and 4.32.380 (gross receipts taxes), shall be adjusted upward or downward based on the % change from the February 1988 figure of 117.0 in the Revised Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco-Oakland Bay Area as published by the Department of Labor for the month of February prior to the fiscal year in which the rate adjustment is applicable. The license administrator shall compute such changes each year and submit them to the city council, which may incorporate same into the master fee schedule.*

The CPI change for this year is based on the change from 258.572 (February 2015) to 262.600 (February 2016) which yields a 3.02% adjustment for the year.

Tobacco Retailer License Program

The City Council established the new Tobacco Retailer License Program (Ordinance No. 2015–08 adopted on October 6, 2015) including license fees as well as a fee reduction incentive to encourage early compliance with the program. During the initial license application period, 6 of the 16 retailers chose to come into full compliance with the business standards right away and received the fee reduction incentive. Anecdotally, many of those retailers indicated the fee reduction was the reason they chose to be in early compliance.

Because the fee reduction incentive was successful in motivating a number of retailers to voluntarily come into early compliance, staff proposes to increase the fee reduction incentive for license renewals in July 2016 from a 25% fee reduction to a 50% fee reduction. This would reduce the amount of the fee from $329.20 to $219.50.

Although this will result in decreased revenue to the City for Fiscal Year 2016-17 in the amount of $109.75 per business for early compliance, it supports the goals of the City's Tobacco Retailer License Program and will result in decreased sales of flavored non-

cigarette tobacco products as well as other business standards that will go into effect on January 1, 2018.

FINANCIAL CONSIDERATIONS

The revenue generated by fees, charges for service, and business license taxes that will appear in the City's FY 2016-17 proposed budget will be based on the Master Fee Schedule approved by the City Council.

LEGAL CONSIDERATIONS

With the exception of development fees, all fees listed in the Master Fee Schedule will become effective July 1, 2016, on the first day of the fiscal year. Development fees will become effective 60 days after City Council approval.

As required by California Government Code §66018(a), the City is required to conduct a public hearing prior to adopting planning, building, and some other new fees or fee increases, as follows:

> *66018(a) Prior to adopting an ordinance, resolution, or other legislative enactment adopting a new fee or approving an increase in an existing fee to which this section applies, a local agency shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062a.*

This public hearing satisfies the Government Code requirement and notification of the hearing was made in accordance with the code section.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution
   Exhibit A Proposed FY 2016-17 Master Fee Schedule

Agenda Item No. 6(A)
Attachment 1

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2016-17

WHEREAS, El Cerrito Municipal Code Section 4.01.010 requires that prior to July 1st of each year, the City Council shall consider and adopt the schedule of all general and special fees and charges to be known as the Master Fee Schedule; and

WHEREAS, the City Council desires to update currently established fees to cover inflation and City costs, which form the basis for the majority of the changes, as well as to establish new fees in keeping with City Council policy direction; and

WHEREAS, utilizing a rounding factor provides ease to the City's customers and staff in the payment of these fees; and

WHEREAS, the City's Municipal Code requires that Business License Taxes be revised based on the percent change from the February 1988 figure of 117.0 in the Revised Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco-Oakland Bay Area as published by the Department of Labor for the month of February prior to the fiscal year in which the rate adjustment is applicable; and

WHEREAS, market-driven fees and service charges are adjusted based on factors to keep those fees and charges comparable to those charged by entities providing similar services; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Sections 6062a, 66016, 66017 and 66018.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby adopts the fees and services charges in the Proposed Master Fee Schedule for the City of El Cerrito (as shown in Exhibit A), which is hereby attached and by this reference made a part hereof, for FY 2016-17.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito hereby confirms the adjustments to the Business License Tax rates, also as appearing in the Master Fee Schedule.

BE IT FURTHER RESOLVED that the fees, charges, and taxes in the Proposed Master Fee Schedule will become effective on July 1, 2016except development fees which will become effective 60 days after adoption of this resolution. I CERTIFY that at the regular meeting on May 17, 2016 the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May ___, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

THE CITY OF
EL CERRITO

Proposed Master Fee Schedule FY 2016-17

Section	Fees, Charges, or Taxes	Page
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V	Business License Tax	16
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VII	Planning	24
VIII	Building Permits - New Construction (Plan Check Only)	27
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XIII	Other Mandated Building Permits	49

I. Miscellaneous

Item/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
Printing, Reproduction, Documents					
1. Photocopies					
Photocopies (8 1/2" x 14" or smaller)	per page	$0.11	3.0%	$0.10	$0.10
Photocopies (larger than 8 1/2" x 14")	per page	$0.17	3.0%	$0.20	$0.20
Photocopies, includng mail & administrative costs		actual cost		actual cost	actual cost
Application forms, information sheets	each	free		free	free
2. Public Meeting Materials					
City Council Agenda Packet & Minutes—**Full** (resident)	per year	$1,005.98	0.0%	$1,005.98	$1,006
City Council Agenda Packet & Minutes—**Full** (non-resident)	per year	$1,184.24	0.0%	$1,184.24	$1,184
City Council Agenda & Minutes only (resident)	per year	$93.58	3.0%	$96.39	$96
City Council Agenda & Minutes only (non-resident)	per year	$109.18	3.0%	$112.46	$112
City Council Agenda only (resident)	per year	$46.79	3.0%	$48.19	$48
City Council Agenda only (non-resident)	per year	$53.48	3.0%	$55.08	$55
Other Boards, Commission, and Committees Agenda/Minutes (resident)	per year	$35.65	3.0%	$36.72	$37
Other Boards, Commission, and Committees Agenda/Minutes (non-resident)	per year	$46.79	3.0%	$48.19	$48
Other Boards, Commission, and Committees Agenda only (resident)	per year	$20.05	3.0%	$20.65	$21
Other Boards, Commission, and Committees Agenda only (non-resident)	per year	$23.40	3.0%	$24.10	$24
Planning Commission or Design Review Board Agendas—Resident	per packet	$20.05	3.0%	$20.65	$21
Planning Commission or Design Review Board Agendas—Non-Resident	per packet	$23.40	3.0%	$24.10	$24
3. Publications					
Mailing may be arranged on a prepaid basis. Postage charges will be added. Items sent via fax will generally be limited to five pages.					
Budget, Final or Proposed	each	$121.43	3.0%	$125.07	$125
Business License Listing	each + photocopy charge above	$32.30	3.0%	$33.27	$33
Comprehensive Annual Financial Reports (CAFRs)	each	$105.83	3.0%	$109.00	$109
Economic Development Strategy & Action Plan	each	$3.34	3.0%	$3.44	$3
Fire Investigative Reports	per page	$0.16	3.0%	$0.16	$0.16
General Plan Environmental Impact Report (EIR), 1999	each	$21.16	3.0%	$21.79	$22
General Plan, 1999	each	$43.45	3.0%	$44.75	$45
Master Fee Schedule	each	$7.80	3.0%	$8.03	$8
Parking Guidelines	each	$3.34	3.0%	$3.44	$3
Redevelopment Plan	each	$7.80	3.0%	$8.03	$8
Redevelopment Plan Environmental Impact Report (EIR)	each	$17.83	3.0%	$18.36	$18
Redevelopment Implementation Plan	each	$4.45	3.0%	$4.58	$5
Report on the Redevelopment Plan	each	$7.80	3.0%	$8.03	$8
Subdivision Ordinance	each	$3.34	3.0%	$3.44	$3
Zoning Map	each	$4.45	3.0%	$4.58	$5
Zoning Ordinance	each	$43.45	3.0%	$44.75	$45
Miscellaneous Bound Reports	per page	$0.41	3.0%	$0.42	$0.42
4. Maps					
City Maps (First sheet includes search and restock cost per original searched.)	each	$2.23	3.0%	$2.30	$2
Special Studies Maps, 11" x 17"	each	$4.45	3.0%	$4.58	$5
Special Studies Maps, 36" x 54"	each	$32.30	3.0%	$33.27	$33
5. Subpoena Duces Tecum					
per CA Evidence Code §1563	Code	varies		varies	varies
6. Electronic Media					
Electronic Media—CD-ROM Copy	per CD	$7.80	3.0%	$8.03	$8
Electronic Media—DVD of Council Meeting	per DVD	$14.49	3.0%	$14.92	$15
7. Microfilm/Microfiche					
Fee per sheet or total hourly cost, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	per sheet	$3.34	3.0%	$3.44	$3
Advertising					
1. Recreation Brochure Advertisements					
Copy Ready, 1/8 page	each				$200
Copy Ready, Quarter page	each				$450
Copy Ready, Half page	each				$750
Copy Ready, Full page	each				$1,250
Full Year of Advertising (3 rECguide Issues)	Discount				15%
Graphic Preparation	Graphic Designer's Actual Hourly Rate				

I. Miscellaneous (continued)

Item/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
Miscellaneous Services and Charges					
1. Notary, Certification, Legal and Special Services					
Notary Services for Non-City employees (Set by Calif. Secretary of State)	per notarization	$10.00		$10.00	$10
Notary Services for City employees	per notarization	free		free	free
City Clerk Document Certification	each	$5.57	3.0%	$5.74	$6
Legal Fees—Recovery of legal costs in lawsuits and other instances when the City could be entitled to reimbursement of legal costs.	labor and overhead	actual cost		actual cost	actual cost
Special City services—For special services provided by City staff where special interest are served (other than the general public). Overhead charges for City-sponsored public events may vary from this policy.	pro-rated salary, 15-min increment	$3.34	3.0%	$3.44	$3
2. Finance Charges					
Finance Charge on fees remaining unpaid for a period exceeding 30 days (unless the ordinance establishing the fee provides for a penalty in a different amount)	unpaid balance	1.5% per month		1.5% per month	1.5% per month
Returned Check Fee	per check	$25.00		$25.00	$25
Duplicate Business License Certificate	per copy	$6.69	3.0%	$6.89	$7
3. Business License Related Fees					
Business Enrollment	per license	$67.95	3.0%	$69.99	$70
Business License Renewal	per license	$22.28	3.0%	$22.95	$23
Accessibility Compliance and Education Fee (State mandated SB 1186)	per license	$1.00		$1.00	$1
4. Parking Permits					
1 to 3 year cycles	per year	$6.69	3.0%	$6.89	$7
14-day Temporary Parking Permit	each	$6.69	3.0%	$6.89	$7
5. Use of Council Chambers (Government Agencies Only)		**$40.00**		**$40.00**	**$40**

II. Police

Item/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
1. Services & Fees					
Fingerprinting, Solicitor or other (plus Department of Justice Fees*)	per set	$44.56	3.0%	$45.90	$46
Citation Sign-offs—Resident	per citation	free		free	free
Citation Sign-offs—Non-Resident	per citation	$22.28	3.0%	$22.95	$23
VIN Verification	per verification	$44.56	3.0%	$45.90	$46
Alcohol Beverage Control One Day License	per letter	$44.56	3.0%	$45.90	$46
False Alarm Response (1st incident)	each	free		free	free
False Alarm Response (2nd through 5th incident)	each	$82.44	3.0%	$84.91	$85
False Alarm Response (6th and subsequent incidents)	each	$176.02	3.0%	$181.30	$181
Non-permitted Alarms	each	$111.40	3.0%	$114.74	$115
Vehicle Removal/Vehicle Release Fee [Towed vehicles abandoned or stored on a public street and vehicles towed pursuant to 14602.6; 14607.6; 22651(b),(d), (e), or (h) through (r); 22651.3, 22651.5, 22651.5 (a); 22652.5;22658; 22660; or 22669 of the California Vehicle Code]	per release	$139.26	3.0%	$143.44	$143
DUI Cost Recovery Fee* ($1,000 maximum)	per 30 min increments	actual cost to max		actual cost to max	actual cost to max
Fire Arm Storage Fee	initial	$22.28	3.0%	$22.95	$23
	per day	$1.11	3.0%	$1.14	$1
Weapons Seizure, Storage & Return	each	$178.25	3.0%	$183.60	$184
415 Disturbance Response Fee	hourly	$121.43	3.0%	$125.07	$125
2. Reports, Photocopies & Records					
Clearance Letter	each	$22.28	3.0%	$22.95	$23
Report Copy	per report	$5.57	3.0%	$5.74	$6
Traffic Collision Report Copy	per report	$5.57	3.0%	$5.74	$6
Police Photographs, audio tapes & videotapes & CDs	actual cost	actual cost		actual cost	actual cost
	plus fee	$27.85	3.0%	$28.69	$29
3. Permits					
Concealed Weapons Permit (plus Department of Justice Fees*)	each	$933.42	3.0%	$961.42	$961
Peddler/Solicitor Permit	each	$358.73	3.0%	$369.49	$369
Permit to Sell Firearms—Initial Permit	each	$313.05	3.0%	$322.44	$322
Permit to Sell Firearms—Annual Renewal	each	$154.86	3.0%	$159.51	$160
Taxi Permit Processing Fee	each	$167.11	3.0%	$172.12	$172
Taxicab Drivers Permit	each	$77.98	3.0%	$80.32	$80
Second Hand Dealer's Permit	each	$441.17	3.0%	$454.41	$454
Bingo Permit	each	$190.51	3.0%	$196.23	$196
Alarm Permit - Residential and Commercial	each	$31.19	3.0%	$32.13	$32
Alarm Permit Renewal	each	$16.71	3.0%	$17.21	$17
Block Party Permit	each	$44.56	3.0%	$45.90	$46
Parade Permit	each	$272.94	3.0%	$281.13	$281
Street Closure Permit	each	$74.64	3.0%	$76.88	$77

* Determined by State of California

4. Police Department Hourly Rates					
Police Chief	hourly	$295.22	3.0%	$304.08	$304
Police Captain	hourly	$241.75	3.0%	$249.00	$249
Police Lieutenant	hourly	$190.51	3.0%	$196.23	$196
Police Corporal	hourly	$162.66	3.0%	$167.54	$168
Records Supervisor	hourly	$103.60	3.0%	$106.71	$107
Police Executive Assistant	hourly	$89.13	3.0%	$91.80	$92
Senior Records Specialist	hourly	$82.44	3.0%	$84.91	$85
Police Records Specialist	hourly	$71.30	3.0%	$73.44	$73
Police Sergeant/Investigations Assignment	hourly	$170.45	3.0%	$175.56	$176
Cadets	hourly	$27.85	3.0%	$28.69	$29
Police Officer	hourly	$150.39	3.0%	$154.90	$155

II. Police (continued)

Item/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
5. Parking Violation Fines					
Violation	Section				
Obstruction or interference with Officers	11.12.020	$82.44	3.0%	$84.91	$85
Barriers & Signs	11.28.040b	$77.98	3.0%	$80.32	$80
City Parking Lot	11.40.020	$63.50	3.0%	$65.41	$65
Parking on Sidewalk or Curb Prohibited	11.40.030	$63.50	3.0%	$65.41	$65
Vehicle Storage-Parking in excess of 72 hours	11.40.050a	$69.07	3.0%	$71.14	$71
Vehilce Storage-Trailer Parked on Street Overnight	11.40.050c	$63.50	3.0%	$65.41	$65
Vehicle Storage-Parking for the purpose of engaging in vehic sale	11.40.050d	$54.59	3.0%	$56.23	$56
Parking for Certain Purposes-On Street for Sale	11.40.060a	$82.44	3.0%	$84.91	$85
Parking for Certain Purposes-on Street for Repairs	11.40.060b	$69.07	3.0%	$71.14	$71
Parking for Certain Purposes-on Street when charging for washing/polishing	11.40.060c	$69.07	3.0%	$71.14	$71
Parking Regulations in Certain Zones	11.40.070	$69.07	3.0%	$71.14	$71
Angle and Parallel Parking Signs-Loading Clearance between Vehicle and Street	11.40.080b	$63.50	3.0%	$65.41	$65
Angle and Parallel Parking Signs-Loading Clearance between other Street	11.40.090a	$63.50	3.0%	$65.41	$65
Loading and Unloading-Angle to Curb	11.40.090b	$63.50	3.0%	$65.41	$65
Grades-Wheels not Turned	11.40.100	$69.07	3.0%	$71.14	$71
Emergency Parking Signs	11.40.130b	$63.50	3.0%	$65.41	$65
Curb Markings	11.40.160b	$63.50	3.0%	$65.41	$65
Bus Zone	11.40.190e	$401.06	3.0%	$413.09	$413
Parking-Limited Time	11.40.210	$63.50	3.0%	$65.41	$65
Parking-Prohibited during Certain Hours	11.40.230	$63.50	3.0%	$65.41	$65
Parking-Prohibited at all Times	11.40.240	$63.50	3.0%	$65.41	$65
Parking on Private Property	11.44.040	$69.07	3.0%	$71.14	$71
Violations Designated-4 Hour Permit Parking	11.68.050a	$79.10	3.0%	$81.47	$81
Any ECMC parking violation not listed above shall be subject to a civil penalty		$63.50	3.0%	$65.41	$65
6. Curfew Violation Fines					
Daytime (8:00 am - 2 pm) 1st offense		$61.28	3.0%	$63.12	$63
Daytime (8:00 am - 2 pm) 2nd offense within one year		$120.32	3.0%	$123.93	$124
Daytime (8:00 am - 2 pm) 3rd offense within one year of 2nd offense		$240.64	3.0%	$247.86	$248
Nighttime (10:00 pm - 5 am) 1st Offense		$61.28	3.0%	$63.12	$63

III. Fire

Item/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
1. Inspection Fees					
Various types, including: Group A (Assemblies) occupancies; Group B (Business) occupancies; Group E (Private School); Group H (Hazardous) occupancies; Group I (Institutional) occupancies; Group M (Mercantile) occupancies; Group R-1 (Hotel and Apartment) occupancies; R-3 (Day Care 7-12); Group S (Storage) occupancies; Miscellaneous Inspections; 2nd re-inspection; 3rd re-inspection; Halon Test; Hood & Duct; Fire Sprinkler System; Fire Standpipe System; Fire Alarm System; AB2185 Inspections—Hazardous Materials Regulated Occupancy; Acceptance Tests	per hour	$157.08	3.0%	$161.79	$162
R-3 Single Residential Occupancies		free		free	free
2. Permits					
Various types, including: Candles and open flame in assemblies; Compressed or flammable gases; Christmas Tree lots; Cryogens; Dry cleaning plants; Explosives or blasting agents; Fumigation or thermal insecticidal fogging; Flammable or combustible liquids and tanks (storage/use/dispense of Class I liquids; store/handle/use Class II or Class III-A liquids; store/use paints, oils, varnish, or similar mixtures; remove Class I or Class II liquids; inspect underground removal of tank(s)); Garages; Hazardous materials; Hazardous production materials; High-piled combustible storage; Liquefied Petroleum Gas; Lumber yards; Miscellaneous Permits; Model rocket launching; Parade floats; Places of Assembly 50-299 persons; Places of Assembly 300+ persons; Pumpkin patch lots; Radioactive materials; Spraying and dipping; Tents and air supported structures; Welding & cutting operations	per hour	$157.08	3.0%	$161.79	$162
Miscellaneous No- Action Permits		free		free	free
3. Plan Review					
Fire Alarm System					
Alarm Inspection < 15 devices	each	$265.15	3.0%	$273.10	$273
Alarm Inspection -16-50 devices	each	$444.51	3.0%	$457.85	$458
Alarm Inspection - 51-100 devices	each	$616.06	3.0%	$634.54	$635
Alarm Inspection - 101-500 devices	each	$971.45	3.0%	$1,000.59	$1,001
Alarm Inspection > 501- (each add'l 100)	each	$173.79	3.0%	$179.00	$179
Halon System	each	$227.26	3.0%	$234.08	$234
Hood & Duct	each	$189.38	3.0%	$195.06	$195
Medical Gas	each	$266.26	3.0%	$274.25	$274
Sprinkler Systems< 25 heads	each	$265.15	3.0%	$273.10	$273
Sprinkler Systems - 25-99 heads	each	$444.51	3.0%	$457.85	$458
Sprinkler Systems - 100-299 heads	each	$883.44	3.0%	$909.94	$910
Sprinkler Systems - 300+ (each 100 heads)	each	$173.79	3.0%	$179.00	$179
New Construction P/C & INSP (< 4999 sq. ft.)	each	$441.17	3.0%	$454.41	$454
New Construction P/C & INSP (>5000 sq. ft., each add'l 1000 sq. ft.)	each	$173.79	3.0%	$179.00	$179
4. CERT Classes					
CPR Classes - El Cerrito & Kensington Residents	each	$37.86	3.0%	$39.00	$39
First Aid - El Cerrito & Kensington Residents	each	$37.86	3.0%	$39.00	$39
CPR Classes - Non- Residents	each	$47.32	3.0%	$48.74	$49
First Aid - Non-Residents	each	$47.32	3.0%	$48.74	$49
5. False Alarm					
1st False	each	$0.00		$0.00	$0
2-5	each	$122.54	3.0%	$126.22	$126
6-10	each	$153.74	3.0%	$158.35	$158
11 or over	each	$184.93	3.0%	$190.48	$190
Supplies Used		actual cost		actual cost	actual cost
Equipment Destroyed		actual cost		actual cost	actual cost
6. Fire Department Hourly Rates					
Fire Chief	hourly	$290.76	3.0%	$299.48	$299
Battalion Chief - Training	hourly	$242.86	3.0%	$250.15	$250
Battalion Chief	hourly	$228.38	3.0%	$235.23	$235
Captain-Fire Prevention	hourly	$187.16	3.0%	$192.77	$193
Captain-Paramedic	hourly	$199.41	3.0%	$205.39	$205
Captain	hourly	$179.36	3.0%	$184.74	$185
Engineer/Paramedic	hourly	$168.22	3.0%	$173.27	$173
Firefighter/Paramedic	hourly	$157.08	3.0%	$161.79	$162
Engineer	hourly	$153.74	3.0%	$158.35	$158
Firefighter	hourly	$144.83	3.0%	$149.17	$149
Fire Secretary	hourly	$89.13	3.0%	$91.80	$92

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

IV. Recreation

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
Event Facility Rentals				
1. Community Center				
Minimum Rental—Private: 3 Hours Friday/Sunday; 5 Hours Saturday.				
Maximum Advance Reservation: 12 Months Resident, Non-Profit Fund Raiser or Co-Sponsored Group; 10 Months Non-Resident or Commercial; 12 months Annual Rentals.				
Main Hall				
Resident (includes kitchen and courtyard area)	per hour	$255	0%	$255
Non-Resident/Commercial (includes kitchen and courtyard area)	per hour	$314	0%	$314
Decoration/Clean-Up/Rehearsal Hours (2 hour max. day of event)	per hour per rental	$104	3%	$107
Optional Clean-Up Service (**2** hours of 1 custodian after rental)	per event	$100-$200		$100
Optional Clean-Up Service Additional Hours	**per hour**	**NEW**		**$75**
Fri/Sun Rental Discount—Private/Commercial (excludes holiday weekends)	per event	25%	0%	$0
Set-up/Take Down				
Non-Profit-/City Co-Sponsored	per event	$47	7%	$50
Deposit (credit card only)				
Private	per event	$585	0%	$585
Non-Profit/City Co-Sponsored	per event	$293	0%	$293
Skylight, Garden and Tot Rooms				
Resident	per hour	$68	3%	$70
Non-Resident/Commercial	per hour	$85	3%	$87
Weekday Non-Profit Room Rentals (8am - 2pm)	per hour	$29	3%	$30
Deposit (credit card only)	per event	$166	-40%	$100
Craft Room/**Courtyard (no weekends)**				
Resident	per hour	$36	3%	$37
Non-Resident/Commercial	per hour	$46	3%	$47
Deposit (credit card only)	per event	$166	-40%	$100
Kitchen Use (in conjunction with Main Hall rental only)				
Non-Profit Organization	per event	$117	3%	$120
City Co-Sponsored	per event	$17	4%	$18
Governmental Agency/School District Rentals (per WCCUSD Joint Use Agreement)	per event	direct costs		
Alcohol Service Permit	per event	$180	3%	$186

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
Piano Room	per hour	$12	0%	$12
Chair Rental—Non-Profit/Co-Sponsored	each	$1	0%	$1
6 Foot Table Rental—Non-Profit/Co-Sponsored	each	$3	0%	$3
Storage Fee				
Small Locker	per month	$25	6%	$26
Medium Locker	per month	$31	3%	$32
Large Locker	per month	$40	3%	$41
Room	per month	$50	3%	$52
2. Group Picnic Areas				
Cerrito Vista				
Reservation—Resident	per day	$137	0%	$137
Reservation—Non-Resident	per day	$171	0%	$171
Volleyball Net **and Ball** Deposit	per day	$78	0%	$78
Arlington (large group area with tables & BBQ)				
Spaces 4 & 5—Resident	per day	$137	0%	$137
Spaces 4 & 5—Non-Resident	per day	$171	0%	$171
Spaces 4, 5 & 6—Resident	per day	$210	-12%	$185
Spaces 4, 5 & 6—Non-Resident/Commercial	per day	$264	-12%	$231
Other Parks, picnic tables with BBQ pit				
Resident	per day	$73	0%	$73
Non-Resident	per day	$92	0%	$92
Other Parks, picnic tables without BBQ pit				
Resident	per day	$62	0%	$62
Non-Resident	per day	$77	0%	$77
Restroom Key (purchase or refundable deposit)	per key	$17	0%	$17

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
3. Senior Center				
Social Hall/Kitchen				
Resident	per hour	$97	0%	$97
Non-Resident, Commercial	per hour	$121	0%	$121
City Co-sponsored Group	per hour	$45	0%	$45
Decoration/Clean-Up/Rehersal Time (1 hour max. day of event)	per hour per	$54	3%	$56
Alcohol Service Permit	per event	$166	3%	$171
Deposit	per event	$253	0%	$253
4. Clubhouses				
Arlington, Canyon Trail , Castro (one room only), Fairmont, Harding (one room only), and Madera; alcohol by special permit; 3 hour minimum (not including set/clean-up hour) weekends.				
Private, Resident	per hour	$75	0%	$75
Private, Non-Resident	per hour	$92	0%	$92
Decoration/Clean-Up/Rehersal Time (1 hour max. day of event)	per hour	$40	0%	$40
Deposit (without alcohol)	per event	$173	0%	$173
Deposit (with alcohol)	per event	$286	0%	$286
Alcohol Service Permit	per event	$40	3%	$41
Casa Cerrito—Storage Area Only (Upstairs), Youth Baseball or Youth Soccer	per year	$529	3%	$545
Art Studio Instructor	per hour	$37	3%	$38
5. Facility Rental Related Fees & Discounts				
Transfer Fee - **Rooms and Clubhouses**	per date	$42	3%	$44
Transfer Fee - Picnics	**per date**	**NEW**		**$17**
Late Payment Fee	percent	15%		15%
City Co-Sponsored Rental Fee Discount	**percent**	**NEW**		**65%**
Non-Profit Rental Fee Discount	**percent**	**NEW**		**35%**
Recreation Field/Venue Rentals and Fees				
1. Tennis Court				
Resident	per hour	$7	0%	$7
Non-Resident	per hour	$8	0%	$8
Tennis Club	per hour	$4.50	0%	$4.50
Instruction Use	per hour	$12.25	0%	$12.25
ECHS surcharge	per hour	$2.00	0%	$2
Tennis Transfer Fee	per date	$5.00	0%	$5

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
2. Play Fields				
Youth Groups (2 hour minimum)—Resident	per hour	$28	0%	$28
Youth Groups (2 hour minimum)—Non-Resident	per hour	$38	0%	$38
Adult Groups (2 hour minimum)—Resident	per hour	$38	0%	$38
Adult Groups (2 hour minimum)—Non-Resident	per hour	$47	0%	$47
Cerrito Vista Hardball Field (2 hr. minimum)—Resident	per hour	$56	0%	$56
Cerrito Vista Hardball Field (2 hr. minimum)—Non-Resident	per hour	$70	0%	$70
El Cerrito Co-Sponsored Youth Group Discount (hourly rates only)	**per hour**	**NEW**		**25%**
El Cerrito Youth Baseball Rental Fee	per season	$3,949	3%	$4,068
El Cerrito Soccer Association Rental Fee	per season	$3,949	3%	$4,067
Long-Term Permit Fee	per player/ season	$21	3%	$21
Field fine for violation of field policies / Baseball & Soccer for damaging the field, when fields are wet and not playable and signs are posted.	per infraction	$293	3%	$302
3. Tennis Program Fees				
Tennis Court Pemits				
Adult Resident	per year	$84	3%	$86
Adult Non-Resident	per year	$95	3%	$98
Youth/Student Resident	per year	$33	3%	$34
Youth/Student Non-Resident	per year	$42	3%	$44
Adult Monthly Fee-Resident	per month	$14	3%	$15
Adult Monthly Fee-Non-Resident	per month	$17	8%	$18
Youth/Student Monthly Fee - Resident	per month	$7	14%	$8
Youth/Student Monthly Fee - Non-Resident	per month	$8.75	14%	$10
Private Instruction (Tennis Certification and Insurance Required)	per year	$106	3%	$109
Private Instruction Monthly	per month	$18	3%	$19
Swim Center Programs/Fees				
1. Adult Swim Fees				
Lap Swim/Recreation/Family Swim				
Monthly Pass—Resident	per month	$88	0%	$88
Monthly Pass—Non-Resident	per month	$110	0%	$110
Monthly Pass Three Month Discount	**per month per swimmer**	**-$6**		**-$6**

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
Ten-Swim Pass—Resident	per pass	$46	0%	$46
Ten-Swim Pass—Non-Resident	per pass	$57	0%	$57
Drop-In	per use	$6	0%	$6
Masters Swim Team				
Monthly Pass - Resident	valid 30 days	$70	1%	$70
Monthly Pass - Non-Resident	valid 30 days	$82	0%	$82
Masters Three Month Discount	per month	-$6		-$6
	per swimmer			
Masters Plus—Any Masters Workout/Lap Swim 1 Month Only (No quarterly discount)				
Resident	valid 30 days	$111	0%	$111
Non-Resident	valid 30 days	$134	0%	$134
Masters 6-Workout Pass—Resident	per pass	$49	3%	$51
Masters 6-Workout Pass—Non-Resident	per pass	$55	3%	$57
Masters Drop-In	per use	$10	0%	$10
2. Youth and Child Recreation/Family Swim/Splash Park				
Drop-in				
Adult	per use	$6.00	0%	$6
Youth (7-17 years)	per use	$4.00	0%	$4
Child (1-6 years)	per use	$3.00	0%	$3
Splash Park Only	per use	$2.00	50%	$3
Non-Swimmer Fee	per use	$3.00	0%	$3
Organized Groups (minimum of 15)	per child	$2.75	3%	$3
Monthly				
Youth—Resident	per month	$44	3%	$46
Youth—Non-Resident	per month	$50	3%	$51
Child (1-6 years)	per month	$40	3%	$41
Child (1-6 years)	per month	$48	3%	$49
Ten Swim Pass **(valid April through Oct.)**				
Youth Resident (7-17)	Valid Season	$40	-13%	$35
Youth Non Resident (7-17)	Valid Season	$48	-16%	$40
Child Resident (ages 1-6)	Valid Season	$24	3%	$24
Child Non-Resident (ages 1-6)	Valid Season	$30	0%	$30
Family Season Passes				
Family Season Pass (6/1-9/30) Resident (max 5 family members per address)	Valid Season	$352	0%	$352

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
Family Season Pass (6/1-9/30) Non-Res (max 5 family members per address)	Valid Season	$398	0%	$398
Additional Family Members	Valid Season	$20	25%	$25
Splash Park Only Ten Swim Pass				
Resident	**per pass**	**New**		**$20**
Non-Resident	**per pass**	**New**		**$25**
3. Water Aerobics Deep/Shallow				
Drop In	per use	$9	0%	$9
Four Punch Pass—Resident	per **pass**	$28	0%	$28
Four Punch Pass—Non-Resident	per **pass**	$34	0%	$34
Eight Punch Pass—Resident	per **pass**	$54	0%	$54
Eight Punch Pass—Non-Resident	per **pass**	$67	0%	$67
Twelve Punch Pass—Resident	per **pass**	$80	0%	$80
Twelve Punch Pass—Non-Resident	per **pass**	$99	0%	$99
4. Swim Lessons				
Private—Resident	per class	$27	3%	$28
Private—Non-Resident	per class	$32	3%	$33
Youth Small Groups—Resident	per class	$9.50	0%	$9.50
Youth Small Groups—Non-Resident	per class	$12.75	0%	$12.75
Adult/**Special Arrangement** Group Lesson—Resident	per class	$10.00	10%	$11
Adult/**Special Arrangement** Group Lesson—Non-Resident	per class	$13.00	8%	$14
5. Swimming Clubs, Teams & Meets				
Pre-Swim Team **(45 minutes, 4 days/week)**				
Resident	per month	$50	10%	$55
Non-Resident	per month	$60	10%	$66

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
El Cerrito High School Swim Team (February through May)	per season	$2,271	3%	$2,340
Gators Swim Team				
One Swimmer—Resident **(1 hr., 5 days per week)**	per month	$72	10%	$80
One Swimmer Non-Resident **(1 hr., 5 days per week)**	per month	$85	11%	$94
One Swimmer - Resident **(1.5 hrs., 5 days per week)**	per month	$94	10%	$103
One Swimmer Non-Resident **(1.5 hrs., 5 days per week)**	per month	$105	11%	$116
Each Additional Household Member **Discount**	per month		0%	-$20
6. Swim Center Rentals				
Long-Term Pool Rentals	per hour	$36	40%	$50
Lane Rental Fee (2 lane)	per hour	$47	27%	$60
Emery G. Weed III Lap Pool—Resident	per hour	$214	0%	$214
Emery G. Weed III Lap Pool—Non-Resident/Commercial	per hour	$262	0%	$262
Recreation Pool-Resident (1.5 hour water time/0.5 hour deck time)	per event	$255	0%	$255
Recreation Pool—Non Resident/Commercial (1.5 hour water time/.5 hour deck time)	per event	$318	0%	$318
Splash Park Rental—Resident (2 hours)	per event	$216	0%	$216
Splash Park Rental—Non-Resident (2 hours)	per event	$270	0%	$270
Recreation Pool/Splash Park Combined Rental—Resident	per event	$379	0%	$379
Recreation Pool/Splash Park Combined Rental—Non-Resident	per event	$443	0%	$443
Transfer Fee	per booking	$42	6%	$45
Splash Park Picnic Area Rental during Recreation Swim—Resident (+**$3.00** per person)	per event	$64	3%	$66
Splash Park Picnic Area Rental during Recreation Swim—Non-Res (+**$3.00** per person)	per event	$79	3%	$81
Extra Lifeguard Fee	per hour	$21	3%	$22
Youth Programs				
1. Summer Day Camps				
Traditional Camp Resident (Price based on number of days, hours, special events, field trips, supplies needed)	See brochure for actual costs	$87-$260	3%	$87-$268
Traditional Camp Non-Resident	125% of resident fee			

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
Daily Rate for Traditional Day Camp	traditional day camp rate plus 15%, divided by number of session days			
Third Party Contract Camps Resident	Contract Cost + 15-40% depending on market feasibility			
Third Party Contract Camps Non-Resident	Resident Rate + 10-25% depending on market feasibility			
Counselors in Training Camp Resident	per week	$51	3%	$53
Counselors in Training Camp Non-Resident	per week	$59	3%	$61
Ravencliff Resident Camp Resident	per week	$485	3%	$500
Ravencliff Resident Camp Non Resident	per week	$582	3%	$600
Ravencliff CIT Program Resident	per week	$194	3%	$200
Ravencliff CIT Program Non Resident	per week	$235	3%	$242
Ravencliff Deposit	per week	$121	3%	$125
Day Camp Deposit	per camp/week	$28	8%	$30
Day Camp Cancellation Fee	per camp/week	$28	8%	$30
2. Before/After School Childcare				
Resident, per child	per hour	$7.25	3%	$7.50
Low/Moderate Income Fee (reduced price lunch), per child—Resident	per hour	$4.00	0%	$4
Low/Moderate Income Rate (free lunch), per child—Resident	per hour	$3.00	0%	$3
3. Preschool				
Resident, per child	per hour	$7.25	3%	$7.50
Non-Resident, per child	per hour	$8.25	3%	$8.50
Low/Moderate Income (qualifies for Scholarship), per child—Resident	per hour	$5.50	0%	$5.50
Low/Moderate Income (qualifies for Scholarship), per child—Non-Resident	per hour	$6.00	0%	$6
4. Other Fees				
Drop-in fee Surcharge, per child	percent	15%		15%
Drop-in fee, per child without regular schedule	per hour	$10.50	3%	$11
Non Refundable Registration Fee	per registration	$70	0%	$70

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
Senior Center Programs and Services				
Senior Center Class Fee—Resident	per class	$4-$10	10%	$4-$11
Senior Center Class Fee—Non-Resident	per class	$5-$12	8%	$5-$13
Senior Center Trips and Excursions	each	actual cost + admin.		actual cost + admin.
Senior Local Weekly Shopping Trips, each way	per trip	$2	0%	2
Respite Group—Resident	per-month	$90	6%	95
Respite Group—Non-Resident	per-month	$115	4%	120
Other Fees, Discounts & Refunds				
Other Classes, Events, Leagues, Programs, and Uniforms approved by Rec. Dir.	each	actual cost		actual cost
Optional Disabled and Senior Discount **(independent contractors may choose to use discount and split discount with City) - for ages 60+, disabled patrons**	percent of fee	20%	0%	20%
Registration Fees—Refunds, **Transfers, Cancellations, and Late Payments**	per transaction	$17	0%	$17
Late Pick-Up Fee	$1/minute, **min. 15**	$15	0%	$15
Card Reprint Fee	per transaction	$6	Actual Cost	
Long Term Rental Discount	each	negotiable		negotiable
Late Payment Fee (unless defined by City Ordinance)	per 30 days	15%	0%	15%
East Bay Sanitary Trash Bags	each	$9	12%	$10
Misc. Event and Field Trip Transportation/Admission	per trip	actual cost		actual cost
Misc. Product Fee	per product	actual cost		actual cost
Special Promotions/Marketing Opportunities	as determined by Recreation Director			
Staff Hourly Rate (i.e. custodian, part time recreation leader, etc.)	per hour	actual cost		actual cost
Signage/Banner on Recreational Facilities	per banner/sign	$25-$150	0%	$25-$150
Surcharge on Fee-Based Programs by Independent Contractor (4% of fee, up to maximum and rounded to nearest dollar)	per session	$8	0%	$8

Proposed Master Fee Schedule - Recreation Department
Fiscal Year 2016-17

Item/Description	Basis	FY 2015-16 Fees	% Change	FY 2016-17 Proposed (Rounded)
School Based Enrichment Programs	no non-resident surcharge			

V. Business License Tax

Business License Category	Municipal Code Section	Code	Approved FY 2015-16	Rounded Amount	Proposed FY 2016-17	Rounded Amount
Exemption Level (Casual and Fine Arts Teachers)	4.32.080					
Business License Residential Rentals (10-000-4052-00-00)						
Apt. Houses, Duplexes, In-laws & Single Family Units						
Per Unit	4.32.260	260	$100.19	$97.72	$103.22	$104
Business License All Others (10-000-4051-00-00)						
a. Fixed Place of Business (Annual)						
Employer Only	4.32.230	T23	$280.46	$273.54	$288.93	$289
" + 1 employee	4.32.230	T23	$280.46	$273.54	$288.93	$289
" + 2 employees	4.32.230	T23	$380.63	$371.24	$392.13	$393
" + 3 employees	4.32.230	T23	$420.70	$410.32	$433.41	$434
" + 4 employees	4.32.230	T23	$520.85	$508.00	$536.58	$537
" + 5 employees	4.32.230	T23	$560.92	$547.08	$577.86	$578
" + 6 employees	4.32.230	T23	$600.99	$586.16	$619.14	$620
" + 7 employees	4.32.230	T23	$641.05	$625.23	$660.41	$661
" + 8 employees	4.32.230	T23	$681.12	$664.31	$701.69	$702
" + 9 employees	4.32.230	T23	$721.19	$703.39	$742.97	$743
" + 10 employees	4.32.230	T23	$761.24	$742.46	$784.23	$785
Each Additional Employee	4.32.230	T23	$40.07	$39.08	$41.28	$42
b. Professional Offices (Annual)						
Employer Only	4.32.231	231	$340.57	$332.17	$350.86	$351
" + 1 employee	4.32.231	231	$340.57	$332.17	$350.86	$351
" + 2 employees	4.32.231	231	$440.73	$429.85	$454.04	$455
" + 3 employees	4.32.231	231	$480.78	$468.92	$495.30	$496
" + 4 employees	4.32.231	231	$520.85	$508.00	$536.58	$537
" + 5 employees	4.32.231	231	$560.92	$547.08	$577.86	$578
" + 6 employees	4.32.231	231	$600.99	$586.16	$619.14	$620
" + 7 employees	4.32.231	231	$641.05	$625.23	$660.41	$661
" + 8 employees	4.32.231	231	$681.12	$664.31	$701.69	$702
" + 9 employees	4.32.231	231	$721.19	$703.39	$742.97	$743
" + 10 employees	4.32.231	231	$761.24	$742.46	$784.23	$785
Each Additional Employee	4.32.231	231	$40.07	$39.08	$41.28	$42
c. Contractors & Subcontractors						
Quarterly	4.32.240	242	$120.20	$117.23	$123.83	$124
Semiannually	4.32.240	241	$200.33	$195.39	$206.38	$207
Annually	4.32.240	240	$360.59	$351.69	$371.48	$372

V. Business License Tax (continued)

Business License Category	Municipal Code Section	Code	Approved FY 2015-16	Rounded Amount	Proposed FY 2016-17	Rounded Amount
d. Home Occupations (Annual)	4.32.245	245	$200.33	$195.39	$206.38	$207
e. Casual Business						
Quarterly	4.32.246	247	$59.08	$57.62	$60.86	$61
Annually	4.32.246	246	$236.31	$230.48	$243.45	$244
f. Delivery Vehicles (Per Vehicle)	4.32.251	250	$160.26	$156.31	$165.10	$166
g. Fine Arts Teachers (Per Teacher)	4.32.255	255	$64.10	$62.52	$66.04	$67
h. Hotels & Motels						
Base Fee	4.32.270	270	$400.66	$390.77	$412.76	$413
Plus, per Unit Fee	4.32.270	270	$16.03	$15.63	$16.51	$17
i. Trailer Courts						
Base Fee	4.32.280	280	$400.66	$390.77	$412.76	$413
Plus, per Unit Fee	4.32.280	280	$16.03	$15.63	$16.51	$17
j. Restaurants & Nightclubs	4.32.290	290	$801.31	$781.54	$825.51	$826
k. Public Amusement						
1. Amusement Rides & Shows						
First Day	4.32.300	300	$160.26	$156.31	$165.10	$166
Each Additional Day	4.32.300	300	$80.13	$78.15	$82.55	$83

V. Business License Tax (continued)

Business License Category	Municipal Code Section	Code	Approved FY 2015-16	Rounded Amount	Proposed FY 2016-17	Rounded Amount
2. Billiards, Bagatelle, Pool Tables						
Per Table, in Addition to Other Applicable	4.32.300	301	$80.13	$78.15	$82.55	$83
3. Bowling Lanes						
First Lane	4.32.300	302	$424.70	$414.22	$437.53	$438
Each Additional Lane	4.32.300	302	$42.47	$41.42	$43.75	$44
4a. Circus (=<4,000 seats)						
First Day	4.32.300	303	$1,201.97	$1,172.31	$1,238.27	$1,239
Each Additional Day	4.32.300	303	$801.31	$781.54	$825.51	$826
4b. Carnival & Circus (>4,000 seats)						
First Day	4.32.300	304	$2,403.94	$2,344.62	$2,476.54	$2,477
Each Additional Day	4.32.300	304	$1,602.63	$1,563.08	$1,651.03	$1,652
5. Motion Picture Theater & Plays						
Quarterly	4.32.300	307	$160.26	$156.31	$165.10	$166
Semiannually	4.32.300	306	$320.53	$312.62	$330.21	$331
Annually	4.32.300	305	$641.05	$625.23	$1,298.32	$1,299
6. Public Dance						
Daily	4.32.300	308	$120.20	$117.23	$123.83	$124
Quarterly	4.32.300	309	$400.66	$390.77	$412.76	$413
7. Amusement Not Otherwise Defined						
Educational - Daily	4.32.300	310	$120.20	$117.23	$123.83	$124
Educational - Quarterly	4.32.300	311	$400.66	$390.77	$412.76	$413
Noneducational - Daily	4.32.300	312	$4,006.56	$3,907.70	$4,127.56	$4,128
l. Distribution and Circulation of Advertising Matter						
Quarterly	4.32.310	313	$400.66	$390.77	$412.76	$413
m. Amplification Vehicles (Per Day)	4.32.320	320	$4,006.56	$3,907.70	$4,127.56	$4,128
n. Taxicabs (Per Vehicle)	4.32.330	330	$240.39	$234.46	$247.65	$248
o. Auctioneer						
Daily	4.32.340	340	$200.33	$195.39	$206.38	$207
Annually	4.32.340	341	$1,602.63	$1,563.08	$1,651.03	$1,652
p. Vehicle Parking Lot						
Per Lot	4.32.345	342	$322.24	$314.29	$331.97	$332
Plus per 100 square feet	4.32.345	342	$32.23	$31.43	$33.20	$34

V. Business License Tax (continued)

Business License Category	Municipal Code Section	Code	Approved FY 2015-16	Rounded Amount	Proposed FY 2016-17	Rounded Amount
q. Pawnbroker and Check Casher	4.32.350	350	$801.31	$781.54	$825.51	$826
r. Patrol Services						
Employer Only	4.32.355	T35	$280.46	$273.54	$288.93	$289
" + 1 employee	4.32.355	T35	$280.46	$273.54	$288.93	$289
" + 2 employees	4.32.355	T35	$380.63	$371.24	$392.13	$393
" + 3 employees	4.32.355	T35	$420.70	$410.32	$433.41	$434
" + 4 employees	4.32.355	T35	$520.85	$508.00	$536.58	$537
Each Additional Employee	4.32.355	T35	$40.07	$39.08	$41.28	$42
s. Peddler & Solicitors						
Quarterly	4.32.360	360	$400.66	$390.77	$412.76	$413
Annually	4.32.360	361	$1,602.63	$1,563.08	$1,651.03	$1,652
t. Ice Cream Vendor						
Quarterly	4.32.365	366	$130.08	$126.87	$134.01	$135
Annually	4.32.365	365	$390.24	$380.61	$402.03	$403
u. Temporary Sales	4.32.375	375	$337.65	$329.32	$347.85	$348
v. Bingo	4.32.300	652	$52.31	$51.02	$53.89	$54
Pursuant to California Penal Code Section 326.5(l)1						

V. Business License Tax (continued)

Business License Category	Municipal Code Section	Code	Approved FY 2015-16	Rounded Amount	Proposed FY 2016-17	Rounded Amount
w. Transient/Itinerant Vendor						
Employer Only	4.32.010	T25	$280.46	$273.54	$288.93	$289
" + 1 employee	4.32.010	T25	$280.46	$273.54	$288.93	$289
" + 2 employees	4.32.010	T25	$380.63	$371.24	$392.13	$393
" + 3 employees	4.32.010	T25	$420.70	$410.32	$433.41	$434
" + 4 employees	4.32.010	T25	$520.85	$508.00	$536.58	$537
" + 5 employees	4.32.010	T25	$560.92	$547.08	$577.86	$578
" + 6 employees	4.32.010	T25	$600.99	$586.16	$619.14	$620
" + 7 employees	4.32.010	T25	$641.05	$625.23	$660.41	$661
" + 8 employees	4.32.010	T25	$681.12	$664.31	$701.69	$702
" + 9 employees	4.32.010	T25	$721.19	$703.39	$742.97	$743
" + 10 employees	4.32.010	T25	$761.24	$742.46	$784.23	$785
Each Additional Employee	4.32.010	T25	$40.07	$39.08	$41.28	$42
Business License Gross Receipts (10-000-4053-000)						
a. Coin-operated vending, amusement & Service Machines, Distributors						
$0-1,000	4.32.370	V01	$41.84	$40.81	$43.10	$44
$1,001-5,000	4.32.370	V02	$62.77	$61.22	$64.67	$65
$5,001-15,000	4.32.370	V03	$125.54	$122.44	$129.33	$130
>$15,001 per $1,000	4.32.370	T04	$8.37	$8.16	$8.62	$9
b. Coin-operated vending, amusement & Service Machines, Games of Skill						
$0-1,000	4.32.380	G01	$41.84	$40.81	$43.10	$44
$1,001-5,000	4.32.380	G02	$62.77	$61.22	$64.67	$65
$5,001-15,000	4.32.380	G03	$125.54	$122.44	$129.33	$130
>$15,001 per $1,000	4.32.380	T05	$8.37	$8.16	$8.62	$9

Adjustment Per Municipal Code: % Change in Feb CPI
CPI Urban Wage Earners and Clerical Workers
2015 Change is 2.53%

VI. Public Works

n/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
ading					
he event earth moved is greater than estimated, an additional fee shall be charged based upon total amounts less a credit for the original permit issued per the iedule below.					
Plan Check					
(No permit required below 50 CY)					
50 to 10,000 CY	each	$435.59	3.0%	$448.66	$449
10,001 to 100,000 CY	each	$604.93	3.0%	$623.08	$623
Add for each 10,000 CY above 100,000	10,000 CY	$144.83	3.0%	$149.17	$149
Permit Issuance	each	$83.55	3.0%	$86.06	$86
Permit Bond	per CY	$3.34	3.0%	$3.44	$3
Inspection					
(No permit required below 50 CY)					
50 to 10,000 CY	each	$779.83	3.0%	$803.22	$803
10,001 to 100,000 CY	each	$1,567.47	3.0%	$1,614.49	$1,614
Add for each 10,000 CY above 100,000	10,000 CY	$96.92	3.0%	$99.83	$100
Grading Work Started Prior to Obtaining a Permit	**Double the Plan Check, Permit Issuance Fee and Inspection Fee**				
croachments					
On-site Improvements (major, over 1/2 acre) - minimum deposit = $1,870	hourly	$268.49	3.0%	$276.54	$277
Permit Issuance Fee (all permits except trees)	each	$83.55	3.0%	$86.06	$86
Permit bond/deposit (except street tree permit)					
One-year maintenance bond for streetcuts in the amount of the value of the work or as determined by City Engineer.	minimum	$592.80		$1,500.00	$1,500
One-year maintenance bond for drainage modifications equal to the value of the work or as determined by City Engineer. Deposit is returned upon passing final inspection for concrete work or after removal of storage unit.	minimum	$616.51	3.0%	$635.01	$635
Encroachment Permits (also subject to the Issuance Fee (#2)					
Concrete Flat Work **or Under Sidewalk Drain** - up to500 s.f. (includes two inspections)	each	$247.32	3.0%	$254.74	$255
ADD for each add'l 500 s.f.	500 s.f.	$59.04	3.0%	$60.81	$61
Street cut or drainage modifications(< 10 C.Y. excavated) (includes two inspections and striping restoration fee)	each	$269.60	3.0%	$277.69	$278
ADD for each add'l 10 CY.	10 CY	$201.65	3.0%	$207.70	$208
Work in Public Right-of-Way Started Prior to Obtaining a Permit	Double the Permit Issuance Fee and Inspection Fee				
Revocable Encroachment Permit/Hold Harmless Agreement	each	$318.61	3.0%	$328.17	$328
Storage in Public ROW (applicable only to overnight storage and portable toilets, East Bay Sanitary authorized dumpsters exempt) (storage units or moving pods for residential moving exempt from bond deposit)	per one week	$142.59	3.0%	$146.87	$147
Moratorium Street Restoration Fee	each	$635.00	3.0%	$654.05	$654
Re-inspection (for reasons such as work not ready for a scheduled inspection or work done without an inspection)	each	$67.95	3.0%	$69.99	$70
Newsrack Fees - for placement of newsrack boxes in designated Newsrack Zones per Section 13.60 of the El Cerrito Municipal Code		$0		$0.00	$0
Permit Issuance Fee	each	$83.55	3.0%	$86.06	$86
Permit Renewal Fee	each	$42.34	3.0%	$43.61	$44
Newsrack Box Fee					
1 - 5 boxes	per permit period	$142.59	3.0%	$146.87	$147
6 - 10 boxes	per permit period	$212.78	3.0%	$219.16	$219
11 - 15 boxes	per permit period	$284.09	3.0%	$292.61	$293
More than 15 boxes	per permit period	$355.38	3.0%	$366.04	$366
New Street Tree Planting by City, Residential					
Tree Planting (includes furnishing, issuance, and installing of tree)	per tree	$156	flat rate	$175.00	$175
Concrete Removal for Tree Well	per 16 s. f.	$156	3.0%	$160.68	$161
Replacement Street Tree Bond - Three-year maintenance bond for when City is replacing an existing street tree.	per tree, refundable after 3- year health verification	$83.55	3.0%	$86.06	$86

n/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
Utility Pole - Set, Relocate or Remove	each	$247.32	3.0%	$254.74	$255
Transportation Permit - Per Calif. State Vehicle Code Section 35795	per trip	$16.00		$16.00	$16
Haul Route Impact Fees					
For qualifying projects as determined by the City Engineer, Haul Route Fees are charged on the following costs per square yard of pavement per PCI					
Arterial					
100<pci<70		$0.2578	3.0%	$0.2700	$0.2700
69<pci<50		$0.7360	3.0%	$0.7600	$0.7600
49<pci<25		$0.7557	3.0%	$0.7800	$0.7800
24<pci<0		$1.3265	3.0%	$1.3700	$1.3700
Collector					
100<pci<70		$0.2578	3.0%	$0.2700	$0.2700
69<pci<50		$0.6124	3.0%	$0.6300	$0.6300
49<pci<25		$0.7557	3.0%	$0.7800	$0.7800
24<pci<0		$1.3265	3.0%	$1.3700	$1.3700
Residential					
100<pci<70		$0.2086	3.0%	$0.2100	$0.2100
69<pci<50		$0.5699	3.0%	$0.5900	$0.5900
49<pci<25		$0.6848	3.0%	$0.7100	$0.7100
24<pci<0		$1.1432	3.0%	$1.1800	$1.1800
PCI Discount					
100<pci<70	pts/year				
69<pci<50	pts/year				
49<pci<25	pts/year				
24<pci<0	pts/year				
Time Extension	each	$41.22	3.0%	$42.46	$42
pping (Collected by the Planning Department)					
Lot Line Adjustment - flat rate plus any 3rd party costs	each	$169.33 $796.55	3.0%	$174.41	$174
Parcel Map - up to 4 lots (flat rate plus any 3rd party costs)	each	$765.91	3.0%	$788.89	$789
Subdivision Map Review					
up to 4 Lots (flat rate plus any 3rd party costs)	each	$1,134.10	3.0%	$1,168.12	$1,168
Add for each lot more than 4	per lot	$53.48	3.0%	$55.08	$55
›sion and Clean Water					
SWPP Permit	each	$247.32	3.0%	$254.74	$255
Additional Inspections	each	$116.98	3.0%	$120.49	$120
Erosion & Sediment Control Field Manual	each	$44.56	3.0%	$45.90	$46
C.3 Fees for projects which create or replace more than 10,000 square feet of impervious surface					
Stormwater Control Plan Review/Approval (Collected by Planning Dept at initial submittal)	each	$440.04	3.0%	$453.24	$453

VI. Public Works (continued)

n/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
Operations & Maintenance Plan Review/Approval (O&M Plan to include Maintenance Agreement and description of annual inspection fees) (Collected by Building Dept at plan check submittal)	per square feet of impervious surface	$0.034	3.0%	$0.04	$0.04
Annual Inspection Fee-Collected by Public Works Department as described in Maintenance Agreement	up to 25,000 sf	$360.95	3.0%	$371.78	$372
	more than 25,000 sf	$720.79	3.0%	$742.41	$742
scellaneous					
Hazardous Materials Spill Clean-Up - costs to include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved	hourly with minimum two hour response	$541	3.0%	$557.02	$557
Public Works Hourly Rates (for other Services Not Specificed)					
Public Works Director	hourly	$266.05	3.0%	$274.03	$274
Management Assistant	hourly	$140.37	3.0%	$144.58	$145
Engineering Manager/Senior Engineer	hourly	$214.65	3.0%	$221.09	$221
Operations + Environmental Services Division Manager	hourly	$214.65	3.0%	$221.09	$221
Environmental Programs Manager/City Arborist	hourly	$182.79	3.0%	$188.27	$188
Associate Engineer	hourly	$203.87	3.0%	$209.99	$210
Maintenance Superintendent	hourly	$182.71	3.0%	$188.19	$188
Technician/Inspector	hourly	$142.59	3.0%	$146.87	$147
Maintenance Worker	hourly	$118.09	3.0%	$121.63	$122
Purchase Bid Documents	each	indicated in specs		indicated in specs	indicated in specs
Bid Protest Fee					$500
Recycling + Environmental Services					
Construction Waste Management Plan Review Fee	per plan review, inclusive of pre plan and post report	$184.93	3.0%	$190.48	$190
Solid Waste Collection and Disposal Subscription Exemption Application Fee	per application	$184.93	3.0%	$190.48	$190
Salvage Permit Application Fee	per application per year	$25		$25.00	$25
Recycling + Environmental Resource Center Tour Fee	per tour, excluding free monthly tours	$140	3.0%	$144.58	$145
Recycling Cart Cleaning Fee (64 and 96 gallon carts)	per cart	$26	3.0%	$26.78	$27
Recycling Bin Cleaning Fee (1 and 2 cubic yard bins)	per bin	$52	3.0%	$53.56	$54
Citywide Garage Sale Listing	per registration	$15.60	3.0%	$16.07	$16
Solid Waste Event Stands Rental (set of three - Recycling, Compost, and Garbage)	per event	$10.71	3.0%	$11.03	$11
Solid Waste Event Stand Replacement	per stand	$62.40	3.0%	$64.27	$64
Compost	per cubic foot	$1.50	0.0%	$1.50	$1.50
Carpet Recycling	per sq ft, min $5	$0.10	3.0%	$0.10	$0.10
Compact Flourescent Bulb (CFL) Recycling *	per bulb	$3.12	3.0%	$3.21	$3
Flourescent Tube Recycling *	per linear foot	$0.52	3.0%	$0.54	$1
CFL & Tube Large Quantity (up to 15 CFLs and/or 30 feet) Recycling	flat fee	$10.40	3.0%	$10.71	$11
Paint Collection and Disposal Fee *	per gallon	$5.20	3.0%	$5.36	$5
Misc. Product Fee	**per items**	**actual cost**			**actual cost**

* No cost from Integrated Resource Recovery Facility (IRRF) fee-paying residents of El Cerrito, Richmond, San Pablo, Pinole, and Hercules.

rking Controls					
Appeals					
No Parking/Stopping Anytime Zones (includes two hours of Manager's time)	each	$472.36	3.0%	$486.53	$487
Temporary No Parking/Stopping Anytime Signs	each			$5	$5
Temporary Barricades					
Pick-up/drop-off by City crew	per pick-up/drop-off				$59
Replacement	per barricade				$90

VII. Planning

Item/Description	Basis	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17	Rounded Amount
1 San Pablo Avenue Specific Plan					
Design Review					
Tier 1 Residential and Non-Residential Projects (includes signs)		$1,201.00	3.0%	$1,237.03	
Tier 1 Permanent Signs				$585.00	
Tier 1 Sidewalk Sign Permit (only)				$45.00	
Tier 2 and Tier 3 Residential and Non-Residential Projects					
1. Up to 2,500 sqft		$2,823.00	3.0%	$2,907.69	
2. 2,501 - 10,000 sqft		$3,842.00	3.0%	$3,957.26	
3. 10,001 – 40,000 sqft		$4,898.00	3.0%	$5,044.94	
4. 40,001 – 100,000 sqft		$6,171.00	3.0%	$6,356.13	
5. 100,001+ sqft base fee plus $193 per hour of staff time		$7,776 base	3.0%	$8009.28	
Tier 4 Residential and Non-Residential Projects					
1. Up to 10,000 sqft		$7,578.00	3.0%	$7,805.34	
2. 10,001 – 40,000 sqft		$9,659.00	3.0%	$9,948.77	
3. 40,001 – 100,000 sqft		$11,796.00	3.0%	$12,149.88	
4. 100,001 + sqft base fee plus $193 per hour of staff time		$14,694.00	3.0%	$15,134.82	
Use Permits					
Use Permits (All Tiers)					
1. Administrative Use Permit		$905.00	3.0%	$932.15	
2. Use Permit (up to 2,500 sqft)		$3,020.00	3.0%	$3,110.60	
3. Use Permit (2,501 to 10,000 sqft)		$3,736.00	3.0%	$3,848.08	
4. Use Permit (10,001 – 40,000 sqft)		$4,761.00	3.0%	$4,903.83	
5. Use Permit (40,001 – 100,000 sqft)		$5,625.00	3.0%	$5,793.75	
6. Use Permit (100,001 + sqft)		$6,918.00	3.0%	$7,125.54	
Environmental Review and Special Studies					
1. Specific Plan Environmental Check List and Initial Study		Consultant	0.0%	Consultant	
2. Categorical Exemption		$204.00	3.0%	$210.12	
3. Negative Declaration (City Prepared) (Any consultant fees are extra)		$3,669.00	3.0%	$3,779.07	
4. Mitigated Negative Declaration (City Prepared) (Any consultant fees are extra)		$10,641.00	3.0%	$10,641 (any	
5. Administrative Fee for consultant prepared environmental documents		30% of	0.0%	30% of	
6. Administrative fee for consultant prepared special study		consultant	0.0%	consultant	
Miscellaneous					
1. Staff time per hour		$193.00	3.0%	$193.00	
2. Pre-Application Review Meeting with Staff		$0.00	0.0%	$0.00	
3. Pre-Application Design Review with Written Comments (staff time per hour)		$191.00	0.0%	$191.00	
4. Pre-Application Study Session with Planning Commission or Design Review Board		$1,985.00	0.0%	$1,985.00	
5. Community Design Charrette (If City Hosted)		$2,865.00	0.0%	$2,865.00	
6. Public Notice Mailing List Generation		$101.00	0.0%	$101.00	
7. Public Notice Mailing Fee (per address)		1st class	0.0%	1st class	
8. Laserfiche/ Archiving		$3 per page	0.0%	$3 per page	
SPA Specific Plan Maintenance Fee	Projects Applied				
	• Construction of	$ 200 per	0.0%	$ 200 per	
	• Additions to	$0.18 per	0.0%	$0.18 per sq ft	

Item/Description	Basis	Approved FY 2014-15	Cost Adjustment	Proposed FY 2015-16	Rounded Amount
2 General Plan and Zoning Ordinance					
General/Specific Plan and/or Amendment	each	$25,360.19	3.0%	$26,121.00	$26,121
Zoning Amendment	each	$24,072.35	3.0%	$24,794.52	$24,795
3 Subdivisions and Lot Adjustments (See Public Works Section for possible additional fees)					
Tentative Parcel Map 1-4 lots	each	$6,389.06	3.0%	$6,580.73	$6,581
Tentative Tract Map 5-10 lots	each	$8,589.31	3.0%	$8,846.99	$8,847
Tentative Tract Map 11-25 lots	each	$10,165.65	3.0%	$10,470.62	$10,471
Tentative Tract Map 26+ lots (per lot)	per lot	$1,065.03	3.0%	$1,096.98	$1,097
Final Map 1-4 lots	each	$5,101.22	3.0%	$5,254.26	$5,254
Final Map 5+ lots	each	$6,187.42	3.0%	$6,373.04	$6,373
Exception to Subdivision Ordinance	each	$5,591.40	3.0%	$5,759.14	$5,759
Lot Line Adjustment or Lot Merger	each	$1,715.64	3.0%	$1,767.11	$1,767
Certificate of Compliance	each	$2,478.76	3.0%	$2,553.12	$2,553
4 Use and Development Permits, Development Agreement					
Planned Development	each	$16,565.89	3.0%	$17,062.87	$17,063
Incentives Program Permit (Staff and Design Review Board review prior to application for Planning Commission action, does not include Use Permit Fee)	each	$4,665.64	3.0%	$4,805.61	$4,806
Use Permit Residential					
One unit and projects deemed minor by Development Service Manager	each	$1,182.00	3.0%	$1,217.46	$1,217
2 - 4 units	each	$3,424.58	3.0%	$3,527.32	$3,527
5 - 10 units	each	$3,885.80	3.0%	$4,002.37	$4,002
11+ units	each	$4,951.94	3.0%	$5,100.50	$5,101
Use Permit Nonresidential					
1 - 2,500 s.f.	each	$3,140.50	3.0%	$3,234.72	$3,235
2,501 - 10,000 s.f.	each	$3,885.80	3.0%	$4,002.37	$4,002
10,000+ s.f.	each	$4,951.94	3.0%	$5,100.50	$5,101

VII. Planning (continued)

Item/Description	Basis	Approved FY 2014-15	Cost Adjustment	Proposed FY 2015-16	Rounded Amount
Administrative Use Permit	each	$941.37	3.0%	$969.61	$970
Administrative Use Permit - Keeping Animals (Title 7)	each	$650.60	3.0%	$670.12	$670
Temporary Use Permit	each	$747.53	3.0%	$769.96	$770
Large Family Day Care	each	$221.70	3.0%	$228.35	$228
Accessory Living Unit	each	$535.86	3.0%	$551.94	$552
Home Occupation	each	$103.60	3.0%	$106.71	$107
Zoning Clearance (Commercial)	each	$268.49	3.0%	$276.54	$277
Development Agreement	each	$23,310.34	3.0%	$24,009.65	$24,010
5 Design Review					
Residential					
1 unit and projects deemed minor by Planning Manager	each	$2,935.51	3.0%	$3,023.58	$3,024
2 - 4 units	each	$3,996.09	3.0%	$4,115.97	$4,116
5 - 10 units	each	$5,039.95	3.0%	$5,191.15	$5,191
11+ units	each	$5,093.43	3.0%	$5,246.23	$5,246
Nonresidential					
1 - 2,500 s.f.	each	$2,935.51	3.0%	$3,023.58	$3,024
2,501 - 10,000 s.f.	each	$3,996.09	3.0%	$4,115.97	$4,116
10,000+ s.f.	each	$5,093.43	3.0%	$5,246.23	$5,246
Administrative Design Review					
Structures (if elevated, full Design Review fee applies)	each	$1,248.85	3.0%	$1,286.32	$1,286
Permanent signs conforming to sign regulations	each	$608.28	3.0%	$626.53	$627
Temporary signs	each	$303.02	3.0%	$312.11	$312
Sidewalk Sign Permit (only)				$45.00	
Design Consultant Review (staff admin/review + consultant costs)	each	$958.08	3.0%	$986.82	$987
6 Variances					
Residential					
One unit and projects deemed minor by Planning Manager	each	$1,169.75	3.0%	$1,204.84	$1,205
2 - 4 units	each	$3,424.58	3.0%	$3,527.32	$3,527
5 - 10 units	each	$3,885.80	3.0%	$4,002.37	$4,002
11+ units	each	$4,951.94	3.0%	$5,100.50	$5,101
Nonresidential					
1 - 2,500 s.f.	each	$3,140.50	3.0%	$3,234.72	$3,235
2,501 - 10,000 s.f.	each	$3,885.80	3.0%	$4,002.37	$4,002
10,000+ s.f.	each	$4,951.94	3.0%	$5,100.50	$5,101
7 Environmental Review					
Categorical Exemption	each	$211.67	3.0%	$218.02	$218
Negative Declaration (City prepared + any consultant cost)	each	$3,815.61	3.0%	$3,930.08	$3,930
Mitigated Negative Declaration (City prepared + any consultant cost)	each	$11,066.95	3.0%	$11,398.96	$11,399
Administrative Fee for any environmental document/study prepared by a consultant		30% of consultant cost		30% of consultant cost	30% of consultant cost
Mitigation Monitoring Plan	each	$8,045.66	3.0%	$8,287.03	$8,287

VII. Planning (continued)

Item/Description	Basis	Approved FY 2014-15	Cost Adjustment	Proposed FY 2015-16	Rounded Amount
8 Miscellaneous					
Study Session: Planning Commission or Design Review Board	each	$2,146.77	3.0%	$2,211.17	$2,211
Planning Commission Review Fee	each	$1,148.59	3.0%	$1,183.05	$1,183
Individual Business Sign Permit (as part of Master Sign Program)	each	$225.04	3.0%	$231.79	$232
Preliminary Review of Multi-Story Single Family Construction (RAD)	each	$453.42	3.0%	$467.02	$467
Street Vacation	each	$3,229.63	3.0%	$3,326.52	$3,327
Unspecified or Research - hourly	each	$198.30	3.0%	$204.25	$204
Rebuild or Intrepretation Letter	each	$539.97	3.0%	$556.17	$556
Fence Clearance	each	$70.19	3.0%	$72.30	$72
Residential Chicken Clearance	each	$83.55	3.0%	$86.06	$86
Honeybee Keeping Clearance	each	$100.27	3.0%	$103.28	$103
Goat Weed Abatement Permit	each	$83.55	3.0%	$86.06	$86
Unanimous Neighbor Consent Exception for Chickens and Bees	each	$27.85	3.0%	$28.69	$29
Public Notice Mailing List Generation	each	$104.72	3.0%	$107.86	$108
Public Notice Mailing	per envelope	postage +7¢		postage +7¢	postage +7¢
Laserfiche Fee (or total hourly cost to the City, whichever is greatest)	per page/sheet	$3.34	3.0%	$3.44	$3
Permit Amendment/Time Extension	each	1/2 permit fee		1/2 permit fee	1/2 permit fee
Appeals					
By nonapplicant	each	$352.04	3.0%	$362.60	$363
By applicant	each	1/2 current fee		1/2 current fee	1/2 current fee
County Clerk Filing Fees (set by County)					
Notice of Exemption	each	$50.00		$50.00	$50.00
Notice of Determination (Neg. Dec. & Mitigated Neg Dec)	each	$2,181.25		$2,181.25	$2,181.25
Notice of Determination (EIR)	each	$3,029.75		$3,029.75	$3,029.75
CA Fish and Game Filing Fee (with Filing of Environmental Documents at Cour	Per Dept of Fish and Game Section 711.4				
Planning Hourly Wages					
Community Development Director	hourly	$266.55	3.0%	$274.55	$275
Development Services Manager	hourly	$239.72	3.0%	$246.91	$247
Senior Planner	hourly	$187.16	3.0%	$192.77	$193
Administrative Fee for any special study prepared by a consultant	**30% of consultant cost**			**30% of consultant cost**	**30% of consultant cost**
Electronic Media-CD (of Plans etc.)	**each**	**$8.11**	**3%**	**$8.35**	**$8**

Note: Fees are based on the City's Cost Allocation Study to cover the cost of processing applications for all projects. The Development Services Manager may determine a project to be unusually complex or time consuming, and require a deposit at the time of application for estimated staff and consultant costs. If a standard fee has previously been paid, additional deposits may be required to cover extraordinary costs resulting from unforeseen complexities, delays or extra meetings. Hourly staff costs are based on employee wages and benefits, overhead, equipment and supervision, as determined by the City's Cost Allocation Study. Charges for third-party consultants will equal actual contract costs plus 30% administrative charge.

VIII. Building Permits - New Construction (Plan Check Only)

Plan check fees for new construction permits are based on occupancy group, description, and project square footage using the following methodology and tables. These permits include mechanical, plumbing, and electrical. There are additional permit fees to be added in Section VI.

Exemple: Plan check fees for a new 6,000 sq ft A-2 church of Type I FR Construction would be $12,829 for the first 5,000 sq ft, plus $31 for each additional 100 sq ft, equalling $310. The total plan check fee would be $13,139.

			Approved FY 2016-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$17,318	$14	$14,432	$12	$11,546	$9	$17,838	$14	$14,865	$12	$11,892	$9
		10,000	$18,442	$23	$15,368	$19	$12,295	$15	$18,995	$24	$15,829	$20	$12,664	$15
		20,000	$20,691	$8	$17,243	$7	$13,794	$5	$21,312	$8	$17,760	$7	$14,208	$5
		40,000	$22,266	$44	$18,555	$37	$14,844	$29	$22,934	$45	$19,112	$38	$15,289	$30
		100,000	$48,699	$29	$40,582	$24	$32,466	$19	$50,160	$30	$41,799	$25	$33,440	$20
		200,000	$77,712	$39	$64,760	$32	$51,808	$26	$80,043	$40	$66,703	$33	$53,362	$27
A-2	Church	1,000	$12,528	$20	$10,440	$17	$8,352	$14	$12,904	$21	$10,753	$18	$8,603	$14
		5,000	$13,342	$33	$11,118	$27	$8,895	$22	$13,742	$34	$11,452	$28	$9,162	$23
		10,000	$14,969	$11	$12,474	$9	$9,979	$8	$15,418	$11	$12,848	$9	$10,278	$8
		20,000	$16,107	$64	$13,423	$53	$10,738	$42	$16,590	$66	$13,826	$55	$11,060	$43
		50,000	$35,227	$42	$29,356	$35	$23,485	$28	$36,284	$43	$30,237	$36	$24,190	$29
		100,000	$56,213	$56	$46,844	$47	$37,475	$37	$57,899	$58	$48,249	$48	$38,599	$38
A-2.1	Auditorium	1,000	$12,528	$20	$10,440	$17	$8,352	$14	$12,904	$21	$10,753	$18	$8,603	$14
		5,000	$13,342	$33	$11,118	$27	$8,895	$22	$13,742	$34	$11,452	$28	$9,162	$23
		10,000	$14,969	$11	$12,474	$9	$9,979	$8	$15,418	$11	$12,848	$9	$10,278	$8
		20,000	$16,107	$64	$13,423	$53	$10,738	$42	$16,590	$66	$13,826	$55	$11,060	$43
		50,000	$35,227	$42	$29,356	$35	$23,485	$28	$36,284	$43	$30,237	$36	$24,190	$29
		100,000	$56,213	$56	$46,844	$47	$37,475	$37	$57,899	$58	$48,249	$48	$38,599	$38
A-2.1	Restaurant	1,000	$13,127	$21	$10,939	$18	$8,751	$14	$13,521	$22	$11,267	$19	$9,014	$14
		5,000	$13,979	$34	$11,650	$28	$9,320	$23	$14,398	$35	$12,000	$29	$9,600	$24
		10,000	$15,684	$12	$13,070	$10	$10,456	$8	$16,155	$12	$13,462	$10	$10,770	$8
		20,000	$16,878	$67	$14,065	$56	$11,252	$45	$17,384	$69	$14,487	$58	$11,590	$46
		50,000	$18,255	$44	$30,758	$37	$24,606	$29	$18,803	$45	$31,681	$38	$25,344	$30
		100,000	$58,905	$59	$49,087	$49	$39,270	$39	$60,672	$61	$50,560	$50	$40,448	$40
A	All A Tenant	500	$6,422	$21	$5,351	$17	$4,281	$14	$6,422	$21	$5,351	$17	$4,281	$14
	Improvements	2,500	$6,839	$33	$5,699	$28	$4,559	$22	$6,839	$33	$5,699	$28	$4,559	$22
		5,000	$7,673	$12	$6,394	$10	$5,115	$8	$7,673	$12	$6,394	$10	$5,115	$8
		10,000	$8,256	$65	$6,880	$54	$5,504	$44	$8,256	$65	$6,880	$54	$5,504	$44
		25,000	$18,059	$43	$15,049	$36	$12,039	$29	$18,059	$43	$15,049	$36	$12,039	$29
		50,000	$28,813	$58	$24,011	$48	$19,209	$38	$28,813	$58	$24,011	$48	$19,209	$38
A-3	Small	500	$9,672	$31	$8,060	$26	$6,448	$21	$9,962	$32	$8,302	$27	$6,641	$22
	Assembly	2,500	$10,301	$50	$8,584	$42	$6,867	$33	$10,610	$52	$8,842	$43	$7,073	$34
	Buildings	5,000	$11,557	$18	$9,631	$15	$7,704	$12	$11,904	$19	$9,920	$15	$7,935	$12
		10,000	$12,436	$98	$10,363	$82	$8,290	$66	$12,809	$101	$10,674	$84	$8,539	$68
		25,000	$27,195	$65	$22,663	$54	$18,130	$43	$28,011	$67	$23,343	$56	$18,674	$44
		50,000	$43,401	$87	$36,167	$72	$28,934	$58	$44,703	$90	$37,252	$74	$29,802	$60
B	Banks	1,000	$8,936	$15	$7,446	$12	$5,957	$10	$9,204	$15	$7,669	$12	$6,136	$10
		5,000	$9,516	$23	$7,930	$19	$6,344	$15	$9,801	$24	$8,168	$20	$6,534	$15
		10,000	$10,676	$8	$8,897	$7	$7,117	$5	$10,996	$8	$9,164	$7	$7,331	$5
		20,000	$11,489	$45	$9,574	$38	$7,659	$30	$11,834	$46	$9,861	$39	$7,889	$31
		50,000	$25,128	$30	$20,940	$25	$16,752	$20	$25,882	$31	$21,568	$26	$17,255	$21
		100,000	$40,089	$40	$33,407	$33	$26,726	$27	$41,292	$41	$34,409	$34	$27,528	$28
B	Laundromat	500	$10,479	$34	$8,732	$28	$6,986	$23	$10,793	$35	$8,994	$29	$7,196	$24
		2,500	$11,159	$54	$9,299	$45	$7,439	$36	$11,494	$56	$9,578	$46	$7,662	$37
		5,000	$12,520	$19	$10,434	$16	$8,347	$13	$12,896	$20	$10,747	$16	$8,597	$13
		10,000	$13,473	$107	$11,228	$89	$8,982	$71	$13,877	$110	$11,565	$92	$9,251	$73
		25,000	$29,463	$70	$24,553	$59	$19,642	$47	$30,347	$72	$25,290	$61	$20,231	$48
		50,000	$47,019	$94	$39,183	$78	$31,346	$63	$48,430	$97	$40,358	$80	$32,286	$65
B	Medical	500	$10,939	$36	$9,116	$30	$7,293	$24	$11,267	$37	$9,389	$31	$7,512	$25
	Office	2,500	$11,649	$57	$9,708	$47	$7,766	$38	$11,998	$59	$9,999	$48	$7,999	$39
		5,000	$13,070	$20	$10,892	$17	$8,713	$13	$13,462	$21	$11,219	$18	$8,974	$13
		10,000	$14,064	$111	$11,720	$93	$9,376	$74	$14,486	$114	$12,072	$96	$9,657	$76
		25,000	$30,758	$73	$25,631	$61	$20,505	$49	$31,681	$75	$26,400	$63	$21,120	$50
		50,000	$49,084	$98	$40,903	$82	$32,723	$65	$50,557	$101	$42,130	$84	$33,705	$67
B	Offices	1,000	$8,475	$14	$7,062	$11	$5,650	$9	$8,729	$14	$7,274	$11	$5,820	$9
		5,000	$9,025	$22	$7,521	$18	$6,017	$15	$9,296	$23	$7,747	$19	$6,198	$15
		10,000	$10,127	$8	$8,439	$6	$6,751	$5	$10,431	$8	$8,692	$6	$6,954	$5
		20,000	$10,897	$43	$9,081	$36	$7,265	$29	$11,224	$44	$9,353	$37	$7,483	$30
		50,000	$23,827	$28	$19,856	$24	$15,885	$19	$24,542	$29	$20,452	$25	$16,362	$20
		100,000	$38,035	$38	$31,696	$32	$25,356	$25	$39,176	$39	$32,647	$33	$26,117	$26
B	Office Tenant	250	$5,315	$35	$4,429	$29	$3,543	$23	$5,315	$35	$4,429	$29	$3,543	$23
	Improvements	1,250	$5,660	$55	$4,716	$46	$3,773	$37	$5,660	$55	$4,716	$46	$3,773	$37
		2,500	$6,350	$19	$5,292	$16	$4,233	$13	$6,350	$19	$5,292	$16	$4,233	$13
		5,000	$6,833	$108	$5,694	$90	$4,555	$72	$6,833	$108	$5,694	$90	$4,555	$72
		12,500	$14,942	$71	$12,451	$59	$9,961	$47	$14,942	$71	$12,451	$59	$9,961	$47
		25,000	$23,845	$95	$19,871	$79	$15,897	$64	$23,845	$95	$19,871	$79	$15,897	$64

VIII. Building Permits - New Construction (Plan Check Only) (continued)

			Approved FY 2016-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
E-1	Preschool/	500	$12,758	$41	$10,632	$35	$8,506	$28	$13,141	$42	$10,951	$36	$8,761	$29
	School	2,500	$13,587	$66	$11,322	$55	$9,058	$44	$13,995	$68	$11,662	$57	$9,330	$45
		5,000	$15,244	$23	$12,703	$19	$10,163	$15	$15,701	$24	$13,084	$20	$10,468	$15
		10,000	$16,403	$130	$13,670	$108	$10,936	$87	$16,895	$134	$14,080	$111	$11,264	$90
		25,000	$35,874	$86	$29,895	$71	$23,916	$57	$36,950	$89	$30,792	$73	$24,633	$59
		50,000	$57,249	$114	$47,707	$95	$38,166	$76	$58,966	$117	$49,138	$98	$39,311	$78
E-2	Preschool/	300	$15,948	$86	$13,290	$72	$10,632	$58	$16,426	$89	$13,689	$74	$10,951	$60
	School	1,500	$16,984	$138	$14,153	$115	$11,322	$92	$17,494	$142	$14,578	$118	$11,662	$95
		3,000	$19,055	$48	$15,879	$40	$12,703	$32	$19,627	$49	$16,355	$41	$13,084	$33
		6,000	$20,505	$270	$17,087	$225	$13,670	$180	$21,120	$278	$17,600	$232	$14,080	$185
		15,000	$44,840	$178	$37,366	$148	$29,893	$119	$46,185	$183	$38,487	$152	$30,790	$123
		30,000	$71,559	$239	$59,632	$199	$47,706	$159	$73,706	$246	$61,421	$205	$49,137	$164
E-3	Daycare	300	$15,948	$86	$13,290	$72	$10,632	$58	$16,426	$89	$13,689	$74	$10,951	$60
		1,500	$16,984	$138	$14,153	$115	$11,322	$92	$17,494	$142	$14,578	$118	$11,662	$95
		3,000	$19,055	$48	$15,879	$40	$12,703	$32	$19,627	$49	$16,355	$41	$13,084	$33
		6,000	$20,505	$270	$17,087	$225	$13,670	$180	$21,120	$278	$17,600	$232	$14,080	$185
		15,000	$44,840	$178	$37,366	$148	$29,893	$119	$46,185	$183	$38,487	$152	$30,790	$123
		30,000	$71,559	$239	$59,632	$199	$47,706	$159	$73,706	$246	$61,421	$205	$49,137	$164
F-1	Commercial/	1,000	$13,680	$22	$11,400	$19	$9,120	$15	$14,090	$23	$11,742	$20	$9,394	$15
	Manufacturing	5,000	$14,568	$36	$12,140	$30	$9,712	$24	$15,005	$37	$12,504	$31	$10,003	$25
		10,000	$16,345	$12	$13,621	$10	$10,897	$8	$16,835	$12	$14,030	$10	$11,224	$8
		20,000	$17,590	$70	$14,658	$58	$11,726	$46	$18,118	$72	$15,098	$60	$12,078	$47
		50,000	$38,463	$46	$32,052	$38	$25,642	$31	$39,617	$47	$33,014	$39	$26,411	$32
		100,000	$61,383	$61	$51,152	$51	$40,922	$41	$63,224	$63	$52,687	$53	$42,150	$42
F-2	Steel Production/	1,000	$14,232	$23	$11,860	$19	$9,488	$15	$14,659	$24	$12,216	$20	$9,773	$15
	Fabrication	5,000	$15,157	$37	$12,630	$31	$10,104	$25	$15,612	$38	$13,009	$32	$10,407	$26
	Industrial/	10,000	$17,004	$13	$14,170	$11	$11,336	$9	$17,514	$13	$14,595	$11	$11,676	$9
	Manufacturing	20,000	$18,298	$72	$15,249	$60	$12,199	$48	$18,847	$74	$15,706	$62	$12,565	$49
		50,000	$40,020	$48	$33,350	$40	$26,680	$32	$41,221	$49	$34,351	$41	$27,480	$33
		100,000	$63,865	$64	$53,220	$53	$42,576	$43	$65,781	$66	$54,817	$55	$43,853	$44
H-2	Moderate	300	$15,061	$82	$12,551	$68	$10,041	$54	$15,513	$84	$12,928	$70	$10,342	$56
	Explosion	1,500	$16,039	$130	$13,366	$109	$10,693	$87	$16,520	$134	$13,767	$112	$11,014	$90
	Hazard	3,000	$17,996	$46	$14,996	$38	$11,997	$30	$18,536	$47	$15,446	$39	$12,357	$31
		6,000	$19,365	$255	$16,137	$213	$12,910	$170	$19,946	$263	$16,621	$219	$13,297	$175
		15,000	$42,347	$168	$35,289	$140	$28,232	$112	$43,617	$173	$36,348	$144	$29,079	$115
		30,000	$67,579	$225	$56,316	$188	$45,053	$150	$69,606	$232	$58,005	$194	$46,405	$155
H-3	High	300	$15,061	$82	$12,551	$68	$10,041	$54	$15,513	$84	$12,928	$70	$10,342	$56
	Fire	1,500	$16,039	$130	$13,366	$109	$10,693	$87	$16,520	$134	$13,767	$112	$11,014	$90
	Hazard	3,000	$17,996	$46	$14,996	$38	$11,997	$30	$18,536	$47	$15,446	$39	$12,357	$31
		6,000	$19,365	$255	$16,137	$213	$12,910	$170	$19,946	$263	$16,621	$219	$13,297	$175
		15,000	$42,347	$168	$35,289	$140	$28,232	$112	$43,617	$173	$36,348	$144	$29,079	$115
		30,000	$67,579	$225	$56,316	$188	$45,053	$150	$69,606	$232	$58,005	$194	$46,405	$155
H-4	Repair Garage	300	$11,745	$64	$9,788	$53	$7,830	$42	$12,097	$66	$10,082	$55	$8,065	$43
		1,500	$12,508	$102	$10,423	$85	$8,339	$68	$12,883	$105	$10,736	$88	$8,589	$70
		3,000	$14,033	$36	$11,695	$30	$9,356	$24	$14,454	$37	$12,046	$31	$9,637	$25
		6,000	$15,101	$199	$12,584	$166	$10,067	$133	$15,554	$205	$12,962	$171	$10,369	$137
		15,000	$33,024	$131	$27,520	$109	$22,016	$87	$34,015	$135	$28,346	$112	$22,676	$90
		30,000	$52,702	$176	$43,919	$146	$35,135	$117	$54,283	$181	$45,237	$150	$36,189	$121
H-7	Health	300	$15,061	$82	$12,551	$68	$10,041	$54	$15,513	$84	$12,928	$70	$10,342	$56
	Hazard	1,500	$16,039	$130	$13,366	$109	$10,693	$87	$16,520	$134	$13,767	$112	$11,014	$90
	Materials	3,000	$17,996	$46	$14,996	$38	$11,997	$30	$18,536	$47	$15,446	$39	$12,357	$31
		6,000	$19,365	$255	$16,137	$213	$12,910	$170	$19,946	$263	$16,621	$219	$13,297	$175
		15,000	$42,347	$168	$35,289	$140	$28,232	$112	$43,617	$173	$36,348	$144	$29,079	$115
		30,000	$67,579	$225	$56,316	$188	$45,053	$150	$69,606	$232	$58,005	$194	$46,405	$155
I-1.1	Nursery	500	$12,758	$41	$10,632	$35	$8,506	$28	$13,141	$42	$10,951	$36	$8,761	$29
	Full-Time (5+)	2,500	$13,587	$66	$11,322	$55	$9,058	$44	$13,995	$68	$11,662	$57	$9,330	$45
		5,000	$15,244	$23	$12,703	$19	$10,163	$15	$15,701	$24	$13,084	$20	$10,468	$15
		10,000	$16,403	$130	$13,670	$108	$10,936	$87	$16,895	$134	$14,080	$111	$11,264	$90
		25,000	$35,874	$86	$29,895	$71	$23,916	$57	$36,950	$89	$30,792	$73	$24,633	$59
		50,000	$57,249	$114	$47,707	$95	$38,166	$76	$58,966	$117	$49,138	$98	$39,311	$78
I-1.2	Health Care	500	$12,758	$41	$10,632	$35	$8,506	$28	$13,141	$42	$10,951	$36	$8,761	$29
	Centers	2,500	$13,587	$66	$11,322	$55	$9,058	$44	$13,995	$68	$11,662	$57	$9,330	$45
		5,000	$15,244	$23	$12,703	$19	$10,163	$15	$15,701	$24	$13,084	$20	$10,468	$15
		10,000	$16,403	$130	$13,670	$108	$10,936	$87	$16,895	$134	$14,080	$111	$11,264	$90
		25,000	$35,874	$86	$29,895	$71	$23,916	$57	$36,950	$89	$30,792	$73	$24,633	$59
		50,000	$57,249	$114	$47,707	$95	$38,166	$76	$58,966	$117	$49,138	$98	$39,311	$78
I-2	Nursing Home/	500	$13,910	$45	$11,592	$38	$9,273	$30	$14,327	$46	$11,940	$39	$9,551	$31
	Assisted Living /	2,500	$14,813	$72	$12,344	$60	$9,876	$48	$15,257	$74	$12,714	$62	$10,172	$49
	Convalescent	5,000	$16,620	$25	$13,850	$21	$11,080	$17	$17,119	$26	$14,266	$22	$11,412	$18
	Hospital	10,000	$17,884	$141	$14,903	$118	$11,923	$94	$18,421	$145	$15,350	$122	$12,281	$97
		25,000	$39,109	$93	$32,591	$78	$26,072	$62	$40,282	$96	$33,569	$80	$26,854	$64
		50,000	$62,418	$125	$52,015	$104	$41,612	$83	$64,291	$129	$53,575	$107	$42,860	$85

VIII. Building Permits - New Construction (Plan Check Only) (continued)

			Approved FY 2015-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
M	Stores (Retail)	1,000	$11,169	$18	$9,308	$15	$7,446	$12	$11,504	$19	$9,587	$15	$7,669	$12
		5,000	$11,894	$29	$9,912	$24	$7,930	$19	$12,251	$30	$10,209	$25	$8,168	$20
		10,000	$13,345	$10	$11,121	$8	$8,897	$7	$13,745	$10	$11,455	$8	$9,164	$7
		20,000	$14,361	$57	$11,968	$47	$9,574	$38	$14,792	$59	$12,327	$48	$9,861	$39
		50,000	$31,410	$37	$26,175	$31	$20,940	$25	$32,352	$38	$26,960	$32	$21,568	$26
		100,000	$50,111	$50	$41,759	$42	$33,407	$33	$51,614	$52	$43,012	$43	$34,409	$34
M	Market	500	$10,018	$33	$8,348	$27	$6,679	$22	$10,319	$34	$8,598	$28	$6,879	$23
		2,500	$10,668	$52	$8,890	$43	$7,112	$35	$10,988	$54	$9,157	$44	$7,325	$36
		5,000	$11,969	$18	$9,974	$15	$7,980	$12	$12,328	$19	$10,273	$15	$8,219	$12
		10,000	$12,881	$102	$10,734	$85	$8,587	$68	$13,267	$105	$11,056	$88	$8,845	$70
		25,000	$28,169	$67	$23,474	$56	$18,779	$45	$29,014	$69	$24,178	$58	$19,342	$46
		50,000	$44,954	$90	$37,462	$75	$29,970	$60	$46,303	$93	$38,586	$77	$30,869	$62
M	Retail Tenant	500	$6,422	$21	$5,351	$17	$4,281	$14	$6,422	$21	$5,351	$17	$4,281	$14
	Improvements	2,500	$6,839	$33	$5,699	$28	$4,559	$22	$6,839	$33	$5,699	$28	$4,559	$22
		5,000	$7,673	$12	$6,394	$10	$5,115	$8	$7,673	$12	$6,394	$10	$5,115	$8
		10,000	$8,256	$65	$6,880	$54	$5,504	$44	$8,256	$65	$6,880	$54	$5,504	$44
		25,000	$18,059	$43	$15,049	$36	$12,039	$29	$18,059	$43	$15,049	$36	$12,039	$29
		50,000	$28,813	$58	$24,011	$48	$19,209	$38	$28,813	$58	$24,011	$48	$19,209	$38
R-1	Apartment	1,000	$16,305	$26	$13,588	$22	$10,870	$18	$16,794	$27	$13,996	$23	$11,196	$19
	Building	5,000	$17,364	$42	$14,470	$35	$11,576	$28	$17,885	$43	$14,904	$36	$11,923	$29
		10,000	$19,481	$15	$16,234	$12	$12,987	$10	$20,065	$15	$16,721	$12	$13,377	$10
		20,000	$20,965	$83	$17,471	$69	$13,977	$55	$21,594	$85	$17,995	$71	$14,396	$57
		50,000	$45,849	$55	$38,207	$46	$30,566	$36	$47,224	$57	$39,353	$47	$31,483	$37
		100,000	$73,159	$73	$60,966	$61	$48,773	$49	$75,354	$75	$62,795	$63	$50,236	$50
R-1	Apartment	1,000	$1,198	$2	$998	$2	$798	$1	$1,234	$2	$1,028	$2	$822	$1
	Building -	5,000	$1,275	$3	$1,063	$3	$850	$2	$1,313	$3	$1,095	$3	$876	$2
	Repeat Unit	10,000	$1,431	$1	$1,193	$1	$954	$1	$1,474	$1	$1,229	$1	$983	$1
		20,000	$1,541	$6	$1,284	$5	$1,027	$4	$1,587	$6	$1,323	$5	$1,058	$4
		50,000	$3,364	$4	$2,803	$3	$2,242	$3	$3,465	$4	$2,887	$3	$2,309	$3
		100,000	$5,375	$5	$4,479	$4	$3,583	$4	$5,536	$5	$4,613	$4	$3,690	$4
R-1	Hotel/	5,000	$20,174	$7	$16,812	$5	$13,450	$4	$20,779	$7	$17,316	$5	$13,854	$4
	Motel	25,000	$21,482	$10	$17,902	$9	$14,321	$7	$22,126	$10	$18,439	$9	$14,751	$7
		50,000	$24,101	$4	$20,084	$3	$16,067	$2	$24,824	$4	$20,687	$3	$16,549	$2
		100,000	$25,933	$21	$21,611	$17	$17,288	$14	$26,711	$22	$22,259	$18	$17,807	$14
		250,000	$56,744	$14	$47,287	$11	$37,829	$9	$58,446	$14	$48,706	$11	$38,964	$9
		500,000	$90,550	$18	$75,459	$15	$60,367	$12	$93,267	$19	$77,723	$15	$62,178	$12
R-3	Dwellings	1,500	$8,805	$165	$7,338	$138	$5,870	$110	$9,069	$170	$7,558	$142	$6,046	$113
	Custom, Models,	2,500	$10,456	$37	$8,713	$31	$6,971	$24	$10,770	$38	$8,974	$32	$7,180	$25
	First Master Plan	4,000	$11,006	$248	$9,172	$206	$7,338	$165	$11,336	$255	$9,447	$212	$7,558	$170
		5,000	$13,483	$116	$11,236	$96	$8,989	$77	$13,887	$119	$11,573	$99	$9,259	$79
		7,500	$16,372	$88	$13,643	$73	$10,914	$59	$16,863	$91	$14,052	$75	$11,241	$61
		10,000	$18,574	$186	$15,479	$155	$12,383	$124	$19,131	$192	$15,943	$160	$12,754	$128
R-3	Dwellings -	1,500	$757	$0	$631	$0	$505	$0	$780	$0	$650	$0	$520	$0
	Production Phase	2,500	$757	$0	$631	$0	$505	$0	$780	$0	$650	$0	$520	$0
	of Master Plan	4,000	$757	$0	$630	$0	$504	$0	$780	$0	$649	$0	$519	$0
	Repeat Unit	5,000	$756	$19	$630	$16	$524	$13	$779	$20	$649	$16	$540	$13
		7,500	$1,239	$0	$1,032	$0	$826	$0	$1,276	$0	$1,063	$0	$851	$0
		10,000	$1,239	$12	$1,032	$10	$826	$8	$1,276	$12	$1,063	$10	$851	$8
R-3	Dwellings -	1,500	$10,456	$248	$8,714	$206	$6,971	$165	$10,770	$255	$8,975	$212	$7,180	$170
	Alternative	2,500	$12,933	$37	$10,777	$31	$8,622	$24	$13,321	$38	$11,100	$32	$8,881	$25
	Materials	4,000	$13,483	$330	$11,236	$275	$8,989	$220	$13,887	$340	$11,573	$283	$9,259	$227
		5,000	$16,785	$127	$13,987	$105	$11,190	$84	$17,289	$131	$14,407	$108	$11,526	$87
		7,500	$19,949	$132	$16,624	$110	$13,299	$88	$20,547	$136	$17,123	$113	$13,698	$91
		10,000	$23,252	$233	$19,376	$194	$15,501	$155	$23,950	$240	$19,957	$200	$15,966	$160
R - 2.1,	Group Care,	1,000	$19,023	$31	$15,852	$26	$12,682	$21	$19,594	$32	$16,328	$27	$13,062	$22
2.3 &	Non-Amb. (6+)	5,000	$20,257	$49	$16,881	$41	$13,505	$33	$20,865	$50	$17,387	$42	$13,910	$34
6.1		10,000	$22,728	$17	$18,940	$14	$15,152	$12	$23,410	$18	$19,508	$14	$15,607	$12
		20,000	$24,457	$97	$20,381	$81	$16,305	$65	$25,191	$100	$20,992	$83	$16,794	$67
		50,000	$53,483	$64	$44,569	$53	$35,655	$42	$55,087	$66	$45,906	$55	$36,725	$43
		100,000	$85,347	$85	$71,122	$71	$56,898	$57	$87,907	$88	$73,256	$73	$58,605	$59
R-2.2 &	Group Care,	1,000	$19,023	$31	$15,852	$26	$12,682	$21	$19,594	$32	$16,328	$27	$13,062	$22
6.2	Ambulatory (6+)	5,000	$20,257	$49	$16,881	$41	$13,505	$33	$20,865	$50	$17,387	$42	$13,910	$34
		10,000	$22,728	$17	$18,940	$14	$15,152	$12	$23,410	$18	$19,508	$14	$15,607	$12
		20,000	$24,457	$97	$20,381	$81	$16,305	$65	$25,191	$100	$20,992	$83	$16,794	$67
		50,000	$53,483	$64	$44,569	$53	$35,655	$42	$55,087	$66	$45,906	$55	$36,725	$43
		100,000	$85,347	$85	$71,122	$71	$56,898	$57	$87,907	$88	$73,256	$73	$58,605	$59
R-2.1.1,	Group Care,	700	$23,778	$55	$19,815	$46	$15,852	$37	$24,491	$57	$20,409	$47	$16,328	$38
2.3.1 &	Non-Amb. (1-5)	3,500	$25,322	$88	$21,102	$74	$16,881	$59	$26,082	$91	$21,735	$76	$17,387	$61
6.1.1		7,000	$28,411	$31	$23,676	$26	$18,941	$21	$29,263	$32	$24,386	$27	$19,509	$22
		14,000	$30,572	$173	$25,477	$144	$20,382	$115	$31,489	$178	$26,241	$148	$20,993	$118
		35,000	$66,860	$114	$55,717	$95	$44,573	$76	$68,866	$117	$57,389	$98	$45,910	$78
		70,000	$106,686	$152	$88,905	$127	$71,124	$102	$109,887	$157	$91,572	$131	$73,258	$105

VIII. Building Permits - New Construction (Plan Check Only) (continued)

			Approved FY 2015-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
R-2.2.1	Group Care,	700	$23,778	$55	$19,815	$46	$15,852	$37	$24,491	$57	$20,409	$47	$16,328	$38
& 6.2.1	Non-Amb. (1-5)	3,500	$25,322	$88	$21,102	$74	$16,881	$59	$26,082	$91	$21,735	$76	$17,387	$61
		7,000	$28,411	$31	$23,676	$26	$18,941	$21	$29,263	$32	$24,386	$27	$19,509	$22
		14,000	$30,572	$173	$25,477	$144	$20,382	$115	$31,489	$178	$26,241	$148	$20,993	$118
		35,000	$66,860	$114	$55,717	$95	$44,573	$76	$68,866	$117	$57,389	$98	$45,910	$78
		70,000	$106,686	$152	$88,905	$127	$71,124	$102	$109,887	$157	$91,572	$131	$73,258	$105
S-1	Moderate	1,000	$8,659	$14	$7,216	$12	$5,773	$9	$8,919	$14	$7,432	$12	$5,946	$9
	Hazard	5,000	$9,221	$23	$7,684	$19	$6,147	$15	$9,498	$24	$7,915	$20	$6,331	$15
	Storage	10,000	$10,346	$8	$8,621	$7	$6,897	$5	$10,656	$8	$8,880	$7	$7,104	$5
		20,000	$11,133	$44	$9,278	$37	$7,422	$29	$11,467	$45	$9,556	$38	$7,645	$30
		50,000	$24,349	$29	$20,291	$24	$16,233	$19	$25,079	$30	$20,900	$25	$16,720	$20
		100,000	$38,856	$39	$32,380	$32	$25,904	$26	$40,022	$40	$33,351	$33	$26,681	$27
S-1	Mini Storage	1,000	$8,567	$14	$7,139	$12	$5,711	$9	$8,824	$14	$7,353	$12	$5,882	$9
		5,000	$9,124	$22	$7,603	$19	$6,082	$15	$9,398	$23	$7,831	$20	$6,264	$15
		10,000	$10,236	$8	$8,530	$6	$6,824	$5	$10,543	$8	$8,786	$6	$7,029	$5
		20,000	$11,013	$44	$9,178	$36	$7,342	$29	$11,343	$45	$9,453	$37	$7,562	$30
		50,000	$24,084	$29	$20,070	$24	$16,056	$19	$24,807	$30	$20,672	$25	$16,538	$20
		100,000	$38,445	$38	$32,038	$32	$25,630	$26	$39,598	$39	$32,999	$33	$26,399	$27
S-2	Low Hazard	1,000	$10,709	$17	$8,924	$14	$7,139	$12	$11,030	$18	$9,192	$14	$7,353	$12
	Storage	5,000	$11,404	$28	$9,504	$23	$7,603	$19	$11,746	$29	$9,789	$24	$7,831	$20
		10,000	$12,795	$10	$10,663	$8	$8,530	$6	$13,179	$10	$10,983	$8	$8,786	$6
		20,000	$13,767	$54	$11,472	$45	$9,178	$36	$14,180	$56	$11,816	$46	$9,453	$37
		50,000	$30,105	$36	$25,088	$30	$20,070	$24	$31,008	$37	$25,841	$31	$20,672	$25
		100,000	$48,057	$48	$40,047	$40	$32,038	$32	$49,499	$49	$41,248	$41	$32,999	$33
S-3	Repair Garage	500	$12,897	$42	$10,747	$35	$8,598	$28	$13,284	$43	$11,069	$36	$8,856	$29
	(not H-4)	2,500	$13,734	$67	$11,445	$56	$9,156	$45	$14,146	$69	$11,788	$58	$9,431	$46
		5,000	$15,409	$23	$12,841	$20	$10,273	$16	$15,871	$24	$13,226	$21	$10,581	$16
		10,000	$16,582	$131	$13,819	$109	$11,055	$87	$17,079	$135	$14,234	$112	$11,387	$90
		25,000	$36,262	$86	$30,218	$72	$24,175	$58	$37,350	$89	$31,125	$74	$24,900	$60
		50,000	$57,867	$116	$48,223	$96	$38,578	$77	$59,603	$119	$49,670	$99	$39,735	$79
S-3	Motor Vehicle	1,000	$9,580	$16	$7,984	$13	$6,387	$10	$9,867	$16	$8,224	$13	$6,579	$10
	Fuel Dispensing	5,000	$10,203	$25	$8,502	$21	$6,802	$17	$10,509	$26	$8,757	$22	$7,006	$18
	(including canopy)	10,000	$11,446	$9	$9,539	$7	$7,631	$6	$11,789	$9	$9,825	$7	$7,860	$6
		20,000	$12,318	$49	$10,265	$41	$8,212	$32	$12,688	$50	$10,573	$42	$8,458	$33
		50,000	$26,934	$32	$22,445	$27	$17,956	$21	$27,742	$33	$23,118	$28	$18,495	$22
		100,000	$42,982	$43	$35,818	$36	$28,654	$29	$44,271	$44	$36,893	$37	$29,514	$30
S-3	Open Parking	2,000	$15,384	$12	$12,820	$10	$10,256	$8	$15,846	$12	$13,205	$10	$10,564	$8
	Garage	10,000	$16,383	$20	$13,652	$17	$10,922	$13	$16,874	$21	$14,062	$18	$11,250	$13
		20,000	$18,381	$7	$15,317	$6	$12,254	$5	$18,932	$7	$15,777	$6	$12,622	$5
		40,000	$19,781	$39	$16,484	$33	$13,187	$26	$20,374	$40	$16,979	$34	$13,583	$27
		100,000	$43,255	$26	$36,046	$21	$28,837	$17	$44,553	$27	$37,127	$22	$29,702	$18
		200,000	$69,017	$35	$57,514	$29	$46,011	$23	$71,088	$36	$59,239	$30	$47,391	$24
S-4	Enclosed Parking	2,000	$13,818	$11	$11,514	$9	$9,212	$7	$14,233	$11	$11,859	$9	$9,486	$7
	Garage	10,000	$14,715	$18	$12,262	$15	$9,811	$12	$15,156	$19	$12,630	$15	$10,105	$12
		20,000	$16,510	$6	$13,757	$5	$11,007	$4	$17,005	$6	$14,170	$5	$11,337	$4
		40,000	$17,668	$35	$14,806	$29	$11,846	$23	$18,198	$36	$15,250	$30	$12,201	$24
		100,000	$38,856	$23	$32,379	$19	$25,905	$15	$40,022	$24	$33,350	$20	$26,682	$15
		200,000	$61,993	$31	$51,659	$26	$41,331	$21	$63,853	$32	$53,209	$27	$42,571	$22
	Other Tenant	250	$5,527	$36	$4,606	$30	$3,685	$24	$5,693	$37	$4,744	$31	$3,796	$25
	Improvements	1,250	$5,886	$57	$4,905	$48	$3,924	$38	$6,063	$59	$5,052	$49	$4,042	$39
	(not Office/Retail)	2,500	$6,604	$20	$5,503	$17	$4,403	$13	$6,802	$21	$5,668	$18	$4,535	$13
		5,000	$7,106	$112	$5,922	$94	$4,737	$75	$7,319	$115	$6,100	$97	$4,879	$77
		12,500	$15,539	$74	$12,949	$62	$10,360	$49	$16,005	$76	$13,337	$64	$10,671	$50
		25,000	$24,799	$99	$20,666	$83	$16,532	$66	$25,543	$102	$21,286	$85	$17,028	$68
SHELL BUILDINGS														
	All Shell	1,000	$9,557	$16	$7,965	$13	$6,372	$10	$9,844	$16	$8,204	$13	$6,563	$10
	Buildings	5,000	$10,178	$25	$8,482	$21	$6,786	$17	$10,483	$26	$8,736	$22	$6,990	$18
		10,000	$11,419	$9	$9,516	$7	$7,613	$6	$11,762	$9	$9,801	$7	$7,841	$6
		20,000	$12,286	$49	$10,238	$41	$8,191	$32	$12,655	$50	$10,545	$42	$8,437	$33
		50,000	$26,874	$32	$22,395	$27	$17,916	$21	$27,680	$33	$23,067	$28	$18,453	$22
		100,000	$42,879	$43	$35,732	$36	$28,586	$29	$44,165	$44	$36,804	$37	$29,444	$30

IX. Building Permits - New Construction (Inspection Only)

Inspection fees for new construction are based on occupancy group, description, and project square footage using the following methodology and tables. These permits include mechanical, plumbing, and electrical. There are additional permit fees to be added in Section VI.

Example: Permit inspection fees for a new 6,000 sq ft A-2 church of Type I FR Construction would be $11,074 for the first 5,000 sq ft, plus $47 for each additional 100 sq ft, equalling $470. The total permit inspection fee would be $11,544.

			Approved FY 2015-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
		10,000	$21,268	$45	$17,724	$38	$14,746	$30	$21,906	$46	$18,256	$39	$15,188	$31
		20,000	$25,779	$40	$21,482	$33	$17,873	$27	$26,552	$41	$22,126	$34	$18,409	$28
		40,000	$33,762	$16	$28,135	$14	$23,408	$11	$34,775	$16	$28,979	$14	$24,110	$11
		100,000	$43,563	$13	$36,303	$23	$30,204	$8	$44,870	$13	$37,392	$24	$31,110	$8
		200,000	$56,282	$28	$46,901	$51	$39,022	$19	$57,970	$29	$48,308	$53	$40,193	$20
A-2	Church	1,000	$9,075	$61	$7,563	$41	$6,292	$41	$9,347	$63	$7,790	$42	$6,481	$42
		5,000	$11,217	$49	$9,597	$36	$7,985	$33	$11,554	$50	$9,885	$37	$8,225	$34
		10,000	$43,959	$43	$11,633	$15	$9,678	$29	$45,278	$44	$11,982	$15	$9,968	$30
		20,000	$18,285	$18	$15,237	$11	$12,678	$12	$18,834	$19	$15,694	$11	$13,058	$12
		50,000	$23,588	$14	$19,656	$25	$16,354	$9	$24,296	$14	$20,246	$26	$16,845	$9
		100,000	$30,469	$30	$25,391	$51	$21,126	$20	$31,383	$31	$26,153	$53	$21,760	$21
A-2.1	Auditorium	1,000	$9,075	$61	$7,272	$41	$6,050	$41	$9,347	$63	$7,490	$42	$6,232	$42
		5,000	$11,517	$49	$9,597	$36	$7,678	$33	$11,863	$50	$9,885	$37	$7,908	$34
		10,000	$13,959	$43	$11,633	$15	$9,306	$29	$14,378	$44	$11,982	$15	$9,585	$30
		20,000	$18,285	$18	$15,237	$11	$12,190	$12	$18,834	$19	$15,694	$11	$12,556	$12
		50,000	$23,588	$14	$19,656	$25	$15,725	$9	$24,296	$14	$20,246	$26	$16,197	$9
		100,000	$30,469	$30	$25,391	$71	$20,313	$20	$31,383	$31	$26,153	$73	$20,922	$21
A-2.1	Restaurant	1,000	$12,637	$85	$10,531	$57	$8,425	$57	$13,016	$88	$10,847	$59	$8,678	$59
		5,000	$16,037	$68	$13,364	$50	$10,691	$45	$16,518	$70	$13,765	$52	$11,012	$46
		10,000	$19,437	$60	$16,197	$21	$12,958	$40	$20,020	$62	$16,683	$22	$13,347	$41
		20,000	$25,462	$25	$21,218	$16	$16,975	$16	$26,226	$26	$21,855	$16	$17,484	$16
		50,000	$32,844	$19	$27,370	$35	$21,896	$13	$33,829	$20	$28,191	$36	$22,553	$13
		100,000	$42,429	$42	$35,358	$80	$28,286	$28	$43,702	$43	$36,419	$82	$29,135	$29
A	All A Tenant	500	$2	$96	$5,977	$80	$4,781	$64	$2	$96	$5,977	$80	$4,781	$64
	Improvements	2,500	$9,101	$77	$7,584	$64	$6,068	$51	$9,101	$77	$7,584	$64	$6,068	$51
		5,000	$11,031	$68	$9,192	$57	$7,354	$46	$11,031	$68	$9,192	$57	$7,354	$46
		10,000	$14,449	$28	$12,041	$23	$9,633	$19	$14,449	$28	$12,041	$23	$9,633	$19
		25,000	$18,640	$22	$15,533	$18	$12,426	$15	$18,640	$22	$15,533	$18	$12,426	$15
		50,000	$24,081	$48	$20,068	$40	$16,054	$32	$24,081	$48	$20,068	$40	$16,054	$32
A-3	Small	500	$7,215	$97	$6,012	$81	$4,810	$65	$7,431	$100	$6,192	$83	$4,954	$67
	Assembly	2,500	$9,156	$78	$7,630	$65	$6,104	$52	$9,431	$80	$7,859	$67	$6,287	$54

IX. Building Permits - New Construction (Inspection Only) (continued)

UBC Occ. Group	Occupancy Description	Project Size Threshold	Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
			Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
	Buildings	5,000	$11,096	$69	$9,247	$57	$7,398	$46	$11,429	$71	$9,524	$59	$7,620	$47
		10,000	$14,536	$28	$12,113	$23	$9,691	$19	$14,972	$29	$12,476	$24	$9,982	$20
		25,000	$18,752	$22	$15,627	$18	$12,501	$15	$19,315	$23	$16,096	$19	$12,876	$15
		50,000	$24,230	$48	$20,191	$40	$16,153	$32	$24,957	$49	$20,797	$41	$16,638	$33
B	Banks	1,000	$8,682	$58	$7,235	$49	$5,788	$39	$8,942	$60	$7,452	$50	$5,962	$40
		5,000	$11,018	$47	$9,181	$39	$7,345	$31	$11,349	$48	$9,456	$40	$7,565	$32
		10,000	$13,353	$41	$11,128	$34	$8,902	$28	$13,754	$42	$11,462	$35	$9,169	$29
		20,000	$17,490	$17	$14,575	$14	$11,660	$11	$18,015	$18	$15,012	$14	$12,010	$11
		50,000	$22,561	$13	$18,800	$11	$15,040	$9	$23,238	$13	$19,364	$11	$15,491	$9
		100,000	$29,151	$29	$24,292	$24	$19,434	$19	$30,026	$30	$25,021	$25	$20,017	$20
B	Laundromat	500	$9,823	$132	$8,186	$110	$6,549	$88	$10,118	$136	$8,432	$113	$6,745	$91
		2,500	$12,466	$106	$10,389	$88	$8,311	$70	$12,840	$109	$10,701	$91	$8,560	$72
		5,000	$15,109	$94	$12,591	$78	$10,073	$62	$15,562	$97	$12,969	$80	$10,375	$64
		10,000	$19,792	$38	$16,493	$32	$13,195	$26	$20,386	$39	$16,988	$33	$13,591	$27
		25,000	$25,532	$30	$21,276	$25	$17,021	$20	$26,298	$31	$21,914	$26	$17,532	$21
		50,000	$32,983	$66	$27,486	$55	$21,989	$44	$33,972	$68	$28,311	$57	$22,649	$45
B	Medical	500	$11,522	$155	$9,601	$129	$7,681	$103	$11,868	$160	$9,889	$133	$7,911	$106
	Office	2,500	$14,621	$124	$12,184	$103	$9,748	$83	$15,060	$128	$12,550	$106	$10,040	$85
		5,000	$17,722	$110	$14,768	$92	$11,814	$73	$18,254	$113	$15,211	$95	$12,168	$75
		10,000	$23,213	$45	$19,344	$37	$15,475	$30	$23,909	$46	$19,924	$38	$15,939	$31
		25,000	$29,945	$35	$24,954	$29	$19,963	$23	$30,843	$36	$25,703	$30	$20,562	$24
		50,000	$38,685	$77	$32,238	$64	$25,790	$52	$39,846	$79	$33,205	$66	$26,564	$54
B	Offices	1,000	$8,182	$55	$6,818	$46	$5,455	$37	$8,427	$57	$7,023	$47	$5,619	$38
		5,000	$10,383	$44	$8,653	$37	$6,922	$29	$10,694	$45	$8,913	$38	$7,130	$30
		10,000	$12,585	$39	$10,487	$32	$8,390	$26	$12,963	$40	$10,802	$33	$8,642	$27
		20,000	$16,484	$16	$13,737	$13	$10,989	$11	$16,979	$16	$14,149	$13	$11,319	$11
		50,000	$21,268	$12	$17,724	$10	$14,179	$8	$21,906	$12	$18,256	$10	$14,604	$8
		100,000	$27,473	$27	$22,894	$23	$18,315	$18	$28,297	$28	$23,581	$24	$18,864	$19
B	Office Tenant	250	$4,509	$121	$3,757	$101	$3,006	$81	$4,509	$121	$3,757	$101	$3,006	$81
	Improvements	1,250	$5,722	$97	$4,768	$81	$3,815	$65	$5,722	$97	$4,768	$81	$3,815	$65
		2,500	$6,935	$86	$5,779	$72	$4,623	$57	$6,935	$86	$5,779	$72	$4,623	$57
		5,000	$9,084	$35	$7,570	$29	$6,056	$23	$9,084	$35	$7,570	$29	$6,056	$23
		12,500	$11,719	$27	$9,766	$23	$7,813	$18	$11,719	$27	$9,766	$23	$7,813	$18
		25,000	$15,142	$61	$12,619	$50	$10,095	$40	$15,142	$61	$12,619	$50	$10,095	$40
E-1	Preschool/	500	$6,751	$91	$5,626	$76	$4,501	$61	$6,954	$94	$5,795	$78	$4,636	$63
	School	2,500	$8,567	$73	$7,139	$61	$5,711	$48	$8,824	$75	$7,353	$63	$5,882	$49
		5,000	$10,383	$64	$8,653	$54	$6,922	$43	$10,694	$66	$8,913	$56	$7,130	$44
		10,000	$13,601	$26	$11,334	$22	$9,068	$18	$14,009	$27	$11,674	$23	$9,340	$19
		25,000	$17,545	$21	$14,621	$17	$11,697	$14	$18,071	$22	$15,060	$18	$12,048	$14
		50,000	$22,672	$45	$18,893	$38	$15,115	$30	$23,352	$46	$19,460	$39	$15,568	$31

IX. Building Permits - New Construction (Inspection Only) (continued)

UBC Occ. Group	Occupancy Description	Project Size Threshold	Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
			Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
E-2	Preschool/	300	$9,959	$223	$8,299	$186	$6,639	$149	$10,258	$230	$8,548	$192	$6,838	$153
	School	1,500	$12,639	$179	$10,532	$149	$8,426	$119	$13,018	$184	$10,848	$153	$8,679	$123
		3,000	$15,318	$158	$12,765	$132	$10,212	$105	$15,778	$163	$13,148	$136	$10,518	$108
		6,000	$20,064	$65	$16,720	$54	$13,376	$43	$20,666	$67	$17,222	$56	$13,777	$44
		15,000	$25,885	$50	$21,570	$42	$17,256	$34	$26,662	$52	$22,217	$43	$17,774	$35
		30,000	$33,443	$111	$27,869	$93	$22,295	$74	$34,446	$114	$28,705	$96	$22,964	$76
E-3	Daycare	300	$14,518	$326	$12,098	$271	$9,679	$217	$14,954	$336	$12,461	$279	$9,969	$224
		1,500	$18,424	$260	$15,353	$217	$12,283	$174	$18,977	$268	$15,814	$224	$12,651	$179
		3,000	$22,330	$231	$18,608	$192	$14,886	$154	$23,000	$238	$19,166	$198	$15,333	$159
		6,000	$29,250	$94	$24,375	$79	$19,500	$63	$30,128	$97	$25,106	$81	$20,085	$65
		15,000	$37,731	$73	$31,442	$61	$25,154	$49	$38,863	$75	$32,385	$63	$25,909	$50
		30,000	$48,752	$163	$40,627	$135	$32,501	$108	$50,215	$168	$41,846	$139	$33,476	$111
F-1	Commercial/	1,000	$11,648	$78	$9,707	$65	$7,765	$52	$11,997	$80	$9,998	$67	$7,998	$54
	Manufacturing	5,000	$14,782	$63	$12,318	$52	$9,854	$42	$15,225	$65	$12,688	$54	$10,150	$43
		10,000	$17,915	$56	$14,929	$46	$11,943	$37	$18,452	$58	$15,377	$47	$12,301	$38
		20,000	$23,468	$23	$19,556	$19	$15,645	$15	$24,172	$24	$20,143	$20	$16,114	$15
		50,000	$30,272	$18	$25,227	$15	$20,181	$12	$31,180	$19	$25,984	$15	$20,786	$12
		100,000	$39,113	$39	$32,594	$33	$26,075	$26	$40,286	$40	$33,572	$34	$26,857	$27
F-2	Steel Production/	1,000	$11,648	$78	$9,707	$65	$7,765	$52	$11,997	$80	$9,998	$67	$7,998	$54
	Fabrication	5,000	$14,782	$63	$12,318	$52	$9,854	$42	$15,225	$65	$12,688	$54	$10,150	$43
	Industrial/	10,000	$17,915	$56	$14,929	$46	$11,943	$37	$18,452	$58	$15,377	$47	$12,301	$38
	Manufacturing	20,000	$23,468	$23	$19,556	$19	$15,645	$15	$24,172	$24	$20,143	$20	$16,114	$15
		50,000	$30,272	$18	$25,227	$15	$20,181	$12	$31,180	$19	$25,984	$15	$20,786	$12
		100,000	$39,113	$39	$32,594	$33	$26,075	$26	$40,286	$40	$33,572	$34	$26,857	$27
H-2	Moderate	300	$6,608	$148	$5,506	$123	$4,405	$99	$6,806	$152	$5,671	$127	$4,537	$102
	Explosion	1,500	$8,386	$119	$6,988	$99	$5,590	$79	$8,638	$123	$7,198	$102	$5,758	$81
	Hazard	3,000	$10,163	$105	$8,469	$87	$6,775	$70	$10,468	$108	$8,723	$90	$6,978	$72
		6,000	$13,312	$43	$11,094	$36	$8,875	$29	$13,711	$44	$11,427	$37	$9,141	$30
		15,000	$17,175	$33	$14,312	$28	$11,450	$22	$17,690	$34	$14,741	$29	$11,794	$23
		30,000	$22,189	$74	$18,491	$62	$14,793	$49	$22,855	$76	$19,046	$64	$15,237	$50
H-3	High	300	$6,608	$148	$5,506	$123	$4,405	$99	$6,806	$152	$5,671	$127	$4,537	$102
	Fire	1,500	$8,386	$119	$6,988	$99	$5,590	$79	$8,638	$123	$7,198	$102	$5,758	$81
	Hazard	3,000	$10,163	$105	$8,469	$87	$6,775	$70	$10,468	$108	$8,723	$90	$6,978	$72
		6,000	$13,312	$43	$11,094	$36	$8,875	$29	$13,711	$44	$11,427	$37	$9,141	$30
		15,000	$17,175	$33	$14,312	$28	$11,450	$22	$17,690	$34	$14,741	$29	$11,794	$23
		30,000	$22,189	$74	$18,491	$62	$14,793	$49	$22,855	$76	$19,046	$64	$15,237	$50
H-4	Repair Garage	300	$6,965	$156	$5,805	$130	$4,644	$104	$7,174	$161	$5,979	$134	$4,783	$107
		1,500	$8,839	$125	$7,366	$104	$5,893	$83	$9,104	$129	$7,587	$107	$6,070	$85
		3,000	$10,714	$111	$8,928	$92	$7,142	$74	$11,035	$114	$9,196	$95	$7,356	$76
		6,000	$14,033	$45	$11,695	$38	$9,356	$30	$14,454	$46	$12,046	$39	$9,637	$31
		15,000	$18,104	$35	$15,087	$29	$12,069	$23	$18,647	$36	$15,540	$30	$12,431	$24

IX. Building Permits - New Construction (Inspection Only) (continued)

			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
		30,000	$23,391	$78	$19,492	$65	$15,594	$52	$24,093	$80	$20,077	$67	$16,062	$54
H-7	Health	300	$6,965	$156	$5,805	$130	$4,644	$104	$7,174	$161	$5,979	$134	$4,783	$107
	Hazard	1,500	$8,839	$125	$7,366	$104	$5,893	$83	$9,104	$129	$7,587	$107	$6,070	$85
	Materials	3,000	$10,714	$111	$8,928	$92	$7,142	$74	$11,035	$114	$9,196	$95	$7,356	$76
		6,000	$14,033	$45	$11,695	$38	$9,356	$30	$14,454	$46	$12,046	$39	$9,637	$31
		15,000	$18,104	$35	$15,087	$29	$12,069	$23	$18,647	$36	$15,540	$30	$12,431	$24
		30,000	$23,391	$78	$19,492	$65	$15,594	$52	$24,093	$80	$20,077	$67	$16,062	$54
I-1.1	Nursery	500	$9,147	$123	$7,622	$103	$6,098	$82	$9,421	$127	$7,851	$106	$6,281	$84
	Full-Time (5+)	2,500	$11,608	$98	$9,673	$82	$7,738	$66	$11,956	$101	$9,963	$84	$7,970	$68
		5,000	$14,069	$87	$11,724	$73	$9,379	$58	$14,491	$90	$12,076	$75	$9,660	$60
		10,000	$18,428	$36	$15,357	$30	$12,286	$24	$18,981	$37	$15,818	$31	$12,655	$25
		25,000	$23,772	$28	$19,810	$23	$15,848	$19	$24,485	$29	$20,404	$24	$16,323	$20
		50,000	$30,717	$61	$25,597	$51	$20,478	$41	$31,639	$63	$26,365	$53	$21,092	$42
I-1.2	Health Care	500	$9,147	$123	$7,622	$103	$6,098	$82	$9,421	$127	$7,851	$106	$6,281	$84
	Centers	2,500	$11,608	$98	$9,673	$82	$7,738	$66	$11,956	$101	$9,963	$84	$7,970	$68
		5,000	$14,069	$87	$11,724	$73	$9,379	$58	$14,491	$90	$12,076	$75	$9,660	$60
		10,000	$18,428	$36	$15,357	$30	$12,286	$24	$18,981	$37	$15,818	$31	$12,655	$25
		25,000	$23,772	$28	$19,810	$23	$15,848	$19	$24,485	$29	$20,404	$24	$16,323	$20
		50,000	$30,717	$61	$25,597	$51	$20,478	$41	$31,639	$63	$26,365	$53	$21,092	$42
I-2	Nursing Home/	500	$9,147	$123	$7,622	$103	$6,098	$82	$9,421	$127	$7,851	$106	$6,281	$84
	Assisted Living /	2,500	$11,608	$98	$9,673	$82	$7,738	$66	$11,956	$101	$9,963	$84	$7,970	$68
	Convalescent	5,000	$14,069	$87	$11,724	$73	$9,379	$58	$14,491	$90	$12,076	$75	$9,660	$60
	Hospital	10,000	$18,428	$36	$15,357	$30	$12,286	$24	$18,981	$37	$15,818	$31	$12,655	$25
		25,000	$23,772	$28	$19,810	$23	$15,848	$19	$24,485	$29	$20,404	$24	$16,323	$20
		50,000	$30,717	$61	$25,597	$51	$20,478	$41	$31,639	$63	$26,365	$53	$21,092	$42

IX. Building Permits - New Construction (Inspection Only) (continued)

UBC Occ. Group	Occupancy Description	Project Size Threshold	Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
			Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
M	Stores (Retail)	1,000	$10,227	$69	$8,523	$57	$6,818	$46	$10,534	$71	$8,779	$59	$7,023	$47
		5,000	$12,979	$55	$10,816	$46	$8,653	$37	$13,368	$57	$11,140	$47	$8,913	$38
		10,000	$15,731	$49	$13,109	$41	$10,487	$32	$16,203	$50	$13,502	$42	$10,802	$33
		20,000	$20,605	$20	$17,171	$17	$13,737	$13	$21,223	$21	$17,686	$18	$14,149	$13
		50,000	$26,585	$16	$22,154	$13	$17,724	$10	$27,383	$16	$22,819	$13	$18,256	$10
		100,000	$34,342	$34	$28,618	$29	$22,894	$23	$35,372	$35	$29,477	$30	$23,581	$24
M	Market	500	$9,422	$124	$7,852	$106	$6,282	$85	$9,705	$128	$8,088	$109	$6,470	$88
		2,500	$11,957	$101	$9,965	$84	$7,972	$68	$12,316	$104	$10,264	$87	$8,211	$70
		5,000	$14,492	$90	$12,077	$75	$9,661	$60	$14,927	$93	$12,439	$77	$9,951	$62
		10,000	$18,983	$37	$15,819	$31	$12,655	$24	$19,552	$38	$16,294	$32	$13,035	$25
		25,000	$24,488	$29	$20,407	$24	$16,326	$19	$25,223	$30	$21,019	$25	$16,816	$20
		50,000	$31,646	$63	$26,371	$53	$21,097	$42	$32,595	$65	$27,162	$55	$21,730	$43
M	Retail Tenant	500	$5,322	$72	$4,435	$60	$3,548	$48	$5,322	$72	$4,435	$60	$3,548	$48
	Improvements	2,500	$6,754	$57	$5,629	$48	$4,503	$38	$6,754	$57	$5,629	$48	$4,503	$38
		5,000	$8,186	$51	$6,822	$42	$5,458	$34	$8,186	$51	$6,822	$42	$5,458	$34
		10,000	$10,723	$21	$8,936	$17	$7,149	$14	$10,723	$21	$8,936	$17	$7,149	$14
		25,000	$13,831	$16	$11,526	$13	$9,220	$11	$13,831	$16	$11,526	$13	$9,220	$11
		50,000	$17,868	$36	$14,890	$30	$11,912	$24	$17,868	$36	$14,890	$30	$11,912	$24
R-1	Apartment	1,000	$12,938	$87	$10,781	$73	$8,625	$58	$13,326	$90	$11,104	$75	$8,884	$60
	Building	5,000	$16,418	$70	$13,682	$58	$10,945	$46	$16,911	$72	$14,092	$60	$11,273	$47
		10,000	$19,899	$62	$16,582	$51	$13,266	$41	$20,496	$64	$17,079	$53	$13,664	$42
		20,000	$26,066	$25	$21,722	$21	$17,377	$17	$26,848	$26	$22,374	$22	$17,898	$18
		50,000	$33,627	$20	$28,022	$16	$22,418	$13	$34,636	$21	$28,863	$16	$23,091	$13
		100,000	$43,444	$43	$36,203	$36	$28,962	$29	$44,747	$44	$37,289	$37	$29,831	$30
R-1	Apartment	1,000	$12,938	$87	$10,781	$73	$8,625	$58	$13,326	$90	$11,104	$75	$8,884	$60
	Building -	5,000	$16,418	$70	$13,682	$58	$10,945	$46	$16,911	$72	$14,092	$60	$11,273	$47
	Repeat Unit	10,000	$19,899	$62	$16,582	$51	$13,266	$41	$20,496	$64	$17,079	$53	$13,664	$42
		20,000	$26,066	$25	$21,722	$21	$17,377	$17	$26,848	$26	$22,374	$22	$17,898	$18
		50,000	$33,627	$20	$28,022	$16	$22,418	$13	$34,636	$21	$28,863	$16	$23,091	$13
		100,000	$43,444	$43	$36,203	$36	$28,962	$29	$44,747	$44	$37,289	$37	$29,831	$30
R-1	Hotel/	5,000	$20,869	$28	$17,391	$23	$13,913	$19	$21,495	$29	$17,913	$24	$14,330	$20
	Motel	25,000	$26,485	$22	$22,071	$19	$17,656	$15	$27,280	$23	$22,733	$20	$18,186	$15
		50,000	$32,095	$20	$26,746	$17	$21,397	$13	$33,058	$21	$27,548	$18	$22,039	$13
		100,000	$42,040	$8	$35,033	$7	$28,027	$5	$43,301	$8	$36,084	$7	$28,868	$5
		250,000	$54,262	$6	$45,218	$5	$36,175	$4	$55,890	$6	$46,575	$5	$37,260	$4
		500,000	$70,095	$14	$58,413	$12	$46,730	$9	$72,198	$14	$60,165	$12	$48,132	$9
R-3	Dwellings	1,500	$9,747	$241	$8,122	$201	$6,498	$161	$10,039	$248	$8,366	$207	$6,693	$166
	Custom, Models,	2,500	$12,154	$115	$10,129	$95	$8,103	$76	$12,519	$118	$10,433	$98	$8,346	$78
	First Master Plan	4,000	$13,873	$192	$11,561	$160	$9,248	$128	$14,289	$198	$11,908	$165	$9,525	$132
		5,000	$15,797	$121	$13,164	$101	$10,531	$81	$16,271	$125	$13,559	$104	$10,847	$83
		7,500	$18,820	$132	$15,684	$110	$12,547	$88	$19,385	$136	$16,155	$113	$12,923	$91

IX. Building Permits - New Construction (Inspection Only) (continued)

			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
		10,000	$22,120	$221	$18,433	$184	$14,747	$147	$22,784	$228	$18,986	$190	$15,189	$151
R-3	Dwellings -	1,500	$9,747	$241	$8,122	$201	$6,498	$161	$10,039	$248	$8,366	$207	$6,693	$166
	Production Phase	2,500	$12,154	$115	$10,129	$95	$8,103	$76	$12,519	$118	$10,433	$98	$8,346	$78
	of Master Plan	4,000	$13,873	$192	$11,561	$160	$9,248	$128	$14,289	$198	$11,908	$165	$9,525	$132
	Repeat Unit	5,000	$15,797	$121	$13,164	$101	$10,531	$81	$16,271	$125	$13,559	$104	$10,847	$83
		7,500	$18,820	$132	$15,684	$110	$12,547	$88	$19,385	$136	$16,155	$113	$12,923	$91
		10,000	$22,120	$221	$18,433	$184	$14,747	$147	$22,784	$228	$18,986	$190	$15,189	$151
R-3	Dwellings -	1,500	$13,158	$333	$10,965	$277	$8,772	$222	$13,553	$343	$11,294	$285	$9,035	$229
	Alternative	2,500	$16,485	$138	$13,738	$115	$10,990	$92	$16,980	$142	$14,150	$118	$11,320	$95
	Materials	4,000	$18,559	$206	$15,466	$171	$12,373	$137	$19,116	$212	$15,930	$176	$12,744	$141
		5,000	$20,615	$144	$17,179	$120	$13,743	$96	$21,233	$148	$17,694	$124	$14,155	$99
		7,500	$24,212	$154	$20,177	$129	$16,142	$103	$24,938	$159	$20,782	$133	$16,626	$106
		10,000	$28,068	$281	$23,390	$234	$18,712	$187	$28,910	$289	$24,092	$241	$19,273	$193
R - 2.1,	Group Care,	1,000	$9,701	$65	$8,084	$54	$6,467	$44	$9,992	$67	$8,327	$56	$6,661	$45
2.3 &	Non-Amb. (6+)	5,000	$12,312	$52	$10,260	$43	$8,208	$35	$12,681	$54	$10,568	$44	$8,454	$36
6.1		10,000	$14,921	$46	$12,434	$39	$9,947	$31	$15,369	$47	$12,807	$40	$10,245	$32
		20,000	$19,545	$19	$16,287	$16	$13,030	$13	$20,131	$20	$16,776	$16	$13,421	$13
		50,000	$25,214	$15	$21,011	$12	$16,809	$10	$25,970	$15	$21,641	$12	$17,313	$10
		100,000	$32,574	$33	$27,145	$27	$21,716	$22	$33,551	$34	$27,959	$28	$22,367	$23
R-2.2 &	Group Care,	1,000	$9,701	$65	$8,084	$54	$6,467	$44	$9,992	$67	$8,327	$56	$6,661	$45
6.2	Ambulatory (6+)	5,000	$12,312	$52	$10,260	$43	$8,208	$35	$12,681	$54	$10,568	$44	$8,454	$36
		10,000	$14,921	$46	$12,434	$39	$9,947	$31	$15,369	$47	$12,807	$40	$10,245	$32
		20,000	$19,545	$19	$16,287	$16	$13,030	$13	$20,131	$20	$16,776	$16	$13,421	$13
		50,000	$25,214	$15	$21,011	$12	$16,809	$10	$25,970	$15	$21,641	$12	$17,313	$10
		100,000	$32,574	$33	$27,145	$27	$21,716	$22	$33,551	$34	$27,959	$28	$22,367	$23
R-2.1.1,	Group Care,	700	$10,585	$102	$8,821	$85	$7,057	$68	$10,903	$105	$9,086	$88	$7,269	$70
2.3.1 &	Non-Amb. (1-5)	3,500	$13,433	$81	$11,195	$68	$8,956	$54	$13,836	$83	$11,531	$70	$9,225	$56
6.1.1		7,000	$16,281	$72	$13,567	$60	$10,854	$48	$16,769	$74	$13,974	$62	$11,180	$49
		14,000	$21,325	$29	$17,771	$25	$14,217	$20	$21,965	$30	$18,304	$26	$14,644	$21
		35,000	$27,514	$23	$22,928	$19	$18,343	$15	$28,339	$24	$23,616	$20	$18,893	$15
		70,000	$35,542	$51	$29,618	$42	$23,695	$34	$36,608	$53	$30,507	$43	$24,406	$35

IX. Building Permits - New Construction (Inspection Only) (continued)

UBC Occ. Group	Occupancy Description	Project Size Threshold	Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
			Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
R-2.2.1	Group Care,	700	$10,585	$102	$8,821	$85	$7,057	$68	$10,903	$105	$9,086	$88	$7,269	$70
& 6.2.1	Non-Amb. (1-5)	3,500	$13,433	$81	$11,195	$68	$8,956	$54	$13,836	$83	$11,531	$70	$9,225	$56
		7,000	$16,281	$72	$13,567	$60	$10,854	$48	$16,769	$74	$13,974	$62	$11,180	$49
		14,000	$21,325	$29	$17,771	$25	$14,217	$20	$21,965	$30	$18,304	$26	$14,644	$21
		35,000	$27,514	$23	$22,928	$19	$18,343	$15	$28,339	$24	$23,616	$20	$18,893	$15
		70,000	$35,542	$51	$29,618	$42	$23,695	$34	$36,608	$53	$30,507	$43	$24,406	$35
S-1	Moderate	1,000	$7,609	$51	$6,341	$43	$5,073	$34	$7,837	$53	$6,531	$44	$5,225	$35
	Hazard	5,000	$9,657	$41	$8,047	$34	$6,438	$27	$9,947	$42	$8,288	$35	$6,631	$28
	Storage	10,000	$11,705	$36	$9,754	$30	$7,803	$24	$12,056	$37	$10,047	$31	$8,037	$25
		20,000	$15,330	$15	$12,775	$12	$10,220	$10	$15,790	$15	$13,158	$12	$10,527	$10
		50,000	$19,779	$12	$16,483	$10	$13,186	$8	$20,372	$12	$16,977	$10	$13,582	$8
		100,000	$25,556	$26	$21,297	$21	$17,037	$17	$26,323	$27	$21,936	$22	$17,548	$18
S-1	Mini Storage	1,000	$7,609	$51	$6,341	$43	$5,073	$34	$7,837	$53	$6,531	$44	$5,225	$35
		5,000	$9,657	$41	$8,047	$34	$6,438	$27	$9,947	$42	$8,288	$35	$6,631	$28
		10,000	$11,705	$36	$9,754	$30	$7,803	$24	$12,056	$37	$10,047	$31	$8,037	$25
		20,000	$15,330	$15	$12,775	$12	$10,220	$10	$15,790	$15	$13,158	$12	$10,527	$10
		50,000	$19,779	$12	$16,483	$10	$13,186	$8	$20,372	$12	$16,977	$10	$13,582	$8
		100,000	$25,556	$26	$21,297	$21	$17,037	$17	$26,323	$27	$21,936	$22	$17,548	$18
S-2	Low Hazard	1,000	$9,512	$64	$7,927	$53	$6,341	$43	$9,797	$66	$8,165	$55	$6,531	$44
	Storage	5,000	$12,071	$51	$10,059	$43	$8,047	$34	$12,433	$53	$10,361	$44	$8,288	$35
		10,000	$14,631	$45	$12,193	$38	$9,754	$30	$15,070	$46	$12,559	$39	$10,047	$31
		20,000	$19,163	$19	$15,969	$15	$12,775	$12	$19,738	$20	$16,448	$15	$13,158	$12
		50,000	$24,724	$14	$20,603	$12	$16,483	$10	$25,466	$14	$21,221	$12	$16,977	$10
		100,000	$31,945	$32	$26,621	$27	$21,297	$21	$32,903	$33	$27,420	$28	$21,936	$22
S-3	Repair Garage	500	$9,512	$128	$7,927	$107	$6,341	$85	$9,797	$132	$8,165	$110	$6,531	$88
	(not H-4)	2,500	$12,071	$102	$10,059	$85	$8,047	$68	$12,433	$105	$10,361	$88	$8,288	$70
		5,000	$14,630	$91	$12,192	$76	$9,753	$60	$15,069	$94	$12,558	$78	$10,046	$62
		10,000	$19,165	$37	$15,971	$31	$12,777	$25	$19,740	$38	$16,450	$32	$13,160	$26
		25,000	$24,724	$29	$20,603	$24	$16,483	$19	$25,466	$30	$21,221	$25	$16,977	$20
		50,000	$31,945	$64	$26,621	$53	$21,297	$43	$32,903	$66	$27,420	$55	$21,936	$44
S-3	Motor Vehicle	1,000	$7,609	$51	$6,341	$43	$5,073	$34	$7,837	$53	$6,531	$44	$5,225	$35
	Fuel Dispensing	5,000	$9,657	$41	$8,047	$34	$6,438	$27	$9,947	$42	$8,288	$35	$6,631	$28
	(including canopy)	10,000	$11,705	$36	$9,754	$30	$7,803	$24	$12,056	$37	$10,047	$31	$8,037	$25
		20,000	$15,330	$15	$12,775	$12	$10,220	$10	$15,790	$15	$13,158	$12	$10,527	$10
		50,000	$19,779	$12	$16,483	$10	$13,186	$8	$20,372	$12	$16,977	$10	$13,582	$8
		100,000	$25,556	$26	$21,297	$21	$17,037	$17	$26,323	$27	$21,936	$22	$17,548	$18
S-3	Open Parking	2,000	$9,786	$33	$8,155	$27	$6,524	$22	$10,080	$34	$8,400	$28	$6,720	$23
	Garage	10,000	$12,419	$26	$10,349	$22	$8,279	$18	$12,792	$27	$10,659	$23	$8,527	$19
		20,000	$15,050	$23	$12,541	$19	$10,033	$16	$15,502	$24	$12,917	$20	$10,334	$16
		40,000	$19,712	$10	$16,427	$8	$13,142	$6	$20,303	$10	$16,920	$8	$13,536	$6
		100,000	$25,436	$7	$21,197	$6	$16,958	$5	$26,199	$7	$21,833	$6	$17,467	$5

IX. Building Permits - New Construction (Inspection Only) (continued)

UBC Occ. Group	Occupancy Description	Project Size Threshold	Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
			Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$16,759	$56	$13,966	$47	$11,620	$38	$17,262	$58	$14,385	$48	$11,969	$39
		200,000	$32,865	$16	$27,388	$14	$21,910	$11	$33,851	$16	$28,210	$14	$22,567	$11
S-4	Enclosed Parking	2,000	$10,418	$35	$8,682	$29	$6,946	$23	$10,731	$36	$8,942	$30	$7,154	$24
	Garage	10,000	$13,222	$28	$11,018	$23	$8,815	$19	$13,619	$29	$11,349	$24	$9,079	$20
		20,000	$16,025	$25	$13,353	$21	$10,684	$17	$16,506	$26	$13,754	$22	$11,005	$18
		40,000	$20,992	$10	$17,492	$8	$13,995	$7	$21,622	$10	$18,017	$8	$14,415	$7
		100,000	$27,074	$8	$22,561	$7	$18,050	$5	$27,886	$8	$23,238	$7	$18,592	$5
		200,000	$34,976	$17	$29,146	$15	$23,319	$12	$36,025	$18	$30,020	$15	$24,019	$12
	Other Tenant	250	$4,689	$126	$3,908	$105	$3,126	$84	$4,830	$130	$4,025	$108	$3,220	$87
	Improvements	1,250	$5,951	$101	$4,959	$84	$3,967	$67	$6,130	$104	$5,108	$87	$4,086	$69
	(not Office/Retail)	2,500	$7,212	$89	$6,010	$75	$4,808	$60	$7,428	$92	$6,190	$77	$4,952	$62
		5,000	$9,448	$37	$7,873	$30	$6,298	$24	$9,731	$38	$8,109	$31	$6,487	$25
		12,500	$12,188	$28	$10,157	$24	$8,125	$19	$12,554	$29	$10,462	$25	$8,369	$20
		25,000	$15,748	$63	$13,123	$52	$10,499	$42	$16,220	$65	$13,517	$54	$10,814	$43
SHELL BUILDINGS														
	All Shell	1,000	$7,816	$55	$6,773	$46	$5,419	$36	$8,050	$57	$6,976	$47	$5,582	$37
	Buildings	5,000	$9,919	$44	$8,596	$36	$6,877	$29	$10,216	$45	$8,854	$37	$7,083	$30
		10,000	$12,502	$39	$10,418	$32	$8,335	$26	$12,877	$40	$10,731	$33	$8,585	$27
		20,000	$16,377	$16	$13,647	$13	$10,918	$11	$16,868	$16	$14,056	$13	$11,246	$11
		50,000	$21,129	$12	$17,608	$10	$14,086	$8	$21,763	$12	$18,136	$10	$14,509	$8
		100,000	$27,302	$27	$22,752	$23	$18,201	$18	$28,121	$28	$23,435	$24	$18,747	$19

X. Building Permits - New Construction (Plan Check & Inspections)

Combined plan chack and inspection fees for new construction are based on occupancy group, description, and project square footage using the following methodology and tables. These permits include mechanical, plumbing, and electrical. There are additionel permit fees to be added in Section VI.

Combined plan check and inspection permit fees for a new 6,000 sq ft A-2 church of Type I FR Construction would be $23,902 for the first 5,000 sq ft, plus $78 for each additional 100 sq ft, equalling $780. The total plan check & inspection fee would be $24,682.

			Approved FY 2015-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV; V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
A-1	Theater	2,000	$34,078	$68	$28,398	$56	$22,719	$45	$35,100	$70	$29,250	$58	$23,401	$46
		10,000	$39,710	$65	$33,092	$54	$137,474	$43	$40,901	$67	$34,085	$56	$141,598	$45
		20,000	$46,470	$46	$38,725	$38	$30,980	$31	$47,864	$47	$39,887	$39	$31,909	$32
		40,000	$56,028	$58	$46,690	$48	$37,352	$39	$57,709	$60	$48,091	$50	$38,473	$40
		100,000	$92,262	$40	$76,885	$33	$61,508	$27	$95,030	$41	$79,192	$34	$63,353	$28
		200,000	$133,994	$64	$111,661	$54	$89,329	$43	$138,014	$66	$115,011	$55	$92,009	$44
A-2	Church	1,000	$21,603	$78	$18,003	$65	$14,402	$52	$22,251	$81	$18,543	$67	$14,834	$54
		5,000	$24,859	$78	$20,715	$65	$16,573	$52	$25,605	$81	$21,336	$67	$17,070	$54
		10,000	$28,928	$53	$24,107	$44	$19,285	$35	$29,796	$54	$24,830	$45	$19,864	$36
		20,000	$34,392	$78	$28,660	$65	$22,928	$52	$35,424	$81	$29,520	$67	$23,616	$54
		50,000	$58,815	$54	$49,012	$45	$39,210	$36	$60,579	$55	$50,482	$46	$40,386	$37
		100,000	$86,682	$83	$72,235	$69	$57,788	$56	$89,282	$86	$74,402	$72	$59,522	$57
A-2.1	Auditorium	1,000	$21,603	$78	$18,003	$65	$14,402	$52	$22,251	$81	$18,543	$67	$14,834	$54
		5,000	$24,859	$78	$20,715	$65	$16,573	$52	$25,605	$81	$21,336	$67	$17,070	$54
		10,000	$28,928	$53	$24,107	$44	$19,285	$35	$29,796	$54	$24,830	$45	$19,864	$36
		20,000	$34,392	$78	$28,660	$65	$22,928	$52	$35,424	$81	$29,520	$67	$23,616	$54
		50,000	$58,815	$54	$49,012	$45	$39,210	$36	$60,579	$55	$50,482	$46	$40,386	$37
		100,000	$86,682	$83	$72,235	$69	$57,788	$56	$89,282	$86	$74,402	$72	$59,522	$57
A-2.1	Restaurant	1,000	$25,764	$102	$21,470	$85	$17,176	$68	$26,537	$105	$22,114	$88	$17,691	$70
		5,000	$30,016	$98	$25,014	$82	$20,011	$65	$30,916	$101	$25,764	$84	$20,611	$67
		10,000	$35,121	$69	$29,267	$58	$23,414	$46	$36,175	$72	$30,145	$60	$24,116	$48
		20,000	$42,340	$88	$35,283	$73	$28,227	$59	$43,610	$91	$36,341	$75	$29,074	$60
		50,000	$36,912	$61	$58,128	$51	$46,502	$40	$38,020	$63	$59,872	$52	$47,897	$42
		100,000	$101,334	$97	$84,445	$81	$67,556	$65	$104,374	$100	$86,978	$84	$69,583	$67
A	All A Tenant	500	$13,594	$117	$11,328	$98	$9,062	$78	$13,594	$117	$11,328	$98	$9,062	$78
	Improvements	2,500	$15,940	$111	$13,283	$92	$10,627	$74	$15,940	$111	$13,283	$92	$10,627	$74
		5,000	$18,704	$80	$15,586	$67	$12,469	$53	$18,704	$80	$15,586	$67	$12,469	$53
		10,000	$22,705	$93	$18,921	$78	$15,137	$62	$22,705	$93	$18,921	$78	$15,137	$62
		25,000	$36,698	$65	$30,582	$54	$24,466	$43	$36,698	$65	$30,582	$54	$24,466	$43
		50,000	$52,895	$106	$44,079	$88	$35,263	$71	$52,895	$106	$44,079	$88	$35,263	$71
A-3	Small	500	$16,887	$124	$14,072	$103	$11,258	$82	$17,394	$127	$14,494	$106	$11,596	$85
	Assembly	2,500	$19,457	$123	$16,204	$102	$12,971	$82	$20,041	$127	$16,690	$106	$13,360	$84
	Buildings	5,000	$22,653	$83	$18,878	$69	$15,102	$55	$23,333	$86	$19,444	$71	$15,555	$57
		10,000	$26,972	$122	$22,476	$101	$17,981	$81	$27,781	$125	$23,150	$104	$18,520	$84
		25,000	$45,947	$83	$38,290	$70	$30,631	$56	$47,325	$86	$39,439	$72	$31,550	$57
		50,000	$67,631	$130	$56,358	$108	$45,087	$87	$69,660	$134	$58,049	$112	$46,440	$89
B	Banks	1,000	$17,618	$70	$14,681	$58	$11,745	$47	$18,147	$72	$15,121	$60	$12,097	$48
		5,000	$20,534	$67	$17,101	$56	$13,689	$45	$21,150	$69	$17,614	$58	$14,100	$46
		10,000	$24,029	$48	$20,025	$40	$16,019	$32	$24,750	$49	$20,626	$41	$16,500	$33
		20,000	$28,979	$60	$24,149	$50	$19,319	$40	$29,848	$62	$24,873	$51	$19,899	$41
		50,000	$47,689	$41	$39,740	$35	$31,792	$28	$49,120	$43	$40,932	$36	$32,746	$28
		100,000	$69,240	$67	$57,699	$55	$46,160	$44	$71,317	$69	$59,430	$57	$47,545	$46
B	Laundromat	500	$20,302	$160	$16,918	$133	$13,535	$107	$20,911	$165	$17,426	$137	$13,941	$110
		2,500	$23,625	$154	$19,688	$128	$15,750	$103	$24,334	$159	$20,279	$132	$16,223	$106
		5,000	$27,629	$108	$23,025	$90	$18,420	$72	$28,458	$112	$23,716	$93	$18,973	$74
		10,000	$33,265	$139	$27,721	$116	$22,177	$93	$34,263	$143	$28,553	$120	$22,842	$96
		25,000	$54,995	$96	$45,829	$80	$36,663	$64	$56,645	$99	$47,204	$83	$37,763	$66
		50,000	$80,002	$154	$66,669	$128	$53,335	$103	$82,402	$158	$68,669	$132	$54,935	$106
B	Medical	500	$22,461	$183	$18,717	$153	$14,974	$122	$23,135	$189	$19,279	$157	$15,423	$126
	Office	2,500	$26,270	$174	$21,892	$145	$17,514	$116	$27,058	$179	$22,549	$149	$18,039	$119
		5,000	$30,792	$125	$25,660	$104	$20,527	$83	$31,716	$128	$26,430	$107	$21,143	$86
		10,000	$37,277	$150	$31,064	$125	$24,851	$100	$38,395	$155	$31,996	$129	$25,597	$103
		25,000	$60,703	$104	$50,585	$87	$40,468	$69	$62,524	$107	$52,103	$89	$41,682	$71
		50,000	$87,769	$169	$73,141	$141	$58,513	$113	$90,402	$174	$75,335	$145	$60,268	$116
B	Offices	1,000	$16,657	$66	$13,880	$55	$11,105	$44	$17,157	$68	$14,296	$57	$11,438	$45
		5,000	$19,408	$64	$16,174	$53	$12,939	$42	$19,990	$65	$16,659	$55	$13,327	$44
		10,000	$22,712	$45	$18,926	$37	$15,141	$30	$23,393	$46	$19,494	$39	$15,595	$31
		20,000	$27,381	$57	$22,818	$47	$18,254	$38	$28,202	$58	$23,503	$49	$18,802	$39
		50,000	$45,095	$39	$37,580	$33	$30,064	$26	$46,448	$40	$38,707	$34	$30,966	$27
		100,000	$65,508	$63	$54,590	$52	$43,671	$42	$67,473	$65	$56,228	$54	$44,981	$43
B	Office Tenant	250	$9,823	$156	$8,186	$130	$6,549	$104	$9,823	$156	$8,186	$130	$6,549	$104
	Improvements	1,250	$11,381	$152	$9,484	$127	$7,588	$102	$11,381	$152	$9,484	$127	$7,588	$102
		2,500	$13,285	$105	$11,071	$88	$8,857	$70	$13,285	$105	$11,071	$88	$8,857	$70
		5,000	$15,917	$143	$13,264	$119	$10,611	$96	$15,917	$143	$13,264	$119	$10,611	$96
		12,500	$26,661	$99	$22,217	$82	$17,774	$66	$26,661	$99	$22,217	$82	$17,774	$66
		25,000	$38,987	$156	$32,489	$130	$25,991	$104	$38,987	$156	$32,489	$130	$25,991	$104

X. Building Permits - New Construction (Plan Check and Inspections) (continued)

			Approved FY 2015-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
E-1	Preschool/	500	$19,509	$127	$16,258	$106	$13,007	$85	$20,094	$131	$16,746	$109	$13,397	$87
	School	2,500	$22,154	$134	$18,461	$111	$14,769	$89	$22,819	$138	$19,015	$115	$15,212	$92
		5,000	$25,627	$84	$21,356	$70	$17,085	$56	$26,396	$87	$21,997	$72	$17,598	$58
		10,000	$30,004	$150	$25,004	$125	$20,004	$100	$30,904	$155	$25,754	$129	$20,604	$103
		25,000	$53,419	$102	$44,516	$85	$35,613	$68	$55,022	$105	$45,851	$87	$36,681	$70
		50,000	$79,921	$154	$66,600	$128	$53,281	$102	$82,319	$158	$68,598	$132	$54,879	$106
E-2	Preschool/	300	$25,907	$298	$21,589	$248	$17,271	$198	$26,684	$307	$22,237	$256	$17,789	$204
	School	1,500	$29,623	$304	$24,685	$254	$19,748	$203	$30,512	$314	$25,426	$261	$20,340	$209
		3,000	$34,373	$199	$28,644	$166	$22,915	$132	$35,404	$205	$29,503	$170	$23,602	$136
		6,000	$40,569	$322	$33,807	$268	$27,046	$215	$41,786	$332	$34,821	$277	$27,857	$221
		15,000	$70,725	$220	$58,936	$183	$47,149	$146	$72,847	$226	$60,704	$189	$48,563	$151
		30,000	$105,002	$337	$87,491	$280	$70,001	$224	$108,152	$347	$90,116	$289	$72,101	$231
E-3	Daycare	300	$30,466	$396	$25,388	$330	$20,311	$264	$31,380	$408	$26,150	$340	$20,920	$272
		1,500	$35,408	$383	$29,506	$319	$23,605	$255	$36,470	$395	$30,391	$329	$24,313	$263
		3,000	$41,385	$268	$34,487	$224	$27,589	$179	$42,627	$276	$35,522	$230	$28,417	$184
		6,000	$49,755	$351	$41,462	$292	$33,170	$234	$51,248	$361	$42,706	$301	$34,165	$241
		15,000	$82,571	$242	$68,808	$202	$55,047	$161	$85,048	$249	$70,872	$208	$56,698	$166
		30,000	$120,311	$386	$100,259	$321	$80,207	$257	$123,920	$397	$103,267	$331	$82,613	$265
F-1	Commercial/	1,000	$25,328	$97	$21,107	$81	$16,885	$64	$26,088	$100	$21,740	$83	$17,392	$66
	Manufacturing	5,000	$29,350	$94	$24,458	$79	$19,566	$63	$30,231	$97	$25,192	$81	$20,153	$65
		10,000	$34,260	$65	$28,550	$54	$22,840	$44	$35,288	$67	$29,407	$56	$23,525	$45
		20,000	$41,058	$89	$34,214	$74	$27,371	$59	$42,290	$91	$35,240	$76	$28,192	$61
		50,000	$68,735	$61	$57,279	$51	$45,823	$41	$70,797	$63	$58,997	$52	$47,198	$42
		100,000	$100,496	$97	$83,746	$81	$66,997	$64	$103,511	$100	$86,258	$83	$69,007	$66
F-2	Steel Production/	1,000	$25,880	$98	$21,567	$81	$17,253	$65	$26,656	$100	$22,214	$84	$17,771	$67
	Fabrication	5,000	$29,909	$96	$24,948	$80	$19,958	$64	$30,806	$99	$25,696	$82	$20,557	$66
	Industrial/	10,000	$34,919	$66	$29,099	$55	$23,279	$44	$35,967	$68	$29,972	$57	$23,977	$45
	Manufacturing	20,000	$41,766	$91	$34,805	$76	$27,844	$61	$43,019	$94	$35,849	$78	$28,679	$63
		50,000	$70,292	$63	$58,577	$52	$46,861	$42	$72,401	$65	$60,334	$54	$48,267	$43
		100,000	$102,978	$99	$85,814	$83	$68,651	$66	$106,067	$102	$88,388	$85	$70,711	$68
H-2	Moderate	300	$21,669	$221	$18,057	$184	$14,446	$147	$22,319	$227	$18,599	$190	$14,879	$152
	Explosion	1,500	$24,425	$239	$20,354	$199	$16,283	$160	$25,158	$247	$20,965	$205	$16,771	$164
	Hazard	3,000	$28,159	$145	$23,465	$121	$18,772	$97	$29,004	$149	$24,169	$124	$19,335	$99
		6,000	$32,677	$287	$27,231	$239	$21,785	$191	$33,657	$295	$28,048	$246	$22,439	$197
		15,000	$59,522	$194	$49,601	$162	$39,682	$129	$61,308	$200	$51,089	$166	$40,872	$133
		30,000	$89,768	$288	$74,807	$240	$59,846	$192	$92,461	$296	$77,051	$247	$61,641	$198
H-3	High	300	$21,669	$221	$18,057	$184	$14,446	$147	$22,319	$227	$18,599	$190	$14,879	$152
	Fire	1,500	$24,425	$239	$20,354	$199	$16,283	$160	$25,158	$247	$20,965	$205	$16,771	$164
	Hazard	3,000	$28,159	$145	$23,465	$121	$18,772	$97	$29,004	$149	$24,169	$124	$19,335	$99
		6,000	$32,677	$287	$27,231	$239	$21,785	$191	$33,657	$295	$28,048	$246	$22,439	$197
		15,000	$59,522	$194	$49,601	$162	$39,682	$129	$61,308	$200	$51,089	$166	$40,872	$133
		30,000	$89,768	$288	$74,807	$240	$59,846	$192	$92,461	$296	$77,051	$247	$61,641	$198
H-4	Repair Garage	300	$18,710	$211	$15,593	$176	$12,474	$141	$19,271	$218	$16,061	$181	$12,848	$145
		1,500	$21,347	$218	$17,789	$182	$14,232	$145	$21,987	$224	$18,323	$187	$14,659	$150
		3,000	$24,748	$141	$20,623	$117	$16,498	$94	$25,490	$145	$21,242	$121	$16,993	$97
		6,000	$29,134	$235	$24,279	$196	$19,423	$157	$30,008	$242	$25,007	$202	$20,006	$161
		15,000	$51,128	$160	$42,607	$133	$34,085	$107	$52,662	$165	$43,885	$137	$35,108	$110
		30,000	$76,093	$244	$63,401	$203	$50,729	$163	$78,376	$251	$65,303	$209	$52,251	$167
H-7	Health	300	$22,026	$229	$18,356	$190	$14,685	$152	$22,687	$235	$18,907	$196	$15,126	$157
	Hazard	1,500	$24,878	$246	$20,732	$205	$16,586	$164	$25,624	$253	$21,354	$211	$17,084	$169
	Materials	3,000	$28,710	$150	$23,924	$125	$19,139	$100	$29,571	$155	$24,642	$129	$19,713	$103
		6,000	$33,398	$289	$27,832	$241	$22,266	$193	$34,400	$298	$28,667	$248	$22,934	$198
		15,000	$60,451	$196	$50,376	$163	$40,392	$130	$62,265	$202	$51,887	$168	$41,604	$134
		30,000	$90,970	$292	$75,798	$243	$60,647	$194	$93,699	$300	$78,072	$250	$62,466	$200
I-1.1	Nursery	500	$21,905	$158	$18,254	$132	$14,604	$105	$22,562	$163	$18,802	$136	$15,042	$109
	Full-Time (5+)	2,500	$25,195	$158	$20,995	$132	$16,796	$106	$25,951	$163	$21,625	$136	$17,300	$109
		5,000	$29,313	$106	$24,427	$88	$19,542	$71	$30,192	$109	$25,160	$91	$20,128	$73
		10,000	$34,831	$159	$29,027	$133	$23,222	$106	$35,876	$164	$29,898	$137	$23,919	$109
		25,000	$59,646	$109	$49,705	$91	$39,764	$73	$61,435	$112	$51,196	$94	$40,957	$75
		50,000	$87,966	$169	$73,304	$141	$58,644	$113	$90,605	$174	$75,503	$145	$60,403	$116
I-1.2	Health Care	500	$21,905	$158	$18,254	$132	$14,604	$105	$22,562	$163	$18,802	$136	$15,042	$109
	Centers	2,500	$25,195	$158	$20,995	$132	$16,796	$106	$25,951	$163	$21,625	$136	$17,300	$109
		5,000	$29,313	$106	$24,427	$88	$19,542	$71	$30,192	$109	$25,160	$91	$20,128	$73
		10,000	$34,831	$159	$29,027	$133	$23,222	$106	$35,876	$164	$29,898	$137	$23,919	$109
		25,000	$59,646	$109	$49,705	$91	$39,764	$73	$61,435	$112	$51,196	$94	$40,957	$75
		50,000	$87,966	$169	$73,304	$141	$58,644	$113	$90,605	$174	$75,503	$145	$60,403	$116
I-2	Nursing Home/	500	$23,057	$162	$19,214	$135	$15,371	$108	$23,749	$167	$19,790	$139	$15,832	$111
	Assisted Living /	2,500	$26,421	$164	$22,017	$137	$17,614	$109	$27,214	$169	$22,678	$141	$18,142	$113
	Convalescent	5,000	$18,089	$108	$25,574	$90	$20,459	$72	$18,632	$111	$26,341	$93	$21,073	$74
	Hospital	10,000	$36,312	$170	$30,260	$142	$24,209	$114	$37,401	$175	$31,168	$146	$24,935	$117
		25,000	$62,881	$116	$52,401	$97	$41,920	$78	$64,767	$120	$53,973	$100	$43,178	$80
		50,000	$93,135	$179	$77,612	$149	$62,090	$119	$95,929	$184	$79,940	$154	$63,953	$123

X. Building Permits - New Construction (Plan Check and Inspections) (continued)

			Approved FY 2015-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
M	Stores (Retail)	1,000	$21,396	$84	$17,831	$70	$14,264	$56	$22,038	$86	$18,366	$72	$14,692	$57
		5,000	$24,873	$81	$20,728	$67	$16,583	$54	$25,619	$83	$21,350	$69	$17,080	$56
		10,000	$29,076	$57	$24,230	$47	$19,384	$38	$29,948	$58	$24,957	$49	$19,966	$39
		20,000	$34,966	$74	$29,139	$62	$23,311	$49	$36,015	$76	$30,013	$63	$24,010	$51
		50,000	$57,995	$51	$48,329	$42	$38,664	$34	$59,735	$52	$49,779	$44	$39,824	$35
		100,000	$84,453	$81	$70,377	$68	$56,301	$54	$86,987	$84	$72,488	$70	$57,990	$56
M	Market	500	$19,440	$153	$16,200	$128	$12,961	$102	$20,023	$158	$16,686	$131	$13,350	$105
		2,500	$22,625	$148	$18,855	$123	$15,084	$98	$23,304	$152	$19,421	$127	$15,537	$101
		5,000	$26,461	$104	$22,051	$87	$17,641	$69	$27,255	$107	$22,713	$89	$18,170	$71
		10,000	$31,864	$133	$26,553	$111	$21,242	$89	$32,820	$137	$27,350	$114	$21,879	$92
		25,000	$52,657	$92	$43,881	$77	$35,105	$61	$54,237	$95	$45,197	$79	$36,158	$63
		50,000	$76,600	$147	$63,833	$123	$51,067	$98	$78,898	$152	$65,748	$126	$52,599	$101
M	Retail Tenant	500	$11,744	$92	$9,786	$77	$7,829	$62	$11,744	$92	$9,787	$77	$7,829	$62
	Improvements	2,500	$13,593	$91	$11,328	$76	$9,062	$60	$13,593	$91	$11,328	$76	$9,062	$60
		5,000	$15,859	$62	$13,216	$52	$10,573	$42	$15,859	$62	$13,216	$52	$10,573	$42
		10,000	$18,979	$86	$15,816	$72	$12,653	$57	$18,979	$86	$15,816	$72	$12,653	$57
		25,000	$31,890	$59	$26,575	$49	$21,259	$39	$31,889	$59	$26,574	$49	$21,259	$39
		50,000	$46,681	$93	$38,901	$78	$31,121	$62	$46,682	$93	$38,901	$78	$31,121	$62
R-1	Apartment	1,000	$29,243	$109	$23,369	$91	$19,495	$73	$30,120	$112	$24,070	$94	$20,080	$75
	Building	5,000	$33,782	$108	$28,152	$90	$22,521	$72	$34,795	$111	$28,997	$92	$23,197	$74
		10,000	$39,380	$74	$32,816	$61	$26,253	$49	$40,561	$76	$33,800	$63	$27,041	$51
		20,000	$47,031	$104	$39,193	$87	$31,354	$69	$48,442	$107	$40,369	$89	$32,295	$71
		50,000	$79,476	$71	$66,218	$60	$52,984	$48	$81,860	$74	$68,205	$61	$54,574	$49
		100,000	$116,603	$112	$97,169	$93	$77,699	$75	$120,101	$115	$100,084	$96	$80,030	$77
R-1	Apartment	1,000	$14,136	$86	$11,779	$71	$9,423	$57	$14,560	$88	$12,132	$73	$9,706	$59
	Building -	5,000	$17,693	$70	$14,745	$58	$11,795	$47	$18,224	$72	$15,187	$60	$12,149	$48
	Repeat Unit	10,000	$51,330	$60	$17,775	$50	$14,220	$40	$52,870	$62	$18,308	$52	$14,647	$41
		20,000	$27,607	$30	$23,006	$25	$18,404	$20	$28,435	$31	$23,696	$26	$18,956	$21
		50,000	$36,991	$23	$30,825	$19	$24,660	$15	$38,101	$23	$31,750	$20	$25,400	$16
		100,000	$48,819	$47	$40,682	$39	$32,545	$31	$50,284	$48	$41,902	$40	$33,521	$32
R-1	Hotel/	5,000	$41,043	$33	$34,203	$28	$27,363	$22	$42,274	$34	$35,229	$29	$28,184	$23
	Motel	25,000	$47,967	$32	$39,973	$26	$31,977	$21	$49,406	$33	$41,172	$27	$32,936	$22
		50,000	$56,196	$23	$46,830	$19	$37,464	$15	$57,882	$23	$48,235	$19	$38,588	$16
		100,000	$37,943	$28	$56,644	$23	$45,315	$18	$39,081	$28	$58,343	$24	$46,674	$19
		250,000	$111,006	$19	$92,505	$16	$74,004	$13	$114,336	$20	$95,280	$16	$76,224	$13
		500,000	$160,645	$31	$133,872	$26	$107,097	$21	$165,464	$32	$137,888	$27	$110,310	$21
R-3	Dwellings	1,500	$18,552	$390	$15,460	$325	$12,368	$260	$19,109	$402	$15,924	$335	$12,739	$268
	Custom, Models,	2,500	$22,610	$145	$18,842	$121	$15,074	$97	$23,288	$150	$19,407	$125	$15,526	$100
	First Master Plan	4,000	$24,882	$423	$20,733	$353	$16,586	$282	$25,628	$436	$21,355	$363	$17,084	$291
		5,000	$29,280	$227	$24,400	$189	$19,520	$152	$30,158	$234	$25,132	$195	$20,106	$156
		7,500	$35,192	$212	$29,327	$176	$23,461	$141	$36,248	$218	$30,207	$182	$24,165	$145
		10,000	$40,694	$391	$33,912	$326	$27,130	$261	$41,915	$403	$34,929	$336	$27,944	$269
R-3	Dwellings -	1,500	$10,504	$232	$8,753	$193	$7,003	$154	$10,819	$238	$9,016	$199	$7,213	$159
	Production Phase	2,500	$12,911	$110	$10,760	$92	$8,608	$73	$13,298	$113	$11,083	$95	$8,866	$76
	of Master Plan	4,000	$14,630	$185	$12,191	$154	$9,752	$123	$15,069	$191	$12,557	$159	$10,045	$127
	Repeat Unit	5,000	$16,553	$135	$13,794	$112	$11,035	$90	$17,050	$139	$14,208	$116	$11,366	$93
		7,500	$20,059	$127	$16,716	$106	$13,373	$85	$20,661	$131	$17,217	$109	$13,774	$87
		10,000	$23,359	$225	$19,465	$187	$15,573	$150	$24,060	$231	$20,049	$193	$16,040	$154
R-3	Dwellings -	1,500	$23,614	$558	$19,679	$465	$15,743	$372	$24,322	$575	$20,269	$479	$16,215	$383
	Alternative	2,500	$29,418	$168	$24,515	$140	$19,612	$112	$30,301	$173	$25,250	$144	$20,200	$116
	Materials	4,000	$32,042	$515	$26,702	$429	$21,362	$343	$33,003	$530	$27,503	$442	$22,003	$354
		5,000	$37,397	$260	$31,166	$217	$24,933	$173	$38,519	$268	$32,101	$223	$25,681	$179
		7,500	$44,161	$275	$36,801	$229	$29,441	$184	$45,486	$284	$37,905	$236	$30,324	$189
		10,000	$51,320	$493	$42,766	$411	$34,243	$329	$52,860	$508	$44,049	$424	$35,270	$339
R - 2.1,	Group Care,	1,000	$28,724	$92	$23,936	$77	$19,149	$62	$29,586	$95	$24,654	$79	$19,723	$63
2.3 &	Non-Amb. (6+)	5,000	$32,569	$98	$27,141	$81	$21,713	$65	$33,546	$101	$27,955	$84	$22,364	$67
6.1		10,000	$37,649	$61	$31,374	$51	$25,099	$41	$38,778	$63	$32,315	$52	$25,852	$42
		20,000	$44,002	$111	$36,668	$93	$29,335	$74	$45,322	$115	$37,768	$95	$30,215	$76
		50,000	$78,697	$75	$65,580	$63	$52,464	$50	$81,058	$78	$67,547	$65	$54,038	$52
		100,000	$117,921	$113	$98,267	$94	$78,614	$76	$121,459	$117	$101,215	$97	$80,972	$78
R-2.2 &	Group Care,	1,000	$28,724	$92	$23,936	$77	$19,149	$62	$29,586	$95	$24,654	$79	$19,723	$63
6.2	Ambulatory (6+)	5,000	$32,569	$98	$27,141	$81	$21,713	$65	$33,546	$101	$27,955	$84	$22,364	$67
		10,000	$37,649	$61	$31,374	$51	$25,099	$41	$38,778	$63	$32,315	$52	$25,852	$42
		20,000	$44,002	$111	$36,668	$93	$29,335	$74	$45,322	$115	$37,768	$95	$30,215	$76
		50,000	$78,697	$75	$65,580	$63	$52,464	$50	$81,058	$78	$67,547	$65	$54,038	$52
		100,000	$117,921	$113	$98,267	$94	$78,614	$76	$121,459	$117	$101,215	$97	$80,972	$78
R-2.1.1	Group Care,	700	$34,363	$151	$28,636	$126	$22,909	$101	$35,394	$155	$29,495	$129	$23,596	$104
2.3.1 &	Non-Amb. (1-5)	3,500	$38,755	$163	$32,297	$136	$25,837	$109	$39,918	$168	$33,266	$140	$26,612	$112
6.1.1		7,000	$44,692	$99	$37,243	$82	$29,795	$66	$46,033	$102	$38,360	$85	$30,689	$68
		14,000	$51,897	$194	$43,248	$162	$34,599	$130	$53,454	$200	$44,545	$167	$35,637	$134
		35,000	$94,374	$131	$78,645	$110	$62,916	$88	$97,205	$135	$81,004	$113	$64,803	$90
		70,000	$142,228	$195	$118,523	$163	$94,819	$130	$146,495	$201	$122,079	$168	$97,664	$134
R-2.2.1	Group Care,	700	$34,363	$151	$28,636	$126	$22,909	$101	$35,394	$155	$29,495	$129	$23,596	$104
& 6.2.1	Non-Amb. (1-5)	3,500	$38,755	$163	$32,297	$136	$25,837	$109	$39,918	$168	$33,266	$140	$26,612	$112
		7,000	$44,692	$99	$37,243	$82	$29,795	$66	$46,033	$102	$38,360	$85	$30,689	$68
		14,000	$51,897	$194	$42,594	$162	$34,599	$130	$53,454	$200	$43,872	$167	$35,637	$134
		35,000	$94,374	$131	$78,645	$110	$62,916	$88	$97,205	$135	$81,004	$113	$64,803	$90
		70,000	$142,228	$195	$118,523	$163	$94,819	$130	$146,495	$201	$122,079	$168	$97,664	$134

X. Building Permits - New Construction (Plan Check and Inspections) (continued)

			Approved FY 2015-16						Proposed FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)		Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or portion thereof, up to the next highest project size threshold.														
S-1	Moderate	1,000	$16,268	$63	$13,557	$52	$10,846	$42	$16,756	$65	$13,964	$54	$11,171	$43
	Hazard	5,000	$18,878	$61	$15,731	$51	$12,585	$41	$19,444	$63	$16,203	$52	$12,963	$42
	Storage	10,000	$22,051	$42	$18,375	$35	$14,700	$28	$22,713	$44	$18,926	$36	$15,141	$29
		20,000	$26,463	$57	$22,054	$47	$17,642	$38	$27,257	$58	$22,716	$49	$18,171	$39
		50,000	$44,128	$39	$36,774	$33	$29,419	$26	$45,452	$40	$37,877	$33	$30,302	$27
		100,000	$64,412	$62	$53,677	$52	$42,941	$41	$66,344	$64	$55,287	$53	$44,229	$43
S-1	Mini Storage	1,000	$16,176	$63	$13,480	$52	$10,784	$42	$16,661	$64	$13,884	$54	$11,108	$43
		5,000	$18,781	$61	$16,644	$51	$12,520	$41	$19,344	$63	$17,143	$52	$12,896	$42
		10,000	$21,941	$42	$18,284	$35	$14,627	$28	$22,599	$44	$18,833	$36	$15,066	$29
		20,000	$26,343	$56	$21,953	$47	$17,562	$37	$27,133	$58	$22,612	$48	$18,089	$39
		50,000	$43,863	$39	$36,553	$32	$29,242	$26	$45,179	$40	$37,650	$33	$30,119	$27
		100,000	$64,001	$62	$53,335	$51	$42,667	$41	$65,921	$63	$54,935	$53	$43,947	$42
S-2	Low Hazard	1,000	$20,221	$78	$16,851	$65	$13,480	$52	$20,828	$81	$17,357	$67	$13,884	$54
	Storage	5,000	$23,475	$76	$19,563	$63	$15,650	$51	$24,179	$78	$20,150	$65	$16,120	$52
		10,000	$27,426	$53	$22,856	$44	$18,284	$35	$28,249	$55	$23,542	$45	$18,833	$36
		20,000	$32,930	$70	$27,441	$58	$21,953	$47	$33,918	$72	$28,264	$60	$22,612	$48
		50,000	$54,829	$48	$45,691	$40	$36,553	$32	$56,474	$50	$47,062	$42	$37,650	$33
		100,000	$80,002	$77	$66,668	$64	$53,335	$51	$82,402	$79	$68,668	$66	$54,935	$53
S-3	Repair Garage	500	$22,409	$163	$18,674	$136	$14,939	$109	$23,081	$168	$19,234	$140	$15,387	$112
	(not H-4)	2,500	$25,805	$163	$21,504	$136	$17,203	$109	$26,579	$168	$22,149	$140	$17,719	$112
		5,000	$30,039	$110	$25,033	$91	$20,026	$73	$30,940	$113	$25,784	$94	$20,627	$75
		10,000	$35,747	$162	$29,790	$135	$23,832	$108	$36,819	$167	$30,684	$139	$24,547	$111
		25,000	$60,986	$111	$50,821	$92	$40,658	$74	$62,816	$114	$52,346	$95	$41,878	$76
		50,000	$89,812	$173	$74,844	$144	$59,875	$115	$92,506	$178	$77,089	$148	$61,671	$119
S-3	Motor Vehicle	1,000	$17,189	$64	$14,325	$53	$12,360	$43	$17,705	$66	$14,755	$55	$12,731	$44
	Fuel Dispensing	5,000	$19,860	$63	$16,549	$53	$13,240	$42	$20,456	$65	$17,045	$54	$13,637	$43
	(including canopy)	10,000	$23,151	$43	$19,293	$36	$15,434	$29	$23,846	$45	$19,872	$37	$15,897	$30
		20,000	$27,648	$61	$23,037	$51	$18,432	$41	$28,477	$63	$23,728	$52	$18,985	$42
		50,000	$46,713	$42	$38,931	$35	$31,142	$28	$48,114	$43	$40,099	$36	$32,076	$29
		100,000	$68,538	$66	$57,115	$55	$45,691	$44	$70,594	$68	$58,828	$57	$47,062	$45
S-3	Open Parking	2,000	$25,170	$44	$20,975	$36	$16,780	$29	$25,925	$45	$21,604	$37	$17,283	$30
	Garage	10,000	$28,802	$45	$24,001	$37	$19,201	$30	$29,666	$46	$24,721	$38	$19,777	$31
		20,000	$33,431	$29	$27,858	$24	$22,287	$19	$34,434	$30	$28,694	$25	$22,956	$20
		40,000	$39,493	$47	$32,911	$39	$26,329	$31	$40,678	$48	$33,898	$40	$27,119	$32
		100,000	$68,691	$32	$34,243	$27	$45,795	$21	$70,752	$33	$35,270	$27	$47,169	$22
		200,000	$101,882	$49	$84,902	$41	$67,921	$33	$104,938	$50	$87,449	$42	$69,959	$34
S-4	Enclosed Parking	2,000	$24,236	$44	$20,196	$37	$16,158	$30	$24,963	$46	$20,802	$38	$16,643	$31
	Garage	10,000	$27,937	$44	$23,280	$37	$18,626	$29	$28,775	$46	$23,978	$38	$19,185	$30
		20,000	$32,535	$30	$27,110	$25	$21,691	$20	$33,511	$31	$27,923	$26	$22,342	$21
		40,000	$38,760	$44	$32,398	$36	$25,841	$29	$39,923	$45	$33,370	$37	$26,616	$30
		100,000	$65,930	$30	$54,940	$25	$43,955	$20	$67,908	$31	$56,588	$26	$45,274	$20
		200,000	$96,969	$47	$80,805	$39	$64,650	$31	$99,878	$48	$83,229	$40	$66,590	$32
	Other Tenant	250	$10,216	$156	$8,514	$130	$6,811	$104	$10,522	$160	$8,769	$134	$7,015	$107
	Improvements	1,250	$11,837	$152	$9,864	$127	$7,891	$102	$12,192	$157	$10,160	$131	$8,128	$105
	(not Office/Retail)	2,500	$13,816	$105	$11,513	$88	$9,211	$70	$14,230	$108	$11,858	$90	$9,487	$72
		5,000	$16,554	$143	$13,795	$119	$11,035	$96	$17,051	$148	$14,209	$123	$11,366	$98
		12,500	$27,727	$99	$23,106	$82	$18,485	$66	$28,559	$102	$23,799	$85	$19,040	$68
		25,000	$40,547	$156	$33,789	$130	$27,031	$104	$41,763	$161	$34,803	$134	$27,842	$107
SHELL BUILDINGS														
	All Shell	1,000	$17,685	$68	$14,738	$56	$11,791	$45	$18,216	$70	$15,180	$58	$12,145	$46
	Buildings	5,000	$20,493	$66	$17,078	$55	$13,663	$44	$21,108	$68	$17,590	$57	$14,073	$45
		10,000	$23,921	$46	$19,934	$38	$15,948	$30	$24,639	$47	$20,532	$39	$16,426	$31
		20,000	$28,663	$62	$23,885	$52	$19,109	$41	$29,523	$64	$24,602	$53	$19,682	$43
		50,000	$48,003	$43	$40,003	$36	$32,002	$28	$49,443	$44	$41,203	$37	$32,962	$29
		100,000	$70,181	$67	$58,484	$56	$46,787	$45	$72,286	$70	$60,239	$58	$48,191	$46

XI. Miscellaneous Building Permit Fees

The following permit fee table includes fees for miscellaneous projects other than new construction, such as remodels, additions, repairs, reroofs, decks, carports, patio rooms, and retaining walls. It also includes additional miscellaneous fees that apply to all building permits, including new construction.

A plan check fee of 50% will be charged at the time of submittal.

		Approved FY 2015-16			Proposed FY 2016-17		
Item	Unit	Intake and Plan Check	Inspection	Permit Fees	Intake and Plan Check	Inspection	Permit Fees
Standard Hourly Rate	hour			$165			$170
MISCELLANEOUS PROJECTS							
Antenna(ie res HAM or CB)	each	$551	$604	$1,155	$568	$622	$1,190
Cellular/Mobile Phone							
Equipment Container/Building (PreFab)	each	$551	$988	$1,539	$568	$1,018	$1,585
Cellular/Mobile Phone, free-standing	each	$765	$1,152	$1,917	$788	$1,187	$1,975
Cellular/Mobile Phone, co-location	each	$551	$988	$1,539	$568	$1,018	$1,585
Awning or Canopy	each	$286	$123	$409	$295	$127	$421
Balcony addition	each	$286	$206	$491	$295	$212	$506
Carport	each	$286	$331	$617	$295	$341	$636
Change or Assigned Address Request	each	$286	$41	$327	$295	$42	$337
Change of Occupancy	each	$535	$165	$7,400	$551	$170	$7,622
Close Existing Openings	each	$286	$165	$451	$295	$170	$465
Commercial Coach (per unit)	each unit	$782	$494	$1,276	$805	$509	$1,314
Commercial Vapor Recovery Systems	each			$1,066			$1,098
Covered Porch	each	$286	$249	$534	$295	$256	$550
Deck - New							
<100 sq ft	each	$203	$249	$452	$209	$256	$466
101-500 sq ft	each	$286	$332	$618	$295	$342	$637
501+ sq ft	each 500 sq ft	$83	$83	$167	$85	$85	$172
Deck Repair (up to 25% of orig sq ft)							
<100 sq ft	each	$203	$165	$369	$209	$170	$380
101-500 sq ft	each	$286	$249	$534	$295	$256	$550
501+ sq ft	each 500 sq ft	$83	$83	$167	$85	$85	$172
Demolition							
Pre-Demolition Inspection	each	$200	$83	$283	$206	$85	$291
Demolition Inspection	each	$123	$83	$207	$127	$85	$213
Door							
New door (non structural-replacement)	each	$0	$82	$82		$84	$84
New door (structural shear wall/masonry)	each	$83	$83	$167	$85	$85	$172
Residential Drainage							
French Drain/ Sump Pump	each			$453			$467
Driveway Replacement							
Concrete/Pavers	each			$168			$173
Dry Rot/Termite Repair (Minor)	each	$286	$331	$617	$295	$341	$636
Electric Vehicle Charging Stations:							
Residential Chargers							$213
Commercial Chargers					$180	$283	$463
Fence or Freestanding Wall (6-10' non-masonry)							
<100 lf	up to 100 lf	$288	$82	$370	$297	$84	$381
Each additional 100 lf	each 100 lf	$41	$41	$82	$42	$42	$84
Fence or Freestanding Wall (<10' masonry)							$0
<100 lf	up to 100 lf	$286	$331	$617	$295	$341	$636
Each additional 100 lf	each 100 lf	$41	$83	$124	$42	$85	$128
Fireplace							
Masonry	each	$286	$331	$617	$295	$341	$636
Pre-Fabricated/Metal	each	$286	$249	$534	$295	$256	$550
Demo	each			$331			$341
Flag pole	each	$286	$165	$451	$295	$170	$465
Foundation Repair - Non-Engineered	up to 100 lf	$286	$329	$615	$295	$339	$633
Foundation Repair - Non-Engineered	ea add'l 50 lf	$41	$83	$127	$42	$85	$131
Foundation Repair - Engineered	up to 100 lf	$369	$331	$700	$380	$341	$721
Foundation Repair - Engineered	ea add'l 50 lf	$83	$83	$167	$85	$85	$172
Garage (detached)							
<500 sq ft	each	$369	$496	$865	$380	$511	$891
>501 sq ft	each 100 sq ft	$41	$83	$124	$42	$85	$128
Partition - Commercial, Interior	up to 30 lf	$286	$206	$491	$295	$212	$506
Additional partition	each 30 lf	$41	$83	$124	$42	$85	$128
Partition - Residential, Interior	up to 30 lf	$286	$206	$491	$295	$212	$506
Additional partition	each 30 lf	$41	$83	$124	$42	$85	$128
Patio Cover							
Wood frame	up to 300 sq ft	$286	$124	$410	$295	$128	$422
Metal frame	up to 300 sq ft	$369	$249	$618	$380	$256	$637
Additional patio	each 300 sq ft	$83	$83	$167	$85	$85	$172
Patio Room							
Enclosed, wood frame	up to 300 sq ft	$286	$329	$614	$295	$339	$632
Enclosed, metal frame	up to 300 sq ft	$369	$329	$614	$380	$339	$632
Additional enclosed patio	each 300 sq ft	$83	$329	$412	$85	$339	$424

XI. Miscellaneous Building Permit Fees (continued)

Item	Unit	Approved FY 2015-16			Proposed FY 2016-17		
		Intake and Plan Check	Inspection	Permit Fees	Intake and Plan Check	Inspection	Permit Fees
Stucco Applications	up to 400 sq ft	$203	$165	$369	$209	$170	$380
Additional Stucco Application	each 400 sq ft	$41	$41	$82	$42	$42	$84

XI. Miscellaneous Building Permit Fees (continued)

Item	Unit	Approved FY 2015-16			Proposed FY 2016-17		
		Intake and Plan Check	Inspection	Permit Fees	Intake and Plan Check	Inspection	Permit Fees
Retaining Wall							
Standard Design Non Engineered	up to 50 lf	$286	$331	$617	$295	$341	$636
Additional retaining wall	each 50 lf	$0	$165	$165	$0	$170	$170
Special Design, 3-10' High Engineered	up to 50 lf	$617	$662	$1,278	$636	$682	$1,316
Additional retaining wall	each 50 lf	$0	$165	$165	$0	$170	$170
Special Design, Over 10' High Engineered	up to 50 lf	$782	$827	$1,609	$805	$852	$1,657
Additional retaining wall	each 50 lf	$0	$331	$331	$0	$341	$341
Remodel - Residential							
<500 sq ft	up to 500 sq ft	$369	$662	$1,031	$380	$682	$1,062
500+ sf	each 100 sq ft	$82	$165	$248	$84	$170	$255
Kitchen/Bathroom Major	up to 500 sq ft	$369	$414	$783	$380	$426	$806
Additional Kitchen/Bathroom Remodel	each 100 sq ft	$83	$83	$167	$85	$85	$172
Bathroom Minor (3 fixtures maximum)				$414			$426
Kitchen Minor (3 fixtures maximum)				$414			$426
Re-Roof Residential							
<1,500 sq ft	up to 1,500 sq ft	$203	$331	$534	$209	$341	$550
Each additional 100 sf	each 100 sq ft	$0	$19	$19	$0	$20	$20
Re-Roof Commerical							
<5,000 sq ft		$203	$331	$534	$209	$341	$550
5,001-10,000 sq ft		$286	$496	$782	$295	$511	$805
10,001-20,000 sq ft		$369	$580	$949	$380	$597	$977
20,001-50,000 sq ft		$451	$662	$1,113	$465	$682	$1,146
50,001-100,000 sq ft		$451	$745	$1,196	$465	$767	$1,232
>100,001 (each add'l 10,000 sq ft)		$83	$83	$167	$85	$85	$172
Roof Structure Replacement	up to 100 sq ft	$451	$165	$617	$465	$170	$636
Additional roof structure replacement	each 100 sq ft	$83	$83	$167	$85	$85	$172
Room Addition - First Story							
<500 sq ft	up to 500 sq ft	$451	$1,820	$2,271	$465	$1,875	$2,339
<500 sq ft (with calcs)	up to 500 sq ft	$534	$1,986	$2,250	$550	$2,046	$2,318
500+ sq ft (with or without calcs)	each 100 sq ft	$83	$83	$167	$85	$85	$172
Room Addition - Multi-story							
<500 sq ft	up to 500 sq ft	$451	$1,489	$1,940	$465	$1,534	$1,998
<500 sq ft (with calcs)	up to 500 sq ft	$617	$1,489	$2,106	$636	$1,534	$2,169
500+ sq ft (with or without calcs)	each 100 sq ft	$83	$165	$249	$85	$170	$256
Sauna - steam	each	$286	$331	$617	$295	$341	$636
Seismic Retrofit/Structural Strengthening Engineered	each	$369	$331	$700	$380	$341	$721
Seismic Retrofit/Structural Strengthening Non-Engineered	each	$369	$331	$700	$380	$341	$721
Siding	up to 400 sq ft	$203	$165	$369	$209	$170	$380
Additional siding	each 400 sq ft	$41	$41	$82	$42	$42	$84
Signs							
Structural	each	$451	$331	$782	$465	$341	$805
Non-Structural	each	$286	$165	$451	$295	$170	$465
Skylight							
<10 sf	each	$286	$83	$369	$295	$85	$380
>10 sf or structural	each	$369	$165	$534	$380	$170	$550
Solar Photovoltaic up to 10KW	each	$160	$171	$331	$165	$176	$341
Solar PV each10KW or fraction thereof over 10KW	each	$40	$127	$167	$41	$131	$172
Spa or Hot Tub (Pre-fabricated)	each	$286	$83	$369	$295	$85	$380
Storage Racks							
0-5' high (<100 lf)	first 100 lf	$286	$165	$451	$295	$170	$465
5-8' high (<100 lf)	first 100 lf	$452	$247	$699	$466	$254	$720
over 8' high (<100 lf)	first 100 lf	$618	$331	$949	$637	$341	$977
each additional 100 lf	each 100 lf	$41	$83	$24	$42	$85	$25
Swimming Pool							
Residential	each	$286	$496	$782	$295	$511	$805
Commercial pool (<800 sf)	up to 800 sq ft	$617	$993	$1,610	$636	$1,023	$1,658
Commercial pool (over 800 sf)	each 100 sq ft	$203	$387	$590	$209	$399	$608
Window, or Sliding Glass Door and Solartube							
Structural or with stucco break-out	first opening	$369	$249	$618	$380	$256	$637
Structural (Additional)	each	$83	$41	$124	$85	$42	$128
Non-Structural/Replacement	one window	$120	$83	$203	$124	$85	$209
Non-Structural/Replacement or solar tubes	first 5 windows	$120	$165	$286	$124	$170	$295
Non-Structural Additional Windows or solar tubes	each add'l 5		$41	$41		$42	$42

XI. Miscellaneous Building Permit Fees (continued)

Item	Unit	Approved FY 2015-16			Proposed FY 2016-17		
		Intake and Plan Check	Inspection	Permit Fees	Intake and Plan Check	Inspection	Permit Fees
OTHER MISCELLANEOUS FEES							
Earthquake Mitigation Inspection	first hour	$41	$165	$207	$42	$170	$213
	each add'l hour		$165	$165		$170	$170
Permit Renewal (within one year of expiration)	% of original permit			50%			50%
Permit Renewal (after one year of expiration)	% of original permit			100%			100%
Permit Re-Inspection Fee	hour (1/2 hour min)			$165			$170
Revisions to Existing Permits - Minor	each	$161	$83	$244	$166	$85	$251
Revisions to Existing Permits - Major	hour (3 hour min)			$165			$170
Misc Minor Repairs	each	$204	$165	$370	$210	$170	$381
Misc Bathroom Repair (1 fixture maximum)	each	$120	$165	$286	$124	$170	$295
Misc Roof Repair	each	$120	$165	$286	$124	$170	$295
Misc Minor Commercial Tenant Improvement	each	$120	$165	$286	$124	$170	$295
Fire Permit Handling Fee	each	$120		$120	$124		$124
Research (first 1/2 hour)	up to 1/2 hour	$203		$203	$209		$209
Each additional 1/2 hour (or portion thereof)	each 1/2 hour	$83		$83	$85		$85
Supplemental Plan Check Fee	hour	$165		$165	$170		$170
Supplemental Inspection Fee	hour		$165	$165		$170	$170
Emergency (Non-Scheduled) Call-Out Fee	4 Hours		$662	$662		$682	$682
After Hours (Scheduled) Call-Out Fee	2 Hours	$41	$331	$372	$42	$341	$383
Each additional hour	Hour		$165	$165		$170	$170
FEMA Flood Zone Review	each	$535	$82	$617	$551	$84	$636
Soils Review (City staff processing only)	each	$95	$0	$95	$98	$0	$98
Soils Report Review Fee (consultant review)	each			actual cost			actual cost
Document Imaging	page			$3			$3
Planning Plan Review (if needed)	**each**	**20% of bldg permit fee, $32.50 min**			**20% of bldg permit fee, $180 min**		
Public Works Plan Review (if needed)	**each**	**20% of bldg permit fee, $32.50 min**			**20% of bldg permit fee, $206 min**		
Public Works Engineering Site Inspection (if needed)	**each**	**20% of bldg permit fee, $32.50 min**			**20% of bldg permit fee, $206 min**		
Fire Department Plan Review (if needed)	**each**	**See Fire Fee Schedule**			**See Fire Fee Schedule**		
RENTAL HOUSING INSPECTION							
Single Family	dwelling unit	$39	$196	$235	$40	$202	$242
Multi-Family	first dwelling unit	$39	$157	$196	$40	$162	$202
Multi-Family	each add'l unit	$0	$118	$118	$0	$122	$122
Re-Inspection Fee	each dwelling unit	$0	$0	$36	$0	$0	$37
Real Estate Transfer Inspection and Certificate							$0
Residential/Commercial	first hour	$39	$157	$196	$40	$162	$202
	each add'l hour	$0	$157	$157	$0	$162	$162

XII. Mechanical, Plumbing, & Electrical (MP&E) Permits

The following permit fee tables are for all stand alone Mechanical, Plumbing, and Electrical work that is not included in new construction and other miscellaneous permits.

The permit issuance fee (travel and documentation) is to be added to the mechanical, plumbing, or electrical permit fees listed below.

Work Item	Unit	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17
ADMINISTRATIVE AND MISC FEES				
Permit Issuance Fee (applies to all MP&E permits)	each permit	$124	3.0%	$128
MECHANICAL PERMIT FEES				
Stand Alone Mechanical Plan Check	hour	$167	3.0%	$172
Minimum Mechanical Permit for Miscellaneous Work	each	$40	3.0%	$41
				$0
A/C (residential)	each	$55	3.0%	$57
Furnaces (FAU, floor)	each	$42	3.0%	$43
Heater (wall)	each	$42	3.0%	$43
Appliance Vent/Chimney (only)	each	$83	3.0%	$85
Refrigeration Compressor	each	$42	3.0%	$43
Boiler - < 2,000k BTU	< 2k	$28	3.0%	$29
Boiler - greater than 2,000k BTU	> 2k	$42	3.0%	$43
Chiller	each	$42	3.0%	$43
Central Heating System - New	each	$124	3.0%	$128
Fan Coil Unit	each	$42	3.0%	$43
Heat Pump (package unit)	each	$42	3.0%	$43
Heater (unit, radiant, etc)	each	$55	3.0%	$57
Air Handler w/ducts to 10k CFM	< 10k	$42	3.0%	$43
Air Handler w/ducts more than 10k CFM	> 10k	$42	3.0%	$43
Duct Work only	each	$42	3.0%	$43
Evaporative Cooler	each	$42	3.0%	$43
Make-up Air System	each	$28	3.0%	$29
Moisture Exhaust Duct (clothes dryer)	each	$28	3.0%	$29
Variable Air Volume Box (including duct work)	each	$83	3.0%	$85
Vent Fan (single duct)	each	$42	3.0%	$43
Vent System	each	$55	3.0%	$57
Exhaust Hood and Duct (residential)	each	$42	3.0%	$43
Exhaust Hood - Type I (commercial grease hood)	each	$55	3.0%	$57
Exhaust Hood - Type II (commercial steam hood)	each	$55	3.0%	$57
Non-Residential Incinerator	each	$249	3.0%	$256
Refrigerator Condenser Remote	each	$167	3.0%	$172
Walk-in Box/Refrigerator Coil	each	$83	3.0%	$85
Other Mechanical Inspections	hour	$167	3.0%	$172

XII. Mechanical, Plumbing, Electrical (MPE) Permits (continued)

Work Item	Unit	Approved FY 2015-16	Cost Adjustment	Proposed FY 2016-17
PLUMBING/GAS PERMIT FEES				
Stand Alone Plumbing Plan Check	hour	$167	3.0%	$172
Minimum Plumbing Permit for Miscellaneous Work	each	$35	3.0%	$36
Fixtures (each three)	each three	$55	3.0%	$57
Gas System (one outlet)	one only	$76	3.0%	$78
Gas System (first five outlets)	first five	$111	3.0%	$114
Gas Outlets (each additional)	ea add'l	$13	3.0%	$13
Building Sewer	each	$42	3.0%	$43
Grease Trap	each	$55	3.0%	$57
Ejector Pump	each	$55	3.0%	$57
Backflow Preventer (first five)	first five	$70	3.0%	$72
Backflow Preventer (>5)	ea add'l	$13	3.0%	$13
Roof Drain - Rainwater System	each	$42	3.0%	$43
Water Heater (first)	first	$42	3.0%	$43
Water Heater (each additional)	ea add'l	$28	3.0%	$29
Water Pipe Repair/Replacement	each	$83	3.0%	$85
Water Service	each	$55	3.0%	$57
Drain-Vent Repair/Alterations	each	$42	3.0%	$43
Drinking Fountain	each	$42	3.0%	$43
Solar Water System Fixtures (solar panels, tanks, water treatment equipment)	each	$0	0.0%	$0
Graywater Systems	per hour	$167	3.0%	$172
Swimming Pool Piping and Gas	each	$124	3.0%	$128
Medical Gas System (each outlet)	ea outlet	$124	3.0%	$128
Sump Pump	each	$42	3.0%	$43
Private Storm Drainage System (each Inlet)	each inlet	$35	3.0%	$36
Other Plumbing and Gas Inspections	hour	$167	3.0%	$172
ELECTRICAL PERMIT FEES				
Stand Alone Electrical Plan Check	hour	$167	3.0%	$172
Minimum Electrical Permit for Miscellaneous Work	each	$35	3.0%	$36
Single Phase Service (per 100 amps)	per 100A	$42	3.0%	$43
Three Phase Service (per 100 amps)	per 100A	$55	3.0%	$57
15 or 20 amp circuits - first ten	first ten	$83	3.0%	$85
15 or 20 amp circuits - each additional	ea add'l	$13	3.0%	$13
25 to 40 amp circuits	each	$55	3.0%	$57
50 to 175 amp circuits	each	$55	3.0%	$57
200 amp and larger circuits	each	$83	3.0%	$85
Temporary Service	each	$42	3.0%	$43
Temporary Pole	each	$42	3.0%	$43
Light Poles Commercial - first	first	$332	3.0%	$342
Light Poles Commercial - additional	ea add'l	$83	3.0%	$85
Pre-Inspection	each	$83	3.0%	$85
Swimming Pool/Spa	each	$83	3.0%	$85
Solar Photovoltaic Repairs	each	$80	3.0%	$82
Generator Installation - Residential	each	$332	3.0%	$342
Generator Installation - Commercial	each	$498	3.0%	$513
Electrical Outlets (receptable & light fixture)	first	$83	3.0%	$85
Electrical Outlets (each additional)	ea add'l	$13	3.0%	$13
Other Electrical Inspections (per hour)	per hour	$167	3.0%	$172

XIII. Additional Mandated Permit Fees & Taxes

SMIP, CBSC, and STMP Fees are collected by, but not set by the City

Construction Tax, ECMC 4.36.010			% of total permit fee	0.5%
for new construction and additions				
Art in Public Places, ECMC 13.50			% of project cost	1%
for projects $250,000 or more				
Calif. Strong Motion Instrumentation				
SMIP	residential		const. value x .0001	
			(.50 minimum)	
	commercial		const. value x .0002	
			(.50 minimum)	
Calif. Building Standards Commission				
CBSC	$1 - $25,000 Permit Valuation			$1
	$25,001 - $50,000			$2
	$50,001 - $75,000			$3
	$75,001 - $100,000			$4
	Every $25,000 or fraction above $100,000			Add $1
WCCTAC Subregional Transportation				
STMP	single family residential		per dwelling unit	$2,595
	multi family residential		per dwelling unit	$1,648
	senior housing		per dwelling unit	$701
	hotel		per room	$1,964
	retail		per square foot	$1.82
	office		per square foot	$3.51
	industrial		per square foot	$2.45
	storage facility		per square foot	$0.53
	church		per square foot	$1.58
	hospital		per square foot	$4.21

AGENDA BILL

Agenda Item No. 6(B)

Date: May 17, 2016

To: El Cerrito City Council

From: Stacey Johnson, Administrative Analyst
Yvetteh Ortiz, Public Works Director

Subject: Public Hearing to Confirm the Diagram and to Levy the Assessment for FY 2016-17 for Landscape and Lighting Assessment District No. 1988-1

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for FY 2016-17 as $72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

BACKGROUND AND ANALYSIS

On June 6, 1988, the City Council established Assessment District No. 1988-1 pursuant to the Landscape and Lighting Act of 1972. The purpose of this Landscape and Lighting Assessment District (LLAD) is to raise funds to support improvements and maintenance of the City's park areas, landscaping areas, and street lighting. Every year since 1988, this Assessment District has generated approximately $773,270 to support LLAD activities.

In November 1996, the LLAD was approved by the voters and therefore complies with the provisions of Proposition 218. Any increase in the assessment fee level would be subject to Proposition 218's voter approval requirement.

In order to impose this annual assessment, the City Council must annually authorize an Engineer's Report to identify the costs, uses, and general benefits of those parcels within the Assessment District. As detailed in the Engineer's Report, the revenues are used for eligible activities including staff salaries and wages, streetlight maintenance, utility costs for the District, landscaping services, graffiti removal, and park maintenance.

The City Council authorized such a report on April 5, 2016. The Engineer of Record, NBS Local Government Solutions (NBS) prepared and delivered the Engineer's Report prior to the May 3, 2016 City Council meeting. At the May 3, 2016 City Council meeting, this public hearing was scheduled.

In order for these assessments to be imposed, the City Council must accept the Engineer's Report and conduct a public hearing to hear comments on their imposition. The City is also required to cause the notice of the public hearing to be published one

time at least ten days prior to the hearing in a newspaper of general circulation. Such a notice was published in the *West County Times* on May 6, 2016.

The purpose of this public hearing is to confirm the diagram and the assessment, as appearing in the Engineer's Report. The procedures for conducting the public hearing and receiving protests are the same as for forming the District; however, there are no provisions for majority protest.

The California Streets and Highways Code Section 22631 specifies the options available to the City Council, as follows:

> *If a majority protest has not been filed, the legislative body may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment.*

FINANCIAL CONSIDERATIONS

Staff estimates that the current rate of assessment will generate approximately $773,270 of revenue, which is included in the total revenue estimate for the City's FY 2016-17 Budget. To the extent the expenditures eligible for funding by the LLAD exceed the amount received from this assessment, City staff are in the process of identifying other funding sources and reductions in expenditures, in order to keep the LLAD budget in balance.

LEGAL CONSIDERATIONS

The provisions of the Landscape and Lighting Act of 1972 require that a public hearing be held prior to adopting a resolution levying the annual assessment.

Reviewed by:

Scott Hanin, City Manager

Attachment:

1. Resolution

Agenda Item No. 6(B)
Attachment 1

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CONFIRMING THE DIAGRAM AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2016-17 FOR THE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1988-1

WHEREAS, the City of El Cerrito, by Resolution No. 88-53 dated June 6, 1988, adopted Assessment District No. 1988-1 pursuant to the Landscape and Lighting Act of 1972; and

WHEREAS, the City of El Cerrito, by Resolution No. 2016-22 dated April 5, 2016, directed the filing of the Annual Report for Assessment District No. 1988-1; and

WHEREAS, the Engineer of Record, NBS Local Government Solutions prepared and, on April 28, 2016 filed said Annual Report; and

WHEREAS, the City of El Cerrito by Resolution No. 2016-30, dated May 3, 2016, reviewed and accepted said annual report and declared its intent to order improvements and provided notice of a public hearing to be held May 17, 2016, and notice of the hearing was given in the time and manner required by law; and

WHEREAS, in November 1996, the voters approved the Landscape and Lighting Assessment thereby complying with the provisions of Proposition 218; and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report, and the City Council has considered each protest.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the diagram and assessment as set forth in the Annual Report of the Engineer of Record is hereby confirmed and the assessment set forth therein for Fiscal Year 2016-17 is hereby levied.

BE IT FURTHER RESOLVED that this Resolution is adopted pursuant to California Streets and Highways Code §22631.

BE IT FURTHER RESOLVED that upon adoption of this resolution, the diagram and assessment, or a certified copy thereof is hereby directed to be filed with the County Auditor no later than August 10, 2016.

I CERTIFY that at the regular meeting on May 17, 2016 the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May __, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 6(C)

Date: May 17, 2016

To: El Cerrito City Council

From: Stacey Johnson, Administrative Analyst
Yvetteh Ortiz, Public Works Director

Subject: Public Hearing regarding Fiscal Year 2016-17 Storm Drain Annual Report and method of collecting storm drain fees

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ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2016-17 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

BACKGROUND

In March 1993, the voters of the City of El Cerrito approved the issuance of $6.3 million in revenue bonds for the reconstruction of the City's storm drain system. In June 1993, the City Council adopted Ordinance 93-4, which amends Title 4 (Revenue and Finance) of the El Cerrito Municipal Code by adding a new Chapter 4.44, providing for the imposition and collection of Storm Drain Fees to pay the debt service on the revenue bonds. Ordinance 93-4 set the Storm Drain Fee at $58 for each single-family residential property and other amounts for other property types.

Ordinance 93-4 further provided that the Storm Drain Fees are to be collected on the property tax roll, based on amounts specified in an annual written report. Attachment 2 to this staff report is the FY 2016-17 Storm Drain Annual Report (Annual Report) which contains the description of each parcel of real property receiving storm drain services and the amount of the annual fee for each parcel. The engineering firm of NBS Local Government Solutions prepared the Annual Report.

The City must annually conduct a public hearing to consider the method of collecting the Storm Drain Fees. Notice of such a public hearing must be made at least twice within a two-week period, as specified in Government Code §6066, as follows:

> *Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.*

The City met this notification requirement by publishing the notice of public hearing in the *West County Times* on May 3, 2016 and May 10, 2016.

This hearing is not for consideration of the amounts of the Storm Drain Fees, which were already set by the City Council by adoption of Ordinance 93-4; however, the City Council may consider corrections to the use classification of properties in the Annual Report.

ANALYSIS

The City Council needs to determine whether a majority protest exists with respect to the method of collecting the Storm Drain Fees. If a majority protest is lodged against collecting these fees on the property tax roll (as a method of collection), the Storm Drain Fees shall be collected on behalf of the City by a public utility and the City Council would be required to authorize negotiation of an agreement with such a utility.

If the City Council finds that protest is made by the owners of a majority of the parcels of property described in the Annual Report, then the Annual Report shall not be adopted. In the event of such majority protest, the Storm Drain Fees may be collected with the rates for any publicly or privately owned utility through an agreement with such utility.

The administrative costs of collecting the Storm Drain Fee through utility services are substantially higher than by using the property tax bill. Also, if collected through a utility, the Storm Drain Fees would not constitute a lien against any parcel or parcels of land, which would make delinquent collections far more cumbersome and costly.

Since the amount of the Storm Drain Fee is based on property use, the public hearing also provides an opportunity for property owners to contest the fee amount based on the actual use of their property. The City Council may accordingly adjust the fee amount based on the property use.

The adoption of the Annual Report requires the same two-thirds vote as was required to enact Ordinance 93-4. If approved, the Annual Report must be filed with the County Auditor-Controller not later than August 10, 2016, per California Health and Safety Code Section 5474.4, as follows:

> *On or before the tenth day of August of each year following such final determination, the legislative body shall certify to the auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll.*

FINANCIAL CONSIDERATIONS

The annual Storm Drain Fee will continue to be assessed at $58 for each single-family residential unit. Such a rate is expected to generate annual revenues of approximately $698,000. The last debt service payment on the Storm Drain Revenue Bonds was paid in FY 2013-14. Therefore, the FY 2016-17 proceeds of the Storm Drain Fees will be used

to fund storm drain improvements, which will be reflected in the City's FY 2016-17 Budget.

LEGAL CONSIDERATIONS

California Health and Safety Code Section 5470 et seq. requires that a public hearing be held prior to adopting a resolution to accept the Annual Report and levying the annual Storm Drain Fees. The City has complied with the minimum public notice requirements.

Reviewed by:

Scott Hanin, City Manager

Attachments:

1. Resolution
2. FY 2016-17 Storm Drain Annual Report

Agenda Item No. 6(C)

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING THE FISCAL YEAR 2016-17 STORM DRAIN ANNUAL REPORT AND DIRECTING THAT STORM DRAIN FEES FOR FISCAL YEAR 2016-17 BE COLLECTED THROUGH THE PROPERTY TAX ROLLS

WHEREAS, the City of El Cerrito, by Ordinance 93–4, directed the filing of an annual report for the imposition and collection of storm drain fees; and

WHEREAS, the Engineering firm of NBS Local Government Solutions has prepared said Fiscal Year 2016-17 Storm Drain Annual Report (the "Annual Report"); and

WHEREAS, the City provided notice on May 3, 2016 and May 10, 2016 of a public hearing to be held by the City Council, with the notice of the hearing being given in the time and manner required by law; and

WHEREAS, at the public hearing the City Council afforded to every interested person an opportunity to make a protest to the Annual Report and the City Council has considered each protest.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby confirms the storm drain fees as set forth in the Annual Report, directs the collection of these fees through the property tax rolls, and directs the City Clerk through NBS Local Government Solutions to file the Annual Report or a certified copy thereof with the County Auditor-Controller not later than August 10, 2016.

I CERTIFY that at the regular meeting on May 17, 2016 the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAINED: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May ___, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

Agenda Item No. 6(C)
Attachment 2A

helping communities fund tomorrow

City of El Cerrito

Storm Drain Reconstruction Project

Fiscal Year 2016/17

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Temecula, CA 92592
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CITY OF EL CERRITO

10890 San Pablo Avenue
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CITY COUNCIL

Greg Lyman, Mayor

Janet Abelson, Mayor Pro Tem

Jan Bridges, Councilmember

Mark Friedman, Councilmember

Gabe Quinto, Councilmember

CITY STAFF

Scott Hanin, City Manager

Stacey Johnson, Administrative Analyst

NBS

Tim Seufert, Client Services Director

Brian Brown, Project Manager

Andrew Kraus, Financial Analyst

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1. EXECUTIVE SUMMARY

On March 2, 1993, the qualified voters of the City of El Cerrito (the "City") approved the issuance of revenue bonds in an amount not to exceed $6.3 million to finance the first phase of the reconstruction of the City's storm drain system. The qualified voters also approved the repayment of those bonds through the imposition of an annual storm drain fee on property within the City.

Section 5470, et seq. of the *California Health and Safety Code* authorizes cities to enact an ordinance, approved by a two-thirds vote of the members of the legislative body, establishing fees and charges for services and facilities furnished by the City in connection with its storm drain system. The proceeds of these fees and charges may be used only for the acquisition, construction, reconstruction, maintenance, and operation of its storm drain facilities, including the repayment of principal and interest on bonds issued to finance the construction or reconstruction of such facilities.

The storm drain fees and charges may be used exclusively for the purposes of the storm drain system and for the payment of interest and redemption, including premiums payable from the calling of bonds, for those bonds authorized by the qualified voters on March 2, 1993, and for the payment of interest and redemption, including premiums payable from the calling of bonds, for any other bonds for storm drain construction or reconstruction which may be authorized in the future, provided that such bonds are approved in the manner required by California law.

The authorized amounts and rates for storm drain fees and charges are as follows:

Parcel Classification	Rate
Single Family residential	$58.00 per unit
Multi Family residential 2 through 20 units	43.50 per unit
Multi Family residential over 20 units	870.00 plus 29.00 for each unit over 20
Commercial/Industrial	870.00 per acre
Institutional (Churches, Schools, Fraternal and Service Organizations)	406.00 per acre
Golf Courses, Cemeteries, Vacant Land	11.60 per acre

The following table summarizes the annual levy by Classification of parcel:

Parcel Classification	Number of Parcels (1)	Levy Total (2)
Single Family residential	7,508	$440,908.00
Multi Family residential	617	121,742.00
Commercial/Industrial	261	103,301.18
Institutional (Churches, Schools, Fraternal and Service Organizations)	51	32,198.08
Golf Courses, Cemeteries, Vacant Land	208	2,295.38
Total:	**8,645**	**$700,444.64**

(1) Includes parcels divided by City boundaries.
(2) Total amount may vary slightly due to rounding adjustments.

2. ASSESSMENTS

2.1. Method of Assessment

The number of Equivalent Residential Units ("ERUs") was determined for each parcel based upon an estimate of the impervious surface associated with the use of the property.

1) Single Family (detached) Residential ("SFR") parcels were assumed to have an average of 2,900 sq. ft. of impervious surface. Approximately 90% of the properties in the City are SFR. These parcels were assigned 1.0 ERU.

2) Multi Family dwelling unit complexes of up to 20 units were assigned 0.75 ERU (2,175 sq. ft) of impervious surface area per unit. Complexes of more than 20 units were assigned 15 ERU plus 0.5 ERU (1,450 sq. ft) for each unit over 20.

3) Commercial/Industrial uses were assigned 15.0 ERU (43,560/2,900 sq. ft.) of impervious surface area per acre.

4) Institutional uses such as Churches, Schools, Fraternal and Service Organizations were assigned 7.0 ERU (21,000 sq. ft.) of impervious surface area per acre based upon the Contra Costa County Report on Stormwater Utility Assessment dated March 1994 (County Report).

5) Golf courses, cemeteries, and other open spaces were assigned 0.2 ERU (580 sq. ft.) per acre based upon the County Report.

The storm drain fee for a parcel is calculated by multiplying the number of ERU assigned to such parcel by the rate per ERU. The rate for the 2016/17 Fiscal Year is $58.00/ERU.

The following table shows a breakdown of Classification of parcels by County Use Code and the associated rates for Fiscal Year 2016/17:

Parcel Classification	County Use Code (1)(2)	ERU (3)	Rates
Single Family residential	11, 12, 13, 14, 15, 16, 19, 29, 89	1.0	$58.00 per unit
Multi Family residential 2 through 20 units	21, 22, 23, 24, 25, 26, 27, 28	0.75*n	43.50 per unit
Multi Family residential over 20 units	21, 22, 23, 24, 25, 26, 27, 28	15.0 + 0.5*m	870.00 + 29.00 for each unit over 20
Commercial/Industrial	31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 45, 46, 47, 48, 49, 53, 85	15.0*A	870.00 per acre
Institutional (Churches, Schools, Fraternal and Service Organizations)	70, 71, 72, 75, 76	7.0*A	406.00 per acre
Golf Courses, Cemeteries, Vacant Land	10, 17, 18, 20, 30, 37, 38, 50, 63, 74, 78, 81	0.2*A	11.60 per acre

(1) Use Code 79 is assigned to Government Owned, and is not charged
(2) Use Code 83 is assigned to State Board Assessed, and is not charged
(3) n = number of residential units up to 20
m = number of residential units over 20
A = acreage, per Contra Costa County Assessor or City Estimate

2.2. Collection of Fees and Charges

The storm drain fees and charges may be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the City's general taxes.

The City Council will have prepared each year, prior to the commencement of the fiscal year, a written report which will be filed with the City. The report is to contain a description of each parcel of real property receiving storm drain services and the amount of the annual fee and charge for each parcel. This charge will be computed in conformity with the fees and charges prescribed in the report.

2.3. Annual Hearing

Each year, prior to the commencement of the fiscal year, the City Council will hold a public hearing at which the Council will hear and consider all objections and protests, if any, to the written report. The City Council may continue the hearing from time to time. If the City Council finds that protest is made by the owners of a majority of the parcels of property described in the report, then the report will not be adopted. In the event of such majority protest, the storm drain fees and charges will be collected with the rates for any other publicly or privately owned public utility through agreement with such utility. If collected in this manner, the storm drain fees and charges will not constitute a lien against any parcel or parcels of land.

2.4. Notice

Notice of the filing of the report and of the time and place of hearing thereon, is to be published once a week for two consecutive weeks prior to the hearing, in a newspaper of general circulation printed, published or distributed in the City.

3. LIST OF CHARGES

The parcel list of charges is provided as a separate document.

THE CITY OF
EL CERRITO
OFFICE OF THE CITY CLERK

May 17, 2016
Regular City Council Meeting

Agenda Item No. 6(C)
Storm Drain Reconstruction Project Report
Attachment 2B – Parcel List

A hardcopy is available for review at:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito, CA
(510) 215-4305

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA

AGENDA BILL

Agenda Item No. 7(A)

Date: May 17, 2016

To: El Cerrito City Council

From: Council Member Mark Friedman
Council Member Gabriel Quinto

Subject: Proposed Medical Marijuana Facility and Impact on Current Medical Marijuana Prohibition

ACTION REQUESTED

Councilmembers Quinto and Friedman request that the City Council discuss the current prohibition on medical marijuana facilities and the potential impact of the likely passage of a ballot initiative in November to legalize recreational marijuana use The item is for discussion and direction only.

There is a request to permit a new facility to open on San Pablo Avenue at the former Taco Bell site on the north end of town.

It is widely expected that the ballot initiative to legalize recreational marijuana use will pass in November. By lifting the prohibition and permitting one medical marijuana facility the City is able to exercise control, set conditions, and negotiate a substantial tax on gross receipts of the facility. If the City maintains the prohibition and does nothing and the initiative passes the City could quite likely have less control and would likely earn much less revenue.

The purpose of the study session is to engage the public and city council in a discussion in the pros and cons of fast tracking the proposed facility which would be called the El Cerrito Wellness Center. Depending on the direction to staff, the current prohibition on medical marijuana facilities would need to be revised or replaced.

BACKGROUND

In 1996, California voters passed Proposition 215, also known as the *Compassionate Use Act*, legalizing the use of marijuana for medicinal purposes within the State of California. Marijuana use and cultivation remains illegal under federal law. SB 420 (Vasconcellos), also known as the *Medical Marijuana Program Act*, was adopted in 2003 and further defined the scope of Proposition 215. SB 420 established possession limits for medical marijuana, established a voluntary medical marijuana ID card program at the county level, and recognized the right of patients to cultivate marijuana collectively. The regulatory framework established by SB 420 led to the establishment of medical marijuana dispensaries throughout the state. After the passage of SB 420, many local jurisdictions chose to regulate medical marijuana dispensaries through land use and other regulations. In 2006, the El Cerrito City Council adopted Ordinance 2006-

06, prohibiting medical marijuana dispensaries "in all zones throughout the City of El Cerrito."

Licensed medical marijuana dispensaries currently operate near El Cerrito in the cities of Richmond and Berkeley. The City of Albany has a prohibition on medical marijuana dispensaries. The three nearest dispensaries to El Cerrito are 7 Stars Holistic Healing Center on Pierce Street in Richmond (located within Pacific East Mall), Green Remedy on Hilltop Mall Road in Richmond and Berkeley Patients Group on San Pablo Avenue, south of University Avenue, in Berkeley. A search of www.weedmaps.com (one of the most complete resources for medical marijuana services identified) site identified 25 different dispensaries which are listed as providing deliveries to El Cerrito.

Currently, there are competing initiatives legalizing marijuana proposed for the November 2016 ballot. Attached is the one that appears most likely to be certified.

ANALYSIS

Representatives of the "El Cerrito Wellness Center" (ECWC) have met with staff and members of the City Council regarding the possibility of locating a medical cannabis dispensary in El Cerrito. ECWC has identified a potential site. At the current time, the operation of a dispensary in El Cerrito would require that the City Council lift the existing ban on medical marijuana dispensaries throughout the City. The ECWC proposal is included as an attachment to this report.

ECWC is proposing a business license fee of 9% of gross revenue. This fee would also need to be established by the Council. ECWC is proposing to begin operation under the existing medical marijuana regulatory framework. The City would also receive s share of sales tax should a ballot measure pass.

Currently, various groups are gathering signatures for a Statewide November ballot measure that proposes to legalize recreational use of marijuana by adults. Initially, various competing ballot measure efforts were attempting to qualify for the ballot. It now appears that most groups have coalesced around the Adult Use of Marijuana Act (AUMA). This measure has yet to be certified for inclusion on the November ballot. The draft language of the measure is included as an attachment.

If the Council wishes to direct staff to draft an ordinance lifting the current ban on medical marijuana dispensaries, the City Council will need to discuss the conditions under which the ban should be lifted. Some other jurisdictions create required buffers between dispensaries and sensitive land uses. Some jurisdictions limit the total number of dispensaries. The Tobacco Retail License Ordinance recently adopted by the City Council creates required buffers between tobacco retailers as well as buffers from public parks and other sensitive land uses. The Ohlone Greenway is specifically excluded as a buffered land use.

FINANCIAL CONSIDERATIONS

None at this time. A new facility could potentially generate from $500,000 to more than a million dollars in revenue to the City depending on the regulatory framework.

LEGAL CONSIDERATIONS

If directed, the City Attorney would work with staff to implement any necessary changes necessary to the City's current ordinance.

Attachments:

1. Current City Ordinance
2. Proposal
3. Proposed Adult Use of Marijuana Act Statewide Initiative Measure
4. California Health and Safety Code Sections 11357-11362.9

EL CERRITO MUNICIPAL CODE CHAPTER 6.80 - MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION[2]

Sections:

Footnotes:

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Editor's note— Ord. No. 2016-01, § 2, adopted Jan. 19, 2016, amended the title of Ch. 6.80 to read as herein set out. Former Ch. 6.80 was titled, "Medical Marijuana Dispensaries."

6.80.010 - Definitions.

The following words or phrases, whenever used in this chapter, shall be given the following definitions:

"Cultivation of marijuana" means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of marijuana.

"Medical marijuana delivery" means the transfer of medical marijuana or medical marijuana products from a medical marijuana dispensary to a qualified patient or primary caregiver, as well as the use by a dispensary of any technology platform to arrange for or facilitate the transfer of medical marijuana or medical marijuana products.

"Medical marijuana dispensary" means any facility or location where a primary caregiver makes available, sells, transmits, gives, or otherwise provides medical marijuana to two or more persons with identification cards or qualified patients. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses are otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health & Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health & Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health & Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health & Safety Code, a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the Health & Safety Code, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health & Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to, Health & Safety Code Sections 11362.5 et seq.

"Person with an identification card" shall have the meaning set forth in California Health & Safety Code Section 11362.7, as may be amended from time to time, or any successor statute.

"Primary caregiver" shall have the meaning set forth in California Health & Safety Code Section 11362.7, as may be amended from time to time, or any successor statute.

"Qualified patient" shall have the meaning set forth in California Health & Safety Code Section 11362.7, as may be amended from time to time, or any successor statute.

(Ord. 2006-8 § 1 (part), 2006: Ord. 2006-6 § 1 (part), 2006.) (Ord. No. 2016-01, § 3, 1-19-2016)

6.80.020 - Medical marijuana dispensary, medical marijuana delivery and cultivation of marijuana as prohibited uses.

A medical marijuana dispensary, medical marijuana delivery and cultivation of marijuana, as defined in this chapter, are prohibited in all zones throughout the City of El Cerrito, including but not limited to

cultivation of marijuana as part of a permitted or conditionally permitted nursery use. (Ord. No. 2016-01, § 4, 1-19-2016)

Editor's note— Ord. No. 2016-01, § 4, adopted Jan. 19, 2016, amended § 6.80.020 in its entirety to read as herein set out. Former § 6.80.020 pertained to medical marijuana dispensary as a prohibited use, and derived from Ord. 2006-6, § 1(part), adopted in 2006; and Ord. 2006-8, § 1(part), adopted in 2006.

6.80.030 - Separate offense for each day.

Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly. (Ord. 2006-8 § 1 (part), 2006: Ord. 2006-6 § 1 (part), 2006.)

6.80.040 - Public nuisance.

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be abated by the city pursuant to Chapter 8.34 of this code. (Ord. 2006-8 § 1 (part), 2006: Ord. 2006-6 § 1 (part), 2006.)

6.80.050 - Criminal penalties.

Any violation of any provision of this chapter shall be deemed a misdemeanor. (Ord. 2006-8 § 1 (part), 2006: Ord. 2006-6 § 1 (part), 2006.)

6.80.060 - Civil injunction.

The violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief. (Ord. 2006-8 § 1 (part), 2006: Ord. 2006-6 § 1 (part), 2006.)

6.80.070 - Administrative remedies.

In addition to the civil remedies and criminal penalties set forth above, any violation of the provisions of this chapter may be subject to administrative remedies, as set forth by Chapter 1.14 of this code. (Ord. 2006-8 § 1 (part), 2006: Ord. 2006-6 § 1 (part), 2006.)

Proposal To Establish A

Medical Cannabis Dispensary

In El Cerrito, California

May 2016

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Executive Summary

Currently, Cannabis patients who reside in the City of El Cerrito must drive outside town boundaries to purchase medical Cannabis. Alternatively, patients can use delivery services originating in neighboring towns to purchase medical Cannabis products within the City of El Cerrito. In either case, the City receives no tax revenue from these transactions and still has to deal with the negative externalities associated with consumption. Thus, despite the ban on medical Cannabis dispensaries, transactions and consumption still occur within city limits. In an effort to improve Public Health and Safety and to generate new revenue for the City, the City of El Cerrito should consider permitting one Medical Cannabis Dispensaries to satisfy the needs of its residents.

The El Cerrito Wellness Center (ECWC) urges the City of El Cerrito to amend Chapter 6.80 of the El Cerrito Municipal Code (adopted in 2006), which currently prohibits medical cannabis dispensaries throughout the City with the proposed language included herein to promote the health, safety, and general welfare of residents of El Cerrito by aligning with California Medical Marijuana Regulation and Safety Act (MMRSA).

The proposed amendment would accomplish the following:

- Align El Cerrito with California's Medical Marijuana Regulation
- Allow for the issuance of one Medical Cannabis Dispensary permit. The application for a single dispensary permit shall be included as an amendment to the ordinance and filed with the City Manager and brought before the City Council for vote. This would be considered a Type 10 Dispensary permit in MMRSA (AB 266 1900.7);
- Enforce the existing ban on all other Cannabis-related activities and license categories set forth in MMRSA pursuant to Chapter 6.80 of the El Cerrito Municipal Code, Zoning Ordinance (Title 19) and recently passed resolution confirming that, under principals of permissive zoning, Cannabis Cultivation is not a permitted land use in El Cerrito, and is therefore prohibited;
- Ensure all El Cerrito residents have safe access to a Medical Cannabis dispensary within the city without having to commute out of town;
- Create hundreds of thousands of dollars of new revenue to the City of El Cerrito's general fund annually;
- Create new high quality jobs in the City of El Cerrito with pay above Living Wage standards.

Draft Ordinance Language For Consideration

ORDINANCE NO. ###

ORDINANCE OF THE COUNCIL OF THE CITY OF EL CERRITO ADDING CHAPTER ###.00, TITLED MEDICAL CANNABIS DISPENSARIES, TO THE EL CERRITO CITY CODE

THE PEOPLE OF THE CITY OF EL CERRITO DO ENACT AS FOLLOWS:

Chapter ###.00 entitled "Medical Cannabis Dispensaries," is added to the EL CERRITO City Code to read as follows:

CHAPTER ###.00 Medical Cannabis Dispensaries

###.01 Findings.

The City Council adopts this chapter based upon the following findings:

(A) The Voters of the State of California approved proposition 215 (codified as Health and Safety Code Section 11362.5 et seq.) entitled "The Compassionate Use Act of 1996" (Act).
(B) The intent of Proposition 215 was to enable persons residing in the City of EL CERRITO who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.
(C) The State enacted SB 420 in 2004, being sections 11362.7, et seq., of the Health and Safety Code, being identified as the Medical Cannabis Program, (Program), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the Program.
(D) On October 9, 2015 Governor Brown signed into law a trio of medical marijuana bills, Assembly Bill (AB) 266, AB 243, and Senate Bill (SB) 643, collectively known as the Medical Marijuana Regulation and Safety Act (“MMRSA”). Chapter ###.00 Ordinance within future compliance guidelines for Medical Cannabis Dispensaries.
(E) To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the Program, regarding the location and operation of Medical Cannabis Dispensaries.
(F) It is the City Council's intention that nothing in this Chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 841, to otherwise permit any activity that is lawfully and constitutionally prohibited under that Act.
(G) It is the City Council's intention that nothing in this chapter shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance, (2) allow the use of cannabis for non-medical purposes, or (3) allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal.
(H) Pursuant to California Health and Safety Code Section 11362.71 et seq., the State Department of Health through the state's counties, is to be responsible for establishing and maintaining a voluntary medical cannabis identification card program for qualified patients and primary caregivers.
(I) California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the matters set forth in Section 11362.71 et seq. (I). This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in this ordinance or its implementation that could foreseeably have any significant effect on the environment.

###.02 Purpose and Intent.

It is the purpose and intent of this chapter to regulate Medical Cannabis Dispensaries in order to promote the health, safety, morals, and general welfare of residents and businesses within the City neither the intent nor the effect of this chapter to condone or legitimize the use of cannabis. It is the intent of chapter to align with California Medical Marijuana Regulation and Safety Act and issue A SINGLE Medical Cannabis Dispensary permit, know as Type 10 in MMRSA (AB 266 19300.7.). ALL other Cannabis related activities and license types set forth in MMRSA shall remain banned and not allowed by the existing moratorium.

###.03 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

(A) "Applicant" means a person who is required to file an application for a permit Welder this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a dispensary.
(B) "City" means THE CITY OF EL CERRITO.
(C) "City Manager “means the City Manager of THE CITY OF EL CERRITO or the authorize representative thereof "Drug paraphernalia" shall have the same definition as California Health and Safety Code Section 11362.5, and as may be amended.
(D) 'Identification card “shall have the same definition as California Health and Safety Code Section 11362.5et seq., and as maybe amended.
(E) "Medical cannabis dispensing collective," hereinafter "dispensary," shall be construed to include any association, cooperative, affiliation, or collective of persons where multiple "qualified patients" and/or "primary care givers," are organized to provide education, refusal, or network services, and facilitation or assistance in the lawful, "retail" distribution of medical cannabis. 'Dispensary" means any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by a physician and where medical cannabis is made available to and/or distributed by onto two or more of the following: primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A (F) "dispensary" shall not include dispensing by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.0I of Division 2 of the Health and Safety Code, residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the He.a.1th and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq., or a qualified patient's or caregiver's place of residence.
(F) "Moral turpitude “means "act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man."
(G) 'Permittee" means the person (A) to whom a dispensary permit is issued and (B) who is identified in California Health and Safety Code Section 11362.7, subdivision (c) or (d), or (e), or (f).
(H) "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
(I) 'Person with an identification card “shall have the same definition as set forth in California He.a.1th and Safety Code sections 11362.5 et seq., and as they may be amended from time to time.
(J) 'Primary caregiver" shall have the same definition as set forth in California Health and Safety Code Section 11362.5 et seq., and as may be amended
(K) "Qualified patient" shall have the same definition as set forth California Health and Safety sections 1362.5 et seq., and as they may be amended from time to time.
(L) "School “means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California: Education Code, or any child This definition includes an elementary school, middle or junior high school senior high school or any special institution of education, but it does

not include avocational or professional institution of higher education, or any other college or university.

(M) 'Youth-Oriented Facility" shall mean elementary school, middle school, high school, public park, and any establishment that advertises in manner that identifies the establishment as catering to or providing services primarily intended for minors, or; the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include daycare or preschool facility that provides supervision of 8 or fewer minor children, or children under 10 years of age.

###.04 Dispensary Permit Required to Operate.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a dispensary unless the person first obtains and continues to maintain in full force and effect a dispensary permit from the City as herein required

###.05 Annual Term of Permits and Renewals Required.

(A) Permits issued under this chapter shall expire one (1) year following the date of their issuance.
(B) Permits may be renewed by the City Manager for additional one (1) year periods upon application by the permittee, unless the permit is suspended or revoked in accordance with the provisions of this chapter.
(C) Applications for renewal shall be made at least forty-five (45) days before the annual expiration date of the permit and shall be accompanied by the nonrefundable application fee referenced herein. Applications for renewal shall be acted on as provided herein for action upon applications for permits.
(D) Applications for renewal made less than forty-five (45) days before the annual expiration date shall not stay the annual expiration date of the permit.
(E) Permits maybe revoked or suspended by the City Manager at any time, as provided in this chapter and City Code.

###.06 General Tax Liability.

An operator of a dispensary shall also be required to apply for and obtain a general City tax certificate or exemption as a prerequisite to obtaining a permits pursuant to the terms hereof as required by the State Board of Equalization and to pay any special City tax as enacted by the City Council.

###.07 Imposition of Fees.

Every application for a permit or renewal shall be accompanied by a nonrefundable fee of $5,000 (Five Thousand Dollars). This application or renewal fee shall not include finger printing, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this code or other governmental agencies. Fingerprinting, photographing, and background check fees are $500 per person.

###.08 Limitations on Number Dispensaries.

(A) The City may not grant or cause to be granted more than one (1) permit for a Medical Cannabis Dispensary in compliance with the provisions of this chapter.

###.09 Limitation on Location of Dispensary.

(A) A dispensary may only be located within commercial, industrial and retail designated areas, i.e., General Plan and zoning districts.
(B) A dispensary shall be in highly visible location that provides good views of the dispensary entrance, windows and premises from the public street.
(C) A dispensary shall not be allowed in the following areas at the time of its permitted establishment
    (1) within 600-feet of a "youth-oriented facility, “a "school,"
    (2) Within any residential zoned pan: or primary land use, or any property with an underlying "residential" General Plan land use designation.
(D) A waiver of the provisions in Subsection C above may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or

similar condition exists which achieves the intent as the distance separation requirements established herein.

###.10 Operating Requirements.

Dispensary operations shall be established and managed only incompliance with the following standards:

(A) Criminal History. Any applicant, his or her agent or employees, or any person exercising managerial authority of a dispensary on behalf of the applicant shall not have been convicted of a felony, or of a misdemeanor involving moral turpitude, or engaged in misconduct related to the qualifications, functions or duties of a permittee.

(B) Minors.
- (1) It shall be unlawful for any permittee, operator, or other person in charge of any dispensary to employ any person who is not at least eighteen (18) years of age.
- (2) Persons under the age of eighteen (18) shall not be allowed on the premises of a dispensary unless they are a qualified patient or primary caregiver and they are in the presence of their parent or guardian.
- (3) The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that person under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient or primary caregiver and they are in the presence of their parent or guardian.

(C) Operating Hours of Operation. A dispensary shall only be operated during the following days and hours:
Monday thru Friday - 9 a.m. to 10 p.m.
Saturday – 9 a.m. to 10 p.m.
Sunday – 10 a.m. to 10 p.m.
Legal Holidays – Open

(D) Dispensary Size and Access.
- (1) Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this chapter and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on City services.
- (2) A dispensary shall not be increased in size (i.e., floor area utilized for Dispensary Operations) without prior approval to amend the existing dispensary permit.
- (3) The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a "buzz-in11electronic/mechanical entry system. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.
- (4) Security personnel or local law enforcement under contract, shall be employed to monitor site activity, control loitering and site access and to serve as a visual deterrent to unlawful activities.
- (5) Only dispensary staff; primary caregivers, qualified patients and persons with bona-fide purposes for visiting the site shall be permitted at a dispensary.
- (6) Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of Medical Cannabis.
- (7) Only primary caregiver and qualified patient shall be permitted in the dispensing area with dispensary personnel. All other authorized visitors shall remain in the waiting area in the front entrance/lobby.
- (8) Restrooms shall remain locked and under the control of management.

(E) Dispensary Supply. A dispensary may possess no more than eight (8) ounces of dried cannabis per qualified patient or primary caregiver, and maintain no more than six (6) mature or twelve (12) immature cannabis plants per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs.

(F) Dispensing Operations.
- (1) A dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.
- (2) A dispensary shall only dispense to qualified patients or caregivers with a currently valid

physician’s approval or recommendation in compliance with the criteria in California Health and Safety Code sections 11362.5. et seq.

(3) Prior to dispensing Medical Cannabis, the dispensary shall obtain verbal and signed verification from the recommending Physician that the individual requesting Medical Cannabis is a qualified patient.

(4) Patient records shall be maintained on-site and verified as needed, and at least every six (6) months with the qualifying patient's physician or Doctor of Osteopathy.

(5) Information on prior years' operations shall be provided annually, as required in this chapter. The operator shall adjust the operations as necessary to address any identified issues.

(G) Consumption Restrictions.

(1) Cannabis shallot be consumed on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the dispensary's entrance.

(2) Dispensary operations shall not in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local, state or City Codes.

(3) Patients shall not openly medicate in public places.

(H) Retail Sales and Cultivation Prohibited.

(1) No cannabis shall be cultivated on the premises of the dispensary, except in compliance with Health and Safety Code 11362.5. et seq.

(2) A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code sections 11362.5. et seq.

(I) Operating Plans.

(1) Floor plan. A dispensary shall have a lobby "waiting area" at the entrance to receive clients, and a separate and secure designated area for Dispensing Medical Cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

(2) Storage. A dispensary shall have a suitable locked safe on premises, identified as part of the security plan, for after-hours storage of Medical Cannabis.

(3) Minimum staffing levels. The premises shall be staffed with at least one-person, during hours of operation, who is not responsible for dispensing medical cannabis.

(4) Odor control. A dispensary shall have an air treatment system that ensures off-site odors shall not result.

(5) Security plans. A dispensary shall provide adequate security on the premises, as approved by the City Manager, including lighting and insure the safety of persons and to protect the premises from theft Security cameras.

(6) Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.

(7) Security video retention. Security video shall be maintained for a minimum of 72 hours.

(8) Alarm system. A professionally monitored robbery alarm system shall be installed and maintained in good working condition.

(9) Emergency contact. A dispensary shall provide the City Manager with the name, phone number and cellular phone number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. The dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

(J) Signage and Notices.

(1) The building entrance to a dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

(2) Signs on the premises shall not obstruct the entrance or windows.

(3) Address identification shall comply with City and Fire Department Standards.

(4) Business identification signage shall be limited to that needed for identification only. Signs shall comply with all ordinances and not contain any logos or information that identifies, advertises or

lists the services offered.

(K) Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all employees currently employed by the dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

(L) Patient Records. A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or Doctor of Osteopathy stating the need for medical cannabis.

(M) Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing incompliance with state and local law, and properly trained or professionally-hired security personnel.

(N) Site Management.

(1) The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours indirectly related to the patrons of the subject dispensary.

(a) "Reasonable steps “shall include calling the police in a timely manner; and requesting those engaging in objectionable e activities to cease those activities, unless personal safety would be threatened in making the request.

(b) "Nuisance” but is not limited to distances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, meant of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

(2) The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(3) The operator shall that the hours of operation shall not be a detriment to the surrounding area.

(4) The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

(O) Trash, Litter, Graffiti

(1) The operator shall clear the sidewalks adjoining the premises plus ten (10) feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.

(2) The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

(P) Compliance with Other Requirements. The operator shall comply with all provisions of all local and state laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

(Q) Confidentiality. The information provided for purposes of this section shall be maintained by the City Manager as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

(R) Display of Permit. The dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

(S) Reporting and Payment of Fees. Each permitee shall file a sworn statement with the City Manager indicating the number of patients sieved by the dispensary within the previous calendar year, and pay all annual permit fees.

###.11 Application Preparation and Filing.

Application Filing. A complete application submittal packet shall be submitted including all necessary fees and all other information and materials required by the City and this chapter. The application for a single dispensary permit shall be included as an amendment to the ordinance and filed with the City Manager. It is the responsibility of the applicant to provide information required for approval of the permit the application shall be made under penalty of perjury.

The initial application for a permit shall include the following information:

(1) Applicants name. The full name (including any current or prior aliases, or other legal names the applicant is or has-been known by, including maiden names), present address, and telephone number of the applicant;
(2) Applicants mailing address. The address to which notice of action on the application is to be mailed;
(3) Previous addresses. Previous addresses for the past five years immediately prior tithe present addressor the applicant;
(3) Verification of age. Written proof that the applicant is over the age of eighteen (18) years of age;
(4) Physical description. Applicant's height, weight, color of eyes and hair;
(5) Photographs. Passport quality photographs for identification purposes;
(6) Employment history. All business, occupation, or employment of the applicant for the five years immediately preceding the date of the application;
(7) Management information. The name or names and addresses of the person or persons having the responsibility for management or supervision of applicant's business;
(8) Criminal background A background investigation verifying whether the person or person having the management or supervision of applicant1business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore;
(9) Employee information. Number of employ, volunteer, and other persons. Who will work at the dispensary;
(10) Statement of dispensary need a statement and/or information to need for the additional dispensary to serve qualified patients in the area;
(11) Plan of Operations. A plan of operations describing how the dispensary will operate consistent with the intent of state law and the provisions of this ordinance, including but not limited to:
    1. Ensuring cannabis is not purchased or sold by the dispensary in a manner that would generate profit
    2. Controls that will insure medical cannabis will be dispensed to qualifying patients or caregivers only.
    3. Controls that will ensure that the limitations on numbers of patients is adhered to.
    4. Controls that will ensure access to dispensary premises is adequately monitored and restricted to approved qualified patients and caregivers.
    5. Method for ensuring that a qualified patient's physician is not recommending cannabis for less than medically appropriate reasons.
(12) Written Project Description. A written description summarizing the proposed dispensary use size, number of patients, characteristics and intent.
(13) Written response to dispensary standards. The applicant shall provide a comprehensive written response identifying how the dispensary plan complies with each of the standards for review in this chapter, specifically the Limitation on Number and Size, Limitation on Location, and Operating Requirements sections.
(14) Written response to Criteria for Review section. The applicant shall provide a written response indicating how each of the criteria for review has been satisfied.
(15) Security plan. A detailed security plan outlining the proposed security arrangements for insuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a robbery alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;
(16) Floor plan. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus one (1) foot;
(17) Site plan. A sketch or diagram showing exterior configuration of the premises, including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus one (1) foot;
(18) Neighborhood context map. An accurate straight-line drawing depicting the building and the

portion thereof to be occupied by the dispensary, all properties and uses within 300 feet of the boundaries of the property on which the dispensary permit is requested, and the property lines of any school, park, or residential zone or use within 300 feet of the primary entrance of the dispensary;

(19) Lighting plan. A lighting plan showing existing and proposed exterior premise and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use;

(20) City authorization. Written authorization for the City, its agents and employees to seek verification of the information contained within the application;

(21) Statement of owner's consent. A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the Property Owner and Landlord to operate a dispensary at the location (if applicable);

(22) Applicant's certification. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

(23) Other information. Such other identification and information as deemed necessary by the City Manager to demonstrate compliance with this chapter and City Codes, including operating requirements established herein;

Applications for annual renewal shall be accompanied by the following information:

(1) The operator shall report the owner of patients sieved and pay applicable fees, as required by this chapter.

(2) The operator shall provide a detailed description of any adjustments and changes proposed or that have occurred in dispensary operations to address issues, or comply with laws.

(3) The operator shall identify any problem encountered during operations and how they have been addressed.

(4) The operator shall identify how the dispensary has managed its operations to comply with the Operating requirements of this chapter and with state law.

###.12 Criteria for Review.

The review authority shall consider the following criteria in determining whether to grant or deny a dispensary permit, and annual renewals:

(A) That the dispensary permit is consistent with the intent of Proposition 215 and related state law, the provisions of this chapter and the City Code, including the Application submittal and Operating requirements herein.

(B) That an applicant or employee is not under eighteen (18) years of age.

(C) That all required application materials have been provided and/or the dispensary has operated successfully in a manner that shows it would comply with the Operating Requirements and standards specified in this chapter.

(D) That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.

(E) That an appropriate limit on size of the dispensary has been established and the requested permit would not exceed limitations on number of patients and/or permits allowed by this chapter.

(F) That issuance of a dispensary permits for the size requested is justified to meet needs of residents.

(G) That issuance of the dispensary permit would serve needs of residents at this location.

(H) That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated.

(I) That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the Operating Requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry, openness to Surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishing and features that encourage loitering and nuisance behavior.

(J) That no dispensary use, owner, permittee, agent, or employee has violated any provision of this chapter

including growing for suspension, modification or revocation of permit.

(K) That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in distances, vandalism, crowd control inside or outside the premises, traffic control problems, ingesting cannabis in public, or creation of a public or private nuisance, or interference of the operation of another business.

(L) That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, ingesting cannabis in public, harassment of passerby, excessive littering, excessive loitering, illegal parading, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

(M) That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, State or Federal law, regulation, or order, or any condition imposed by permit issues incompliance with those laws has not been violated.

(N) That the applicant bas not violated any local or state law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis.

(O) That the applicant has not knowingly made a false statement of material tact or has knowingly omitted to state a material foot in the application for permit.

(P) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(Q) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

###.13 Investigation and Action on Application.

After the making and filing of a complete application for the dispensary permit and the payment of the fees, the City Manager shall conduct a background check of the applicant and all employees and conduct an investigation of the application, and forward the application and staff report to the Planning Commission.

(A) The Planning Commission shall either grant or deny the application in accordance with the provisions of this chapter.

(B) In approving a dispensary permit, the Planning Commission may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this chapter.

(C) The Planning Commission shall cause a written notice of a decision to issue or deny a permit to be mailed to the applicant by U.S. mail via the City Manager.

(D) Notwithstanding the provisions of this Section, the City Manager, in his or her discretion, may refer an application for a permit to the City Council.

###.15 Effect of Denial.

When the Planning Commission shall have denied or revoked any permit provided for in this Chapter and the time for appeal to the Council shall have elapsed, or, if after appeal to the Council, the decision of the Planning Commission has been affirmed by the Council, no new application for a permit shall be accepted from the applicant and no such permit shall be issued to such person or to any corporation in which he shall have any beneficial interest for a period of three years after the action denying or revoking the permit.

###.16 Suspension and Revocation

(A) The Permit may be revoked if the dispensary is operated in a manner that violates the provisions of this chapter, including the Criteria for Review and Operating Requirements sections, or conflicts with state law.

(B) Except as otherwise provided in this chapter, no permit shall be revoked or suspended by virtue of this section until written notice of the intent to consider revocation or suspension of the permit has been served upon the person to whom the permit was granted at least five (5) days prior to the date set for such review.

Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return recent requested, addressed to the person to be notified at his/her address as it appears in his/her application for a permit.

(C) If any person holding a permit or acting under the authority of such permit under this article is convicted of a public offense in any court for the violation of any law which relates to his or her permit, the City Manager may revoke said permit forthwith without any further action thereof; other than giving notice of revocation to the permittee.

###.17 Transfer of Permits

(A) A permittee shall not operate a dispensary under the authority of a dispensary permit at any place other than the address of the dispensary stated in the application for the permit.

(B) A permittee shall not transfer ownership or control of a dispensary or transfer a dispensary permit to another person unless and until the transferee obtains an amendment to the permit from the City Manager stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager in accordance with this all provisions of this Chapter accompanied by a transfer fee in an amount set by resolution of the City Council, and the City Manager determines in accordance this chapter that the transferee would be entitled to the issuance of an original permit.

(C) No permit may be transferred when the City Manager has notified the permittee that the permit has been suspended or revoked.

(D) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

###.18 Violations.

(A) It is unlawful for any person, individual, partnership, co-partnership, association, joint stock company, corporation, limited liability company or combination of the above in whatever f or character to violate any provision or not to comply with any of the requirements of this ordinance.

(B) A violation of this chapter shall be punished in accordance with City Code.

###.19 Remedies Cumulative.

All remedies presented under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof;

###.20 Separate Offense for Each Day.

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person remits, continues, permits, or causes a violation thereof and shall be penalized accordingly.

###.21 Public Nuisance.

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City.

###.22 Criminal Penalties.

Any person who violates, causes, or permits another person to violate any provision of this chapter commits a misdemeanor.

###.23 Civil Injunction.

The violation of any provision of this chapter shall hereby declared to be contrary to the public interest and shall, at the discretion of City Manager, create a cause of action for injunctive relief

###.24 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter.

###.25 Judicial Review.

Judicial review of a decision made under this chapter may be had by filing petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section I094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6 which shall be applicable for such actions.

###.26 General Plan Consistency.

The proposed amendment inconsistent with the goals and policies of all elements of the General Plan in that the proposed licensing of the proposed use is considered to be consistent with an underlying pharmacy or medical service use which would be consistent with the commercial and industrial General Plan land use certification that apply to the areas in which the use would be licensed.

###.27 Public Interest Health, Safety. Convenience or Welfare.

The proposed Ordinance would not be detrimental to the public interest, health, safety, convenience or welfare of the City in that the amendment implements State Health and Safety Code Section 11362.5, et. Seq., and serves an identified need of residents of the City with appropriate limitations and restrictions established therein that are intended to ensure such facilities that may be operated within the City should not have adverse effects in this regard.

###.28 Environmental Determination.

The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmen1al Quality Act, pursuant to CEQA Guidelines Section 15060(c)(2) in that the Council finds there is no foreseeable possibility that the implementation of this ordinance to add a new medical service land use classification and specific land use standards to regulate the land use would have any direct or indirect significant effects on the environment.

###.29 Term of Ordinance.

This ordinance shall remain in effect until amended or repealed by the City Council.

###.30 Fee Schedule.

The City Manager shall initiate a fee schedule to establish dispensary permit application fee, renewal fee and transfer fee amounts.

###.31 Forms.

The City Manager shall initiate preparation of any application forms and materials required to implement the dispensary permit process.

Proposal From The El Cerrito Wellness Center

See attached.

PROPOSAL TO OPERATE A

MEDICAL CANNABIS DISPENSARY

IN THE CITY OF EL CERRITO, CALIFORNIA

SUBMITTED MARCH 2016

BY

THE EL CERRITO WELLNESS CENTER

IN PARTNERSHIP WITH

THE DAVIS STREET WELLNESS CENTER, SAN LEANDRO

AND

BLOOM INNOVATIONS INC

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Introduction & Intent

El Cerrito Wellness Center (ECWC) will be a closed-loop medical *Cannabis* and infused product distribution clinic, with integrated patient and community services such as patient support, doctor consultations, hospice visits, and alternative health treatments. Our priority is people — our patients, our employees, and our community. We will operate ethically and transparently to consistently bring those in need of medicinal *Cannabis* the highest quality care, treatment, and support possible.

Our goal as doctors, scientists, and compassionate human beings is to provide our patients with a place where they feel comfortable, supported, and respected as a valued part of a caring community. We believe in the scientific healing properties of *Cannabis*, but also recognize that both treatment and recovery involve more than the body, and wish to provide our patients with as many therapy options as possible.

With this proposal, it is our intent to create an open dialogue with the City of El Cerrito so that together we will create the best possible medical Cannabis dispensary for the community:

Our contemporary design concept will provide a welcoming, safe and respectful environment for residents to obtain medical Cannabis;

We will work cooperatively with City Staff to comply with City regulations such as security, traffic, fire and zoning review issues;

We will be a green business that enthusiastically supports sustainable development, bicycles, transit oriented development and the San Pablo Area Plan;

We will educate the public about the El Cerrito Smoking Ordinance. This would include strict enforcement of the Ordinance within our facility and in neighboring areas;

We will reimburse the City for outside consultants hired by the City to help process this proposal in a timely manner so not to burden current staff resources.

Proposed Location

The proposed medical *Cannabis* facility is located at 11965 San Pablo Ave, El Cerrito, California (Exhibits 1 and 2). We selected this location as our ideal location after analyzing such factors as security, traffic, accessibility, and surrounding businesses. With the high amounts of traffic it sees, proximity to major Bay Area highways, and appropriate distances from the required establishments, we predict that placing a dispensary of our intended quality in this location will generate great interest and revenue. With this prime location and

proposed business model, the potential to give back to the El Cerrito community, both through taxes and through charitable donations is immense.

With ample parking and a contemporary design concept our facility will be wheelchair and handicap accessible and we will outreach to the ADA community to provide ADA jobs within our facility.

Community Benefits

ECWC's commitment to providing benefits to the City of El Cerrito underscores the reason for submitting our application. We aim to bring a high quality, well-administered, respectable medical *Cannabis* facility that prides itself on fitting in with and enriching the local culture of the city. To directly ensure our commitment to a Community Benefits Program, ECWC will partner with existing community-based charitable organizations in El Cerrito and help increase their ability to provide services to residents. ECWC will work with local officials and residents to help identify the appropriate organizations to partner with. ECWC will also create an application-based grant program to help provide support to organizations on an as-needed basis. Additionally, ECWC will provide a sliding-fee discount program for qualified patients.

Economic Benefits

Contributions To Capital Bond Fund

ECWC is proposing a 9% gross revenue business-licensing fee to the City of El Cerrito payable to the City's capital bond fund. As a comparison, Berkeley and Oakland have gross revenue fees for Cannabis businesses of 2.5% and 5% respectively. In addition, ECWC is proposing a one-time permit fee of $65K with annual renewal fees of $15K to offset administrative costs incurred by the City of El Cerrito related to regulating the proposed facility. Based on comparable dispensary locations in the East Bay, ECWC estimates the following:

	Year 1	Year 2	Year 3
Gross Revenue	$8.5M	$9.8M	$11.3M
Licensing Fee (9%)	$765K	$879K	$1.01M
Annual Permit Fee	$65K	$15K	$15K

**Projections are based on a 15% annual growth rate.*

Local Job Creation

ECWC will provide an added benefit of local job creation. ECWC will preferentially hire El Cerrito residents to fill open positions. All ECWC employees will receive a truly livable wage that is considerably higher than local and state minimum wage standards. ECWC estimates that approximately fifteen full-time jobs will be created by this project within the first year. ECWC will provide experience-based and education-based opportunities for career advancement to our employees.

ECWC will also employ a full-time Community Liaison to ensure that our business maintains a healthy relationship with local residents, businesses, and City officials.

About Us

El Cerrito Wellness Center has formed a world-class management and advisory team with decades of combined experience in science and technology, public health, government relations, social services, finance, infused product development, and Cannabis business operations. With the cumulative experience and diverse expertise of our Management and Scientific Advisory Teams, ECWC will be at the forefront of patient care, *Cannabis* science, community service, and good business practices. Our *Cannabis* industry leading experts have collaborated to realize their shared vision of a respected medical *Cannabis* distribution clinic that is centered around creating the best possible treatment plan for each patient while simultaneously giving back to the El Cerrito community.

Board of Directors

Our Board of Directors consists of five highly qualified individuals, each with strong Bay Area ties. Our President/CEO, Dr. John J. Oram, PhD, is a Bay Area native with over six years of *Cannabis* industry experience, expert knowledge of *Cannabis* science as it relates to product development and quality assurance, a proven track record of entrepreneurism, and extensive experience working with state and local governments on complex issues. Our Treasurer/CFO, Mr. Nico S. Enea, is a Bay Area native with four years experience in corporate finance and business development. Our Director of Community Services, Mrs. Rose Padilla Johnson, is an active San Leandro businesswoman and community member with decades of commitment to social services. Our Director of Government Relations, Mr. Gordon Galvin, is a long-time member of the San Leandro community who has served San Leandro in local government capacities and has helped bring countless jobs to this city.

John J Oram, PhD – President/CEO

Dr. Oram holds Ph.D. and M.S. degrees in environmental chemistry and engineering from the University of California Los Angeles and bachelor's degrees in analytical chemistry and biochemistry from the University of Colorado at Boulder. In 2009, Dr. Oram co-founded CW Analytical Laboratories to establish standardized testing and certification protocols to ensure the safety and quality of medical Cannabis. CW Analytical Laboratories was one of the nation's first dedicated Cannabis laboratories and is now recognized as the most trusted analytical laboratory in California. Dr. Oram and his lab were instrumental in developing Cannabis regulations in California, Washington, and New Jersey. Specifically, Dr. Oram was an invited member of the scientific advisory panel for Washington's Initiative 502 regulations. Most recently, Dr. Oram co-founded Bloom Innovations Inc. to provide full-service management and consulting services for the evolving Cannabis industry.

Rose Padilla-Johnson – Director of Community Benefits

Rose Padilla Johnson began her career working with low-income, immigrant families in Alameda County. Her focus on working poor families throughout her career has led her to develop a keen understanding of the problems facing families today. This focus has help to develop her skills as a leader to create one of the first comprehensive family resource centers in California. Rose has served at the helm of our partner organization, the Davis Street Family Resource Center, since 1991. During this time, her vision, leadership, business acumen, community relationships and sheer determination have grown the agency from a $380,000 organization of 1991 to the current $10.5 million dollar agency it is today.

Gordon Galvan – Director of Government Relations

Gordon Galvan, Principal of Galvan & Associates, a government and community relations consulting firm, is a seasoned government relations professional with more than twenty years of involvement in Bay Area politics. Founded in 2001…Galvan & Associates provides representation for companies doing business with municipalities throughout Alameda County and Contra Costa Counties. Gordon and his colleagues have provided comprehensive contract negotiation, procurement and compliance, entitlement, project management and community/government relations services for companies and organizations throughout Northern California. Over the past 20 years, Gordon has developed longstanding working relationships with Elected and appointed officials from Federal and State to Cities and Counties throughout the Bay Area.

Nico S Enea – Treasurer/CFO

Mr. Enea graduated from the University of Colorado with a Bachelor of Arts in Economics and Business Finance. While in Colorado he worked as a policy researcher in the congressional office of US Representative Jared Pollis and started a socially responsible transportation company that is still in operation. Post college, Mr. Enea worked on a Municipal Bond arbitrage desk that managed $1.2B in assets. Mr. Enea went on to cover growth sectors as a trader/analyst at a New York hedge fund where he developed market capitalization weighted index strategies for publically traded Cannabis-related companies. In 2014 Mr. Enea became Chief Financial Officer and Director of Business Development for Bloom Innovations, a Cannabis-focused business development and consulting firm. In that capacity Mr. Enea was instrumental in crafting six successful applications in the state of Nevada for Cannabis cultivation and infused-product production.

Scientific Advisory Board

Our Advisory Board consists of three PhDs, a registered pharmacist, and a corporate attorney with significant medical *Cannabis* experience. The combined accredited academic and experiential knowledge of our Advisory Board will enable ECWC to provide *Cannabis*-based medicines and patient services that are second to none. Cutting edge *Cannabis* science will be combined with culturally sensitive, progressive, and forward-thinking informational materials that will help educate the El Cerrito community on the benefits and risks of medical *Cannabis*. Through this unique collaboration — to our knowledge the first of its kind —ECWC will not only be able to improve access to medical *Cannabis,* but will do so in such a way that puts emphasis on real information and genuine public health outcomes.

Exhibit 1 – Map of Proposed Location

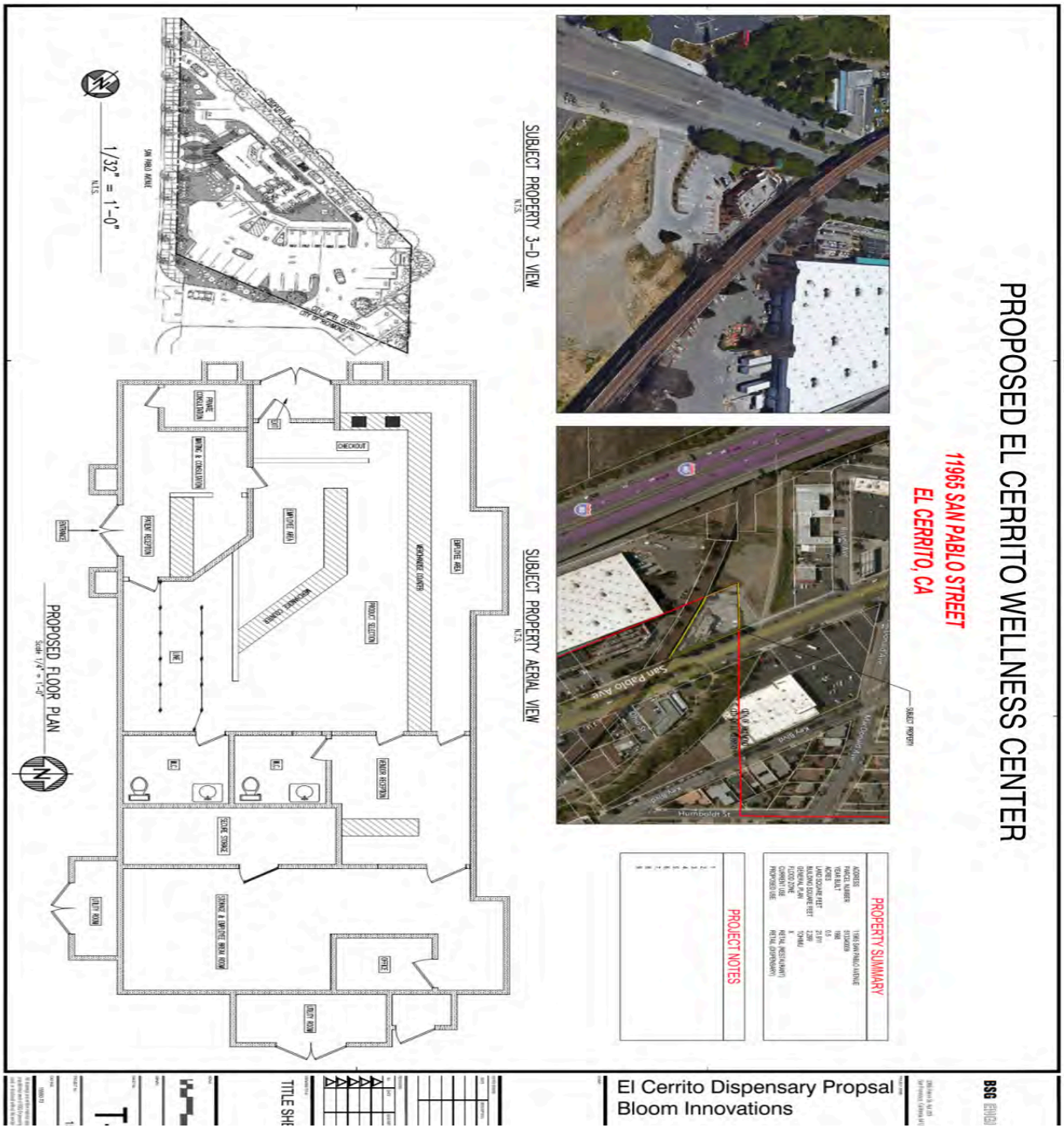

Exhibit 2 – Renderings of Proposed Facility

Agenda Item No. 7(A)
Attachment 3

15-0103 Amdt. #

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December 7, 2015

RECEIVED
DEC 07 2015
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA MESSENGER

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

RE: Submission of Amendment to Statewide Initiative Measure – Control, Regulate and Tax Adult Use of Marijuana Act, No. 15-0103

Dear Ms. Johansson:

As you know, I serve as counsel for the proponents of the proposed statewide initiative, "Control, Regulate and Tax Adult Use of Marijuana Act." The proponents of the proposed initiative are Dr. Donald Lyman and Mr. Michael Sutton. On their behalf, I am enclosing the following documents:

- The amended text of "Control, Regulate and Tax Adult Use of Marijuana Act"
- A red-line version showing the changes made in the amended text
- Signed authorizations from each of the proponents for the submission of the amended text together with their requests that the Attorney General's Office prepare a circulating title and summary using the amended text.

Please continue to direct all inquiries or correspondence relative to this proposed initiative to me at the address listed below:

Lance H. Olson
Olson, Hagel & Fishburn LLP
555 Capitol Mall, Suite 1425
Sacramento, CA 95814

Very truly yours,

OLSON HAGEL & FISHBURN LLP

LANCE H. OLSON
LHO:mdm
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VIA MESSENGER

December 7, 2016

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Submission of Amendment to Control, Regulate and Tax Adult Use of Marijuana Act, No. 15-0103, and Request to Prepare Circulating Title and Summary

Dear Ms. Johansson:

On November 2, 2015, the proponents of a proposed statewide initiative titled "Control, Regulate and Tax Adult Use of Marijuana Act" ("Initiative") submitted a request that the Attorney General prepare a circulating title and summary pursuant to section 10(d) of Article II of the California Constitution. Pursuant to Elections Code section 9002(b), the proponents hereby submit timely amendments to the text of the Initiative. As one of the proponents of the Initiative, I approve the submission of the amended text to the Initiative and I declare that the amendment is reasonably germane to the theme, purpose, and subject of the Initiative. I request that the Attorney General prepare a circulating title and summary using the amended Initiative.

Sincerely,

Michael Sutton

VIA MESSENGER

December 7, 2016

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

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Dear Ms. Johansson:

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Sincerely,

Dr. Donald Lyman

SECTION 1. TITLE.

This measure shall be known as the Control, Regulate and Tax Adult Use of Marijuana Act ("the Adult Use of Marijuana Act").

SECTION 2. FINDINGS AND DECLARATIONS.

A. Currently in California, nonmedical marijuana use is unregulated, untaxed, and occurs without any consumer or environmental protections. The Control, Regulate and Tax Adult Use of Marijuana Act will legalize marijuana for those over 21 years old, protect children, and establish laws to regulate marijuana cultivation, distribution, sale and use, and will protect Californians and the environment from potential dangers. It establishes the Bureau of Marijuana Control within the Department of Consumer Affairs to regulate and license the marijuana industry.

B. Marijuana is currently legal in our state for medical use and illegal for nonmedical use. Abuse of the medical marijuana system in California has long been widespread, but recent bipartisan legislation signed by Governor Jerry Brown is establishing a comprehensive regulatory scheme for medical marijuana. The Control, Regulate and Tax Adult Use of Marijuana Act (hereafter called the Adult Use of Marijuana Act) will consolidate and streamline regulation and taxation for both nonmedical and medical marijuana.

C. Currently, marijuana growth and sale is not being taxed by the State of California, which means our state is missing out on hundreds of millions of dollars in potential tax revenue every year. The Adult Use of Marijuana Act will tax both the growth and sale of marijuana to generate hundreds of millions of dollars annually. The revenues will cover the cost of administering the new law and will provide funds to: invest in public health programs that educate youth to prevent and treat serious substance abuse; train local law enforcement to enforce the new law with a focus on DUI enforcement; invest in communities to reduce the illicit market and create job opportunities; and provide for environmental cleanup and restoration of public lands damaged by illegal marijuana cultivation.

D. Currently, children under the age of 18 can just as easily purchase marijuana on the black market as adults can. By legalizing marijuana, the Adult Use of Marijuana Act will incapacitate the black market, and move marijuana purchases into a legal structure with strict safeguards against children accessing it. The Adult Use of Marijuana Act prohibits the sale of nonmedical marijuana to those under 21 years old, and provides new resources to educate youth against drug abuse and train local law enforcement to enforce the new law. It bars marijuana businesses from being located within 600 feet of schools and other areas where children congregate. It establishes mandatory and strict packaging and labeling requirements for marijuana and marijuana products. And it mandates that marijuana and marijuana products cannot be advertised or marketed towards children.

E. There are currently no laws governing adult use marijuana businesses to ensure that they operate in accordance with existing California laws. Adult use of marijuana may only be

accessed from the unregulated illicit market. The Adult Use of Marijuana Act sets up a comprehensive system governing marijuana businesses at the state level and safeguards local control, allowing local governments to regulate marijuana-related activities, to subject marijuana businesses to zoning and permitting requirements, and to ban marijuana businesses by a vote of the people within a locality.

F. Currently, illegal marijuana growers steal or divert millions of gallons of water without any accountability. The Adult Use of Marijuana Act will create strict environmental regulations to ensure that the marijuana is grown efficiently and legally, to regulate the use of pesticides, to prevent wasting water, and to minimize water usage. The Adult Use of Marijuana Act will crack down on the illegal use of water and punish bad actors, while providing funds to restore lands that have been damaged by illegal marijuana grows. If a business does not demonstrate they are in full compliance with the applicable water usage and environmental laws, they will have their license revoked.

G. Currently, the courts are clogged with cases of non-violent drug offenses. By legalizing marijuana, the Adult Use of Marijuana Act will alleviate pressure on the courts, but continue to allow prosecutors to charge the most serious marijuana-related offenses as felonies, while reducing the penalties for minor marijuana-related offenses as set forth in the Act.

H. By bringing marijuana into a regulated and legitimate market, the Adult Use of Marijuana Act creates a transparent and accountable system. This will help police crackdown on the underground black market that currently benefits violent drug cartels and transnational gangs, which are making billions from marijuana trafficking and jeopardizing public safety.

I. The Adult Use of Marijuana Act creates a comprehensive regulatory structure in which every marijuana business is overseen by a specialized agency with relevant expertise. The Bureau of Marijuana Control, housed in the Department of Consumer Affairs, will oversee the whole system and ensure a smooth transition to the legal market, with licenses issued beginning in 2018. The Department of Consumer Affairs will also license and oversee marijuana retailers, distributors, and microbusinesses. The Department of Food and Agriculture will license and oversee marijuana cultivation, ensuring it is environmentally safe. The Department of Public Health will license and oversee manufacturing and testing, ensuring consumers receive a safe product. The State Board of Equalization will collect the special marijuana taxes, and the Controller will allocate the revenue to administer the new law and provide the funds to critical investments.

J. The Adult Use of Marijuana Act ensures the nonmedical marijuana industry in California will be built around small and medium sized businesses by prohibiting large-scale cultivation licenses for the first five years. The Adult Use of Marijuana Act also protects consumers and small businesses by imposing strict anti-monopoly restrictions for businesses that participate in the nonmedical marijuana industry.

SECTION 3. PURPOSE AND INTENT.

The purpose of the Adult Use of Marijuana Act is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana. It is the intent of the People in enacting this Act to accomplish the following:

(a) Take nonmedical marijuana production and sales out of the hands of the illegal market and bring them under a regulatory structure that prevents access by minors and protects public safety, public health, and the environment.

(b) Strictly control the cultivation, processing, manufacture, distribution, testing and sale of nonmedical marijuana through a system of state licensing, regulation, and enforcement.

(c) Allow local governments to enforce state laws and regulations for nonmedical marijuana businesses and enact additional local requirements for nonmedical marijuana businesses, but not require that they do so for a nonmedical marijuana business to be issued a state license and be legal under state law.

(d) Allow local governments to ban nonmedical marijuana businesses as set forth in this Act.

(e) Require track and trace management procedures to track nonmedical marijuana from cultivation to sale.

(f) Require nonmedical marijuana to be comprehensively tested by independent testing services for the presence of contaminants, including mold and pesticides, before it can be sold by licensed businesses.

(g) Require nonmedical marijuana sold by licensed businesses to be packaged in child-resistant containers and be labeled so that consumers are fully informed about potency and the effects of ingesting nonmedical marijuana.

(h) Require licensed nonmedical marijuana businesses to follow strict environmental and product safety standards as a condition of maintaining their license.

(i) Prohibit the sale of nonmedical marijuana by businesses that also sell alcohol or tobacco.

(j) Prohibit the marketing and advertising of nonmedical marijuana to persons younger than 21 years old or near schools or other places where children are present.

(k) Strengthen the state's existing medical marijuana system by requiring patients to obtain by January 1, 2018, a new recommendation from their physician that meets the strict standards signed into law by the Governor in 2015, and by providing new privacy protections for patients who obtain medical marijuana identification cards as set forth in this Act.

(l) Permit adults 21 years and older to use, possess, purchase and grow nonmedical marijuana within defined limits for use by adults 21 years and older as set forth in this Act.

(m) Allow local governments to reasonably regulate the cultivation of nonmedical marijuana for personal use by adults 21 years and older through zoning and other local laws, and only to ban outdoor cultivation as set forth in this Act.

(n) Deny access to marijuana by persons younger than 21 years old who are not medical marijuana patients.

(o) Prohibit the consumption of marijuana in a public place unlicensed for such use, including near K-12 schools and other areas where children are present.

(p) Maintain existing laws making it unlawful to operate a car or other vehicle used for transportation while impaired by marijuana.

(q) Prohibit the cultivation of marijuana on public lands or while trespassing on private lands.

(r) Allow public and private employers to enact and enforce workplace policies pertaining to marijuana.

(s) Tax the growth and sale of marijuana in a way that drives out the illicit market for marijuana and discourages use by minors, and abuse by adults.

(t) Generate hundreds of millions of dollars in new state revenue annually for restoring and repairing the environment, youth treatment and prevention, community investment, and law enforcement.

(u) Prevent illegal production or distribution of marijuana.

(v) Prevent the illegal diversion of marijuana from California to other states or countries or to the illegal market.

(w) Preserve scarce law enforcement resources to prevent and prosecute violent crime.

(x) Reduce barriers to entry into the legal, regulated market.

(y) Require minors who commit marijuana-related offenses to complete drug prevention education or counseling and community service.

(z) Authorize courts to resentence persons who are currently serving a sentence for offenses for which the penalty is reduced by the Act, so long as the person does not pose a risk to public safety, and to redesignate or dismiss such offenses from the criminal records of persons who have completed their sentences as set forth in this Act.

(aa) Allow industrial hemp to be grown as an agricultural product, and for agricultural or academic research, and regulated separately from the strains of cannabis with higher delta-9 tetrahydrocannabinol concentrations.

SECTION 4. PERSONAL USE.

Sections 11018 of the Health and Safety Code is hereby amended, and Sections 11018.1 and 11018.2 of the Health and Safety Code are hereby added to read:

11018. Marijuana
"Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include ~~the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination~~.
(a) industrial hemp, as defined in Section 11018.5; or
(b) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

11018.1. Marijuana Products
"Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

11018.2. Marijuana Accessories
"Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

Sections 11362.1 through 11362.45 are added to the Health and Safety Code, to read:

11362.1.
(a) Subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45, but notwithstanding any other provision of law, it shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to:
(1) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than 28.5 grams of marijuana not in the form of concentrated cannabis;

(2) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than eight grams of marijuana in the form of concentrated cannabis, including as contained in marijuana products;
(3) Possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants;
(4) Smoke or ingest marijuana or marijuana products; and
(5) Possess, transport, purchase, obtain, use, manufacture, or give away marijuana accessories to persons 21 years of age or older without any compensation whatsoever.
(b) Paragraph (5) of subdivision (a) is intended to meet the requirements of subdivision (f) of Section 863 of Title 21 of the United States Code (21 U.S.C. § 863(f)) by authorizing, under state law, any person in compliance with this section to manufacture, possess, or distribute marijuana accessories.
(c) Marijuana and marijuana products involved in any way with conduct deemed lawful by this section are not contraband nor subject to seizure, and no conduct deemed lawful by this section shall constitute the basis for detention, search, or arrest.

11362.2.
(a) Personal cultivation of marijuana under paragraph (3) of subdivision (a) of Section 11362.1 is subject to the following restrictions:
(1) A person shall plant, cultivate, harvest, dry, or process plants in accordance with local ordinances, if any, adopted in accordance with subdivision (b) of this section.
(2) The living plants and any marijuana produced by the plants in excess of 28.5 grams are kept within the person's private residence, or upon the grounds of that private residence (e.g., in an outdoor garden area), are in a locked space, and are not visible by normal unaided vision from a public place.
(3) Not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time.
(b)(1) A city, county, or city and county may enact and enforce reasonable regulations to reasonably regulate the actions and conduct in paragraph (3) of subdivision (a) of Section 11362.1.
(2) Notwithstanding paragraph (1), no city, county, or city and county may completely prohibit persons engaging in the actions and conduct under paragraph (3) of subdivision (a) of Section 11362.1 inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.
(3) Notwithstanding paragraph (3) of subdivision (a) of Section 11362.1, a city, county, or city and county may completely prohibit persons from engaging in actions and conduct under paragraph (3) of subdivision (a) of Section 11362.1 outdoors upon the grounds of a private residence.
(4) Paragraph (3) of this subdivision shall become inoperable upon a determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law, and an act taken by a city, county, or city and county under paragraph (3) shall be deemed repealed upon the date of such determination by the California Attorney General.
(5) For purposes of this section, "private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.

11362.3.
(a) Nothing in Section 11362.1 shall be construed to permit any person to:
(1) Smoke or ingest marijuana or marijuana products in any public place, except in accordance with Section 26200 of the Business and Professions Code.
(2) Smoke marijuana or marijuana products in a location where smoking tobacco is prohibited.
(3) Smoke marijuana or marijuana products within 1,000 feet of a school, day care center, or youth center while children are present at such a school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code or Chapter 3.5 of Division 8 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present.
(4) Possess an open container or open package of marijuana or marijuana products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.
(5) Possess, smoke or ingest marijuana or marijuana products in or upon the grounds of a school, day care center, or youth center while children are present.
(6) Manufacture concentrated cannabis using a volatile solvent, unless done in accordance with a license under Chapter 3.5 of Division 8 or Division 10 of the Business and Professions Code.
(7) Smoke or ingest marijuana or marijuana products while driving, operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.
(8) Smoke or ingest marijuana or marijuana products while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation except as permitted on a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation that is operated in accordance with Section 26200 of the Business and Professions Code and while no persons under the age of 21 years are present.
(b) For purposes of this section, "day care center" has the same meaning as in Section 1596.76.
(c) For purposes of this section, "smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated marijuana or marijuana product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.
(d) For purposes of this section, "volatile solvent" means volatile organic compounds, including: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O2 or H2; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene.
(e) For purposes of this section, "youth center" has the same meaning as in Section 11353.1.
(f) Nothing in this section shall be construed or interpreted to amend, repeal, affect, restrict, or preempt laws pertaining to the Compassionate Use Act of 1996.

11362.4.
(a) A person who engages in the conduct described in paragraph (1) of subdivision (a) of Section 11362.3 is guilty of an infraction punishable by no more than a one hundred dollar ($100) fine; provided, however, that persons under the age of 18 shall instead be required to complete four hours of a drug education program or counseling, and up to 10 hours of community service, over

a period not to exceed 60 days once the drug education program or counseling and community service opportunity are made available to the person.
(b) A person who engages in the conduct described in paragraphs (2) through (4) of subdivision (a) of Section 11362.3 shall be guilty of an infraction punishable by no more than a two hundred and fifty dollar ($250) fine, unless such activity is otherwise permitted by state and local law; provided, however, that persons under the age of 18 shall instead be required to complete four hours of drug education or counseling, and up to 20 hours of community service, over a period not to exceed 90 days once the drug education program or counseling and community service opportunity are made available to the person.
(c) A person who engages in the conduct described in paragraph (5) of subdivision (a) of Section 11362.3 shall be subject to the same punishment as provided under subdivisions (c) or (d) of Section 11357.
(d) A person who engages in the conduct described in paragraph (6) of subdivision (a) of Section 11362.3 shall be subject to punishment under Section 11379.6.
(e) A person who violates the restrictions in subdivision (a) of Section 11362.2 is guilty of an infraction punishable by no more than a two hundred and fifty dollar ($250) fine.
(f) Notwithstanding subdivision (e), a person under the age of 18 who violates the restrictions in subdivision (a) of Section 11362.2 shall be punished under subdivision (a) of Section 11358.
(g)(1) The drug education program or counseling hours required by this section shall be mandatory unless the court makes a finding that such a program or counseling is unnecessary for the person or that a drug education program or counseling is unavailable.
(2) The drug education program required by this section for persons under the age of 18 must be free to participants and provide at least four hours of group discussion or instruction based on science and evidence-based principles and practices specific to the use and abuse of marijuana and other controlled substances.
(h) Upon a finding of good cause, the court may extend the time for a person to complete the drug education or counseling, and community service required under this section.

11362.45.
Nothing in section 11362.1 shall be construed or interpreted to amend, repeal, affect, restrict, or preempt:
(a) Laws making it unlawful to drive or operate a vehicle, boat, vessel, or aircraft, while smoking, ingesting, or impaired by, marijuana or marijuana products, including, but not limited to, subdivision (e) of Section 23152 of the Vehicle Code, or the penalties prescribed for violating those laws.
(b) Laws prohibiting the sale, administering, furnishing, or giving away of marijuana, marijuana products, or marijuana accessories, or the offering to sell, administer, furnish, or give away marijuana, marijuana products, or marijuana accessories to a person younger than 21 years of age.
(c) Laws prohibiting a person younger than 21 years of age from engaging in any of the actions or conduct otherwise permitted under Section 11362.1.
(d) Laws pertaining to smoking or ingesting marijuana or marijuana products on the grounds of, or within, any facility or institution under the jurisdiction of the Department of Corrections and Rehabilitation or the Division of Juvenile Justice, or on the grounds of, or within, any other facility or institution referenced in Section 4573 of the Penal Code.

(e) Laws providing that it would constitute negligence or professional malpractice to undertake any task while impaired from smoking or ingesting marijuana or marijuana products.
(f) The rights and obligations of public and private employers to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace, or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees, or prevent employers from complying with state or federal law.
(g) The ability of a state or local government agency to prohibit or restrict any of the actions or conduct otherwise permitted under Section 11362.1 within a building owned, leased, or occupied by the state or local government agency.
(h) The ability of an individual or private entity to prohibit or restrict any of the actions or conduct otherwise permitted under Section 11362.1 on the individual's or entity's privately owned property.
(i) Laws pertaining to the Compassionate Use Act of 1996.

SECTION 5. USE OF MARIJUANA FOR MEDICAL PURPOSES.

Sections 11362.712, 11362.713, 11362.84 and 11362.85 are added to the Health and Safety Code, and 11362.755 of the Health and Safety Code is amended to read:

11362.712.
(a) Commencing on January 1, 2018, a qualified patient must possess a physician's recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2 of the Business and Professions Code. Failure to comply with this requirement shall not, however, affect any of the protections provided to patients or their primary caregivers by Section 11362.5.
(b) A county health department or the county's designee shall develop protocols to ensure that, commencing upon January 1, 2018, all identification cards issued pursuant to Section 11362.71 are supported by a physician's recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2 of the Business and Professions Code.

11362.713.
(a) Information identifying the names, addresses, or social security numbers of patients, their medical conditions, or the names of their primary caregivers, received and contained in the records of the Department of Public Health and by any county public health department are hereby deemed "medical information" within the meaning of the Confidentiality of Medical Information Act (Civil Code § 56, et seq.) and shall not be disclosed by the Department or by any county public health department except in accordance with the restrictions on disclosure of individually identifiable information under the Confidentiality of Medical Information Act.
(b) Within 24 hours of receiving any request to disclose the name, address, or social security number of a patient, their medical condition, or the name of their primary caregiver, the Department of Public Health or any county public health agency shall contact the patient and inform the patient of the request and if the request was made in writing, a copy of the request.
(c) Notwithstanding Section 56.10 of the Civil Code, neither the Department of Public Health, nor any county public health agency, shall disclose, nor shall they be ordered by agency or court to disclose, the names, addresses, or social security numbers of patients, their medical

conditions, or the names of their primary caregivers, sooner than the 10th day after which the patient whose records are sought to be disclosed has been contacted.
(d) No identification card application system or database used or maintained by the Department of Public Health or by any county department of public health or the county's designee as provided in Section 11362.71 shall contain any personal information of any qualified patient, including but not limited to, the patient's name, address, social security number, medical conditions, or the names of their primary caregivers. Such an application system or database may only contain a unique user identification number, and when that number is entered, the only information that may be provided is whether the card is valid or invalid.

11362.755.
(a) ~~The department shall establish application and renewal fees for persons seeking to obtain or renew identification cards that are sufficient to cover the expenses incurred by the department, including the startup cost, the cost of reduced fees for Medi-Cal beneficiaries in accordance with subdivision (b), the cost of identifying and developing a cost-effective Internet Web-based system, and the cost of maintaining the 24-hour toll-free telephone number.~~ Each county health department or the county's designee may charge ~~an additional~~ *a* fee for all costs incurred by the county or the county's designee for administering the program pursuant to this article.
(b) In no event shall the amount of the fee charged by a county health department exceed $100 per application or renewal.
(*c*) Upon satisfactory proof of participation and eligibility in the Medi-Cal program, a Medi-Cal beneficiary shall receive a 50 percent reduction in the fees established pursuant to this section.
(d) Upon satisfactory proof that a qualified patient, or the legal guardian of a qualified patient under the age of 18, is a medically indigent adult who is eligible for and participates in the County Medical Services Program, the fee established pursuant to this section shall be waived.
(e) In the event the fees charged and collected by a county health department are not sufficient to pay for the administrative costs incurred in discharging the county health department's duties with respect to the mandatory identification card system, the Legislature, upon request by the county health department, shall reimburse the county health department for those reasonable administrative costs in excess of the fees charged and collected by the county health department.

11362.84.
The status and conduct of a qualified patient who acts in accordance with the Compassionate Use Act shall not, by itself, be used to restrict or abridge custodial or parental rights to minor children in any action or proceeding under the jurisdiction of family or juvenile court.

11362.85.
Upon a determination by the California Attorney General that the federal schedule of controlled substances has been amended to reclassify or declassify marijuana, the Legislature may amend or repeal the provisions of the Health and Safety Code, as necessary, to conform state law to such changes in federal law.

SECTION 6. MARIJUANA REGULATION AND SAFETY.

Division 10 is hereby added to the Business and Professions Code to read as follows:

Division 10. Marijuana

Chapter 1. General Provisions and Definitions

26000.
(a) The purpose and intent of this division is to establish a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of nonmedical marijuana and marijuana products for adults 21 years of age and over.
(b) In the furtherance of subdivision (a), this division expands the power and duties of the existing state agencies responsible for controlling and regulating the medical cannabis industry under Chapter 3.5 of Division 8 to include the power and duty to control and regulate the commercial nonmedical marijuana industry.
(c) The Legislature may, by majority vote, enact laws to implement this division, provided such laws are consistent with the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act.

26001.
For purposes of this division, the following definitions shall apply:
(a) "Applicant" means the following:
(1) The owner or owners of a proposed licensee. "Owner" means all persons having (A) an aggregate ownership interest (other than a security interest, lien, or encumbrance) of 20 percent or more in the licensee and (B) the power to direct or cause to be directed, the management or control of the licensee.
(2) If the applicant is a publicly traded company, "owner" includes the chief executive officer and any member of the board of directors and any person or entity with an aggregate ownership interest in the company of 20 percent or more. If the applicant is a nonprofit entity, "owner" means both the chief executive officer and any member of the board of directors.
(b) "Bureau" means the Bureau of Marijuana Control within the Department of Consumer Affairs.
(c) "Child resistant" means designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.
(d) "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products as provided for in this division.
(e) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
(f) "Customer" means a natural person 21 years of age or over.
(g) "Day care center" shall have the same meaning as in Section 1596.76 of the Health and Safety Code.
(h) "Delivery" means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.
(i) "Director" means the Director of the Department of Consumer Affairs.

(j) "Distribution" means the procurement, sale, and transport of marijuana and marijuana products between entities licensed pursuant to this division.
(k) "Fund" means the Marijuana Control Fund established pursuant to Section 26210.
(l) "Kind" means applicable type or designation regarding a particular marijuana variant or marijuana product type, including, but not limited to, strain name or other grower trademark, or growing area designation.
(m) "License" means a state license issued under this division.
(n) "Licensee" means any person or entity holding a license under this division.
(o) "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.
(p) "Local jurisdiction" means a city, county, or city and county.
(q) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
(r) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages marijuana or marijuana products or labels or re-labels its container, that holds a state license pursuant to this division.
(s) "Marijuana" has the same meaning as in Section 11018 of the Health and Safety Code, except that it does not include marijuana that is cultivated, processed, transported, distributed, or sold for medical purposes under Chapter 3.5 of Division 8.
(t) "Marijuana accessories" has the same meaning as in Section 11018.2 of the Health and Safety Code.
(u) "Marijuana products" has the same meaning as in Section 11018.1 of the Health and Safety Code, except that it does not include marijuana products manufactured, processed, transported, distributed, or sold for medical purposes under Chapter 3.5 of Division 8.
(v) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.
(w) "Operation" means any act for which licensure is required under the provisions of this division, or any commercial transfer of marijuana or marijuana products.
(x) "Package" means any container or receptacle used for holding marijuana or marijuana products.
(y) "Person" includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
(z) "Purchaser" means the customer who is engaged in a transaction with a licensee for purposes of obtaining marijuana or marijuana products.
(aa) "Sell," "sale," and "to sell" include any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

(bb) "Testing service" means a laboratory, facility, or entity in the state, that offers or performs tests of marijuana or marijuana products, including the equipment provided by such laboratory, facility, or entity, and that is both of the following:
(1) Accredited by an accrediting body that is independent from all other persons involved in commercial marijuana activity in the state.
(2) Registered with the Department of Public Health.
(cc) "Unique identifier" means an alphanumeric code or designation used for reference to a specific plant on a licensed premises.
(dd) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset, that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent business person.
(ee) "Youth center" shall have the same meaning as in Section 11353.1 of the Health and Safety Code.

Chapter 2. Administration

26010.
(a) The Bureau of Medical Marijuana Regulation established in Section 19302 in Chapter 3.5 of Division 8 is hereby renamed the Bureau of Marijuana Control. The director shall administer and enforce the provisions of this division in addition to the provisions of Chapter 3.5 of Division 8. The director shall have the same power and authority as provided by subdivisions (b) and (c) of Section 19302.1 for purposes of this division.
(b) The bureau and the director shall succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Bureau of Medical Marijuana Regulation under Chapter 3.5 of Division 8.
(c) In addition to the powers, duties, purposes, responsibilities, and jurisdiction referenced in subdivision (b), the bureau shall heretofore have the power, duty, purpose, responsibility, and jurisdiction to regulate commercial marijuana activity as provided in this division.
(d) Upon the effective date of this section, whenever "Bureau of Medical Marijuana Regulation" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the bureau.

26011.
Neither the chief of the bureau nor any member of the Marijuana Control Appeals Panel established under Section 26040 shall have nor do any of the following:
(a) Receive any commission or profit whatsoever, directly or indirectly, from any person applying for or receiving any license or permit under this division or Chapter 3.5 of Division 8.
(b) Engage or have any interest in the sale or any insurance covering a licensee's business or premises.
(c) Engage or have any interest in the sale of equipment for use upon the premises of a licensee engaged in commercial marijuana activity.
(d)Knowingly solicit any licensee for the purchase of tickets for benefits or contributions for benefits.
(e) Knowingly request any licensee to donate or receive money, or any other thing of value, for the benefit of any person whatsoever.

26012.
(a) It being a matter of statewide concern, except as otherwise authorized in this division:
(1) The Department of Consumer Affairs shall have the exclusive authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of marijuana within the state.
(2) The Department of Food and Agriculture shall administer the provisions of this division related to and associated with the cultivation of marijuana. The Department of Food and Agriculture shall have the authority to create, issue, and suspend or revoke cultivation licenses for violations of this division.
(3) The Department of Public Health shall administer the provisions of this division related to and associated with the manufacturing and testing of marijuana. The Department of Public Health shall have the authority to create, issue, and suspend or revoke manufacturing and testing licenses for violations of this division.
(b) The licensing authorities and the bureau shall have the authority to collect fees in connection with activities they regulate concerning marijuana. The bureau may create licenses in addition to those identified in this division that the bureau deems necessary to effectuate its duties under this division.
(c) Licensing authorities shall begin issuing licenses under this division by January 1, 2018.

26013.
(a) Licensing authorities shall make and prescribe reasonable rules and regulations as may be necessary to implement, administer and enforce their respective duties under this division in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Such rules and regulations shall be consistent with the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act.
(b) Licensing authorities may prescribe, adopt, and enforce any emergency regulations as necessary to implement, administer and enforce their respective duties under this division. Any emergency regulation prescribed, adopted or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.
(c) Regulations issued under this division shall be necessary to achieve the purposes of this division, based on best available evidence, and shall mandate only commercially feasible procedures, technology, or other requirements, and shall not unreasonably restrain or inhibit the development of alternative procedures or technology to achieve the same substantive requirements, nor shall such regulations make compliance unreasonably impracticable.

26014.
(a) The bureau shall convene an advisory committee to advise the bureau and licensing authorities on the development of standards and regulations pursuant to this division, including best practices and guidelines that protect public health and safety while ensuring a regulated environment for commercial marijuana activity that does not impose such unreasonably

impracticable barriers so as to perpetuate, rather than reduce and eliminate, the illicit market for marijuana.
(b) The advisory committee members shall include, but not be limited to, representatives of the marijuana industry, representatives of labor organizations, appropriate state and local agencies, public health experts, and other subject matter experts, including representatives from the Department of Alcoholic Beverage Control, with expertise in regulating commercial activity for adult-use intoxicating substances. The advisory committee members shall be determined by the director.
(c) Commencing on January 1, 2019, the advisory committee shall publish an annual public report describing its activities including, but not limited to, the recommendations the advisory committee made to the bureau and licensing authorities during the immediately preceding calendar year and whether those recommendations were implemented by the bureau or licensing authorities.

26015.
A licensing authority may make or cause to be made such investigation as it deems necessary to carry out its duties under this division.

26016.
For any hearing held pursuant to this division, except a hearing held under Chapter 4, a licensing authority may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

26017.
In any hearing before a licensing authority pursuant to this division, the licensing authority may pay any person appearing as a witness at the hearing at the request of the licensing authority pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

26018.
A licensing authority may on its own motion at any time before a penalty assessment is placed into effect, and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

Chapter 3. Enforcement

26030.
Grounds for disciplinary action include:
(a) Failure to comply with the provisions of this division or any rule or regulation adopted pursuant to this division.
(b) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 3 (commencing with Section 490) of Division 1.5.
(c) Any other grounds contained in regulations adopted by a licensing authority pursuant to this division.

(d) Failure to comply with any state law including, but not limited to, the payment of taxes as required under the Revenue and Taxation Code, except as provided for in this division or other California law.
(e) Knowing violations of any state or local law, ordinance, or regulation conferring worker protections or legal rights on the employees of a licensee.
(f) Failure to comply with the requirement of a local ordinance regulating commercial marijuana activity.
(g) The intentional and knowing sale of marijuana or marijuana products by a licensee to a person under the legal age to purchase or possess.

26031.
Each licensing authority may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

26032.
Each licensing authority may take disciplinary action against a licensee for any violation of this division when the violation was committed by the licensee's agent or employee while acting on behalf of the licensee or engaged in commercial marijuana activity.

26033.
Upon suspension or revocation of a license, the licensing authority shall inform the bureau. The bureau shall then inform all other licensing authorities.

26034.
Accusations against licensees under this division shall be filed within the same time limits as specified in Section 19314 or as otherwise provided by law.

26035.
(a) The director shall designate the persons employed by the Department of Consumer Affairs for purposes of the administration and enforcement of this division. The director shall ensure that a sufficient number of employees are qualified peace officers for purposes of enforcing this division.

26036.
Nothing in this division shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority, including, but not limited to, under the Fish and Game Code, the Food and Agricultural Code, the Government Code, the Health and Safety Code, the Public Resources Code, the Water Code, or the application of those laws.

26037.
(a) The actions of a licensee, its employees, and its agents that are: (1) permitted under a license issued under this division and any applicable local ordinances; and (2) conducted in accordance

with the requirements of this division and regulations adopted pursuant to this division, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.
(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to a state license and any applicable local ordinances, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

26038.
(a) A person engaging in commercial marijuana activity without a license required by this division shall be subject to civil penalties of up to three times the amount of the license fee for each violation, and the court may order the destruction of marijuana associated with that violation in accordance with Section 11479 of the Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section by a licensing authority shall be deposited into the General Fund except as provided in subdivision (b).
(b) If an action for civil penalties is brought against a licensee pursuant to this division by the Attorney General on behalf of the people, the penalty collected shall be deposited into the General Fund. If the action is brought by a district attorney or county counsel, the penalty shall first be used to reimburse the district attorney or county counsel for the costs of bringing the action for civil penalties, with the remainder, if any, to be deposited into the General Fund. If the action is brought by a city attorney or city prosecutor, the penalty collected shall first be used to reimburse the city attorney or city prosecutor for the costs of bringing the action for civil penalties, with the remainder, if any, to be deposited into the General Fund.
(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial marijuana activity in violation of this division.

Chapter 4. Appeals

26040.
(a) There is established in state government a Marijuana Control Appeals Panel which shall consist of three members appointed by the Governor and subject to confirmation by a majority vote of all of the members elected to the Senate. Each member, at the time of his or her initial appointment, shall be a resident of a different county from the one in which either of the other members resides. Members of the panel shall receive an annual salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.
(b) The members of the panel may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove any member from office for dereliction of duty, corruption or incompetency.
(c) A concurrent resolution for the removal of any member of the panel may be introduced in the Legislature only if five Members of the Senate, or ten Members of the Assembly, join as authors.

26041.
All personnel of the panel shall be appointed, employed, directed, and controlled by the panel consistent with state civil service requirements. The director shall furnish the equipment, supplies, and housing necessary for the authorized activities of the panel and shall perform such other mechanics of administration as the panel and the director may agree upon.

26042.
The panel shall adopt procedures for appeals similar to the procedures used in Articles 3 and 4 in Chapter 1.5 in Division 9 of the Business and Professions Code. Such procedures shall be adopted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, section 11340 et seq.).

26043.
(a) When any person aggrieved thereby appeals from a decision of the bureau or any licensing authority ordering any penalty assessment, issuing, denying, transferring, conditioning, suspending or revoking any license provided for under this division, the panel shall review the decision subject to such limitations as may be imposed by the Legislature. In such cases, the panel shall not receive evidence in addition to that considered by the bureau or the licensing authority.
(b) Review by the panel of a decision of the bureau or a licensing authority shall be limited to the following questions:
(1) Whether the bureau or any licensing authority has proceeded without or in excess of its jurisdiction.
(2) Whether the bureau or any licensing authority has proceeded in the manner required by law.
(3) Whether the decision is supported by the findings.
(4) Whether the findings are supported by substantial evidence in the light of the whole record.

26044.
(a) In appeals where the panel finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the bureau or licensing authority, it may enter an order remanding the matter to the bureau or licensing authority for reconsideration in the light of such evidence.
(b) Except as provided in subdivision (a), in all appeals, the panel shall enter an order either affirming or reversing the decision of the bureau or licensing authority. When the order reverses the decision of the bureau or licensing authority, the board may direct the reconsideration of the matter in the light of its order and may direct the bureau or licensing authority to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the bureau or licensing authority.

26045.
Orders of the panel shall be subject to judicial review under Section 1094.5 of the Code of Civil Procedure upon petition by the bureau or licensing authority or any party aggrieved by such order.

Chapter 5. Licensing

26050.
(a) The license classification pursuant to this division shall, at a minimum, be as follows:
(1) Type 1 = Cultivation; Specialty outdoor; Small.
(2) Type 1A = Cultivation; Specialty indoor; Small.
(3) Type 1B = Cultivation; Specialty mixed-light; Small.
(4) Type 2 = Cultivation; Outdoor; Small.
(5) Type 2A = Cultivation; Indoor; Small.
(6) Type 2B = Cultivation; Mixed-light; Small.
(7) Type 3 = Cultivation; Outdoor; Medium.
(8) Type 3A = Cultivation; Indoor; Medium.
(9) Type 3B = Cultivation; Mixed-light; Medium.
(10) Type 4 = Cultivation; Nursery.
(11) Type 5 = Cultivation; Outdoor; Large.
(12) Type 5A =Cultivation; Indoor; Large.
(13) Type 5B = Cultivation; Mixed-light; Large.
(14) Type 6 = Manufacturer 1.
(15) Type 7 = Manufacturer 2.
(16) Type 8 = Testing.
(17) Type 10 = Retailer.
(18) Type 11 = Distributor.
(19) Type 12 =Microbusiness.
(b) All licenses issued under this division shall bear a clear designation indicating that the license is for commercial marijuana activity as distinct from commercial medical cannabis activity licensed under Chapter 3.5 of Division 8. Examples of such a designation include, but are not limited to, "Type 1 – Nonmedical," or "Type 1NM."
(c) A license issued pursuant to this division shall be valid for 12 months from the date of issuance. The license may be renewed annually.
(d) Each licensing authority shall establish procedures for the issuance and renewal of licenses.
(e) Notwithstanding subdivision (c), a licensing authority may issue a temporary license for a period of less than 12 months. This subdivision shall cease to be operable on January 1, 2019.

26051.
(a) In determining whether to grant, deny, or renew a license authorized under this division, a licensing authority shall consider factors reasonably related to the determination, including, but not limited to, whether it is reasonably foreseeable that issuance, denial, or renewal of the license could:
(1) allow unreasonable restrains on competition by creation or maintenance of unlawful monopoly power;
(2) perpetuate the presence of an illegal market for marijuana or marijuana products in the state or out of the state;
(3) encourage underage use or adult abuse of marijuana or marijuana products, or illegal diversion of marijuana or marijuana products out of the state;
(4) result in an excessive concentration of licensees in a given city, county, or both;

(5) present an unreasonable risk of minors being exposed to marijuana or marijuana products; or
(6) result in violations of any environmental protection laws.
(b) A licensing authority may deny a license or renewal of a license based upon the considerations in subdivision (a).
(c) For purposes of this section, "excessive concentration" means when the premises for a retail license, microbusiness license, or a license issued under Section 26070.5 is located in an area where either of the following conditions exist:
(1) The ratio of a licensee to population in the census tract or census division in which the applicant premises are located exceeds the ratio of licensees to population in the county in which the applicant premises are located, unless denial of the application would unduly limit the development of the legal market so as to perpetuate the illegal market for marijuana or marijuana products.
(2) The ratio of retail licenses, microbusiness licenses, or licenses under Section 26070.5 to population in the census tract, division or jurisdiction exceeds that allowable by local ordinance adopted under Section 26200.

26052.
(a) No licensee shall perform any of the following acts, or permit any such acts to be performed by any employee, agent, or contractor of such licensee:
(1) Make any contract in restraint of trade in violation of Section 16600;
(2) Form a trust or other prohibited organization in restraint of trade in violation of Section 16720;
(3) Make a sale or contract for the sale of marijuana or marijuana products, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the consumer or purchaser thereof shall not use or deal in the goods, merchandise, machinery, supplies, commodities, or services of a competitor or competitors of such seller, where the effect of such sale, contract, condition, agreement or understanding may be to substantially lessen competition or tend to create a monopoly in any line of trade or commerce;
(4) Sell any marijuana or marijuana products at less than cost for the purpose of injuring competitors, destroying competition, or misleading or deceiving purchasers or prospective purchasers;
(5) Discriminate between different sections, communities, or cities or portions thereof, or between different locations in such sections, communities, cities or portions thereof in this state, by selling or furnishing marijuana or marijuana products at a lower price in one section, community, or city or any portion thereof, or in one location in such section, community, or city or any portion thereof, than in another, for the purpose of injuring competitors or destroying competition; or
(6) Sell any marijuana or marijuana products at less than the cost thereof to such vendor, or to give away any article or product for the purpose of injuring competitors or destroying competition.
(b) Any person who, either as director, officer or agent of any firm or corporation, or as agent of any person, violates the provisions of this chapter, assists or aids, directly or indirectly, in such violation is responsible therefor equally with the person, firm or corporation for which such person acts.

(c) A licensing authority may enforce this section by appropriate regulation.
(d) Any person or trade association may bring an action to enjoin and restrain any violation of this section for the recovery of damages.

26053.
(a) The bureau and licensing authorities may issue licenses under this division to persons or entities that hold licenses under Chapter 3.5 of Division 8.
(b) Notwithstanding subdivision (a), a person or entity that holds a state testing license under this division or Chapter 3.5 of Division 8 is prohibited from licensure for any other activity, except testing, as authorized under this division.
(c) Except as provided in subdivision (b), a person or entity may apply for and be issued more than one license under this division.

26054.
(a) A licensee shall not also be licensed as a retailer of alcoholic beverages under Division 9 or of tobacco products.
(b) No licensee under this division shall be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. The distance specified in this section shall be measured in the same manner as provided in paragraph (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.
(c) It shall be lawful under state and local law, and shall not be a violation of state or local law, for a business engaged in the manufacture of marijuana accessories to possess, transport, purchase or otherwise obtain small amounts of marijuana or marijuana products as necessary to conduct research and development related to such marijuana accessories, provided such marijuana and marijuana products are obtained from a person or entity licensed under this division or Chapter 3.5 of Division 8 permitted to provide or deliver such marijuana or marijuana products.

26054.1
(a) No licensing authority shall issue or renew a license to any person that cannot demonstrate continuous California residency from or before January 1, 2015. In the case of an applicant or licensee that is an entity, the entity shall not be considered a resident if any person controlling the entity cannot demonstrate continuous California residency from and before January 1, 2015.
(b) Subdivision (a) shall cease to be operable on December 31, 2019 unless reenacted prior thereto by the Legislature.

26054.2
(a) A licensing authority shall give priority in issuing licenses under this division to applicants that can demonstrate to the authority's satisfaction that the applicant operated in compliance with the Compassionate Use Act and its implementing laws before September 1, 2016, or currently operates in compliance with Chapter 3.5 of Division 8.
(b) The bureau shall request that local jurisdictions identify for the bureau potential applicants for licensure based on the applicants' prior operation in the local jurisdiction in compliance with state law, including the Compassionate Use Act and its implementing laws, and any

applicable local laws. The bureau shall make the requested information available to licensing authorities.
(c) In addition to or in lieu of the information described in subdivision (b), an applicant may furnish other evidence to demonstrate operation in compliance with the Compassionate Use Act or Chapter 3.5 of Division 8. The bureau and licensing authorities may accept such evidence to demonstrate eligibility for the priority provided for in subdivision (a).
(d) This section shall cease to be operable on December 31, 2019 unless otherwise provided by law.

26055.
(a) Licensing authorities may issue state licenses only to qualified applicants.
(b) Revocation of a state license issued under this division shall terminate the ability of the licensee to operate within California until the licensing authority reinstates or reissues the state license.
(c) Separate licenses shall be issued for each of the premises of any licensee having more than one location, except as otherwise authorized by law or regulation.
(d) After issuance or transfer of a license, no licensee shall change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of business operation conducted from the premises, from the plan contained in the diagram on file with the application, unless and until prior written assent of the licensing authority or bureau has been obtained. For purposes of this section, material or substantial physical changes of the premises, or in the usage of the premises, shall include, but not be limited to, a substantial increase or decrease in the total area of the licensed premises previously diagrammed, or any other physical modification resulting in substantial change in the mode or character of business operation.
(e) Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.

26056.
An applicant for any type of state license issued pursuant to this division shall comply with the same requirements as set forth in Section 19322 of Chapter 3.5 of Division 8 unless otherwise provided by law, including electronic submission of fingerprint images, and any other requirements imposed by law or a licensing authority, except as follows:
(a) notwithstanding paragraph (2) of subdivision (a) of Section 19322 of Chapter 3.5 of Division 8, an applicant need not provide documentation that the applicant has obtained a license, permit or other authorization to operate from the local jurisdiction in which the applicant seeks to operate;
(b) an application for a license under this division shall include evidence that the proposed location meets the restriction in subdivision (b) of Section 26054; and
(c) for applicants seeking licensure to cultivate, distribute, or manufacture nonmedical marijuana or marijuana products, the application shall also include a detailed description of the applicant's operating procedures for all of the following, as required by the licensing authority:
(1) Cultivation.
(2) Extraction and infusion methods.
(3) The transportation process.

(4) The inventory process.
(5) Quality control procedures.
(6) The source or sources of water the applicant will use for the licensed activities, including a certification that the applicant may use that water legally under state law.
(d) The applicant shall provide a complete detailed diagram of the proposed premises wherein the license privileges will be exercised, with sufficient particularity to enable ready determination of the bounds of the premises, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, and common or shared entryways, and include a brief statement or description of the principal activity to be conducted therein, and, for licenses permitting cultivation, measurements of the planned canopy including aggregate square footage and individual square footage of separate cultivation areas, if any.

26056.5.
The bureau shall devise protocols that each licensing authority shall implement to ensure compliance with state laws and regulations related to environmental impacts, natural resource protection, water quality, water supply, hazardous materials, and pesticide use in accordance with regulations, including but not limited to, the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), the California Endangered Species Act (Fish and Game Code, Section 2800 et. seq.), lake or streambed alteration agreements (Fish and Game Code, Section 1600 et. seq.), the Clean Water Act, the Porter-Cologne Water Quality Control Act, timber production zones, wastewater discharge requirements, and any permit or right necessary to divert water.

26057.
(a) The licensing authority shall deny an application if either the applicant, or the premises for which a state license is applied, do not qualify for licensure under this division.
(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:
(1) Failure to comply with the provisions of this division, any rule or regulation adopted pursuant to this division, or any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow and water quality.
(2) Conduct that constitutes grounds for denial of licensure under Chapter 2 of Division 1.5, except as otherwise specified in this section and Section 26059.
(3) Failure to provide information required by the licensing authority.
(4) The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:
(A) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

(B) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
(C) A felony conviction involving fraud, deceit, or embezzlement.
(D) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
(E) A felony conviction for drug trafficking with enhancements pursuant to Sections 11370.4 or 11379.8.
(5) Except as provided in subparagraphs (D) and (E) of paragraph (4) and notwithstanding Chapter 2 of Division 1.5, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for denial of a license. Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of a license.
(6) The applicant, or any of its officers, directors, or owners, has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands pursuant to Sections 12025 or 12025.1 of the Fish and Game Code.
(7) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial marijuana activities or commercial medical cannabis activities, has had a license revoked under this division or Chapter 3.5 of Division 8 in the three years immediately preceding the date the application is filed with the licensing authority, or has been sanctioned under Sections 12025 or 12025.1 of the Fish and Game Code.
(8) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.
(9) Any other condition specified in law.

26058.
Upon the denial of any application for a license, the licensing authority shall notify the applicant in writing.

26059.
An applicant shall not be denied a state license if the denial is based solely on any of the following:
(a) A conviction or act that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made for which the applicant or licensee has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.
(b) A conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the Penal Code or any other provision allowing for dismissal of a conviction.

Chapter 6. Licensed Cultivation Sites

26060.
(a) Regulations issued by the Department of Food and Agriculture governing the licensing of indoor, outdoor, and mixed-light cultivation sites shall apply to licensed cultivators under this division.
(b) Standards developed by the Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis shall apply to licensed cultivators under this division.
(c) The Department of Food and Agriculture shall include conditions in each license requested by the Department of Fish and Wildlife and the State Water Resources Control Board to ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability, and to otherwise protect fish, wildlife, fish and wildlife habitat, and water quality.
(d) The regulations promulgated by the Department of Food and Agriculture under this division shall, at a minimum, address in relation to commercial marijuana activity, the same matters described in subdivision (e) of Section 19332 of Chapter 3.5 of Division 8.
(e) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor, outdoor, or mixed light cultivation of marijuana meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

26061.
(a) The state cultivator license types to be issued by the Department of Food and Agriculture under this division shall include Type 1, Type 1A, Type 1B, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B, Type 4, and Type 5, Type 5A, and Type 5B unless otherwise provided by law.
(b) Except as otherwise provided by law, Type 1, Type 1A, Type 1B, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B and Type 4 licenses shall provide for the cultivation of marijuana in the same amount as the equivalent license type for cultivation of medical cannabis as specified in subdivision (g) of Section 19332 of Chapter 3.5 of Division 8.
(c) Except as otherwise provided by law:
(1) Type 5, or "outdoor," means for outdoor cultivation using no artificial lighting greater than one acre, inclusive, of total canopy size on one premises.
(2) Type 5A, or "indoor," means for indoor cultivation using exclusively artificial lighting greater than 22,000 square feet, inclusive, of total canopy size on one premises.
(3) Type 5B, or "mixed-light," means for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, greater than 22,000 square feet, inclusive, of total canopy size on one premises.
(d) No Type 5, Type 5A, or Type 5B cultivation licenses may be issued before January 1, 2023.
(e) Commencing on January 1, 2023, A Type 5, Type 5A, or Type 5B licensee may apply for and hold a Type 6 or Type 7 license and apply for and hold Type 10 license. A Type 5, Type 5A, or Type 5B licensee shall not eligible to apply for or hold a Type 8, Type 11, or Type 12 license.

26062.
The Department of Food and Agriculture, in conjunction with the bureau, shall establish a certified organic designation and organic certification program for marijuana and marijuana products in the same manner as provided in Section 19332.5 of Chapter 3.5 of Division 8.

26063.
(a) The bureau shall establish standards for recognition of a particular appellation of origin applicable to marijuana grown or cultivated in a certain geographical area in California.
(b) Marijuana shall not be marketed, labeled, or sold as grown in a California county when the marijuana was not grown in that county.
(c) The name of a California county shall not be used in the labeling, marketing, or packaging of marijuana products unless the marijuana contained in the product was grown in that county.

26064.
Each licensed cultivator shall ensure that the licensed premises do not pose an unreasonable risk of fire or combustion. Each cultivator shall ensure that all lighting, wiring, electrical and mechanical devices, or other relevant property is carefully maintained to avoid unreasonable or dangerous risk to the property or others.

26065.
An employee engaged in the cultivation of marijuana under this division shall be subject to Wage Order No. 4-2001 of the Industrial Welfare Commission.

26066.
Indoor and outdoor marijuana cultivation by persons and entities licensed under this division shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the Board of Forestry and Fire Protection, the Department of Fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies, shall address environmental impacts of marijuana cultivation and shall coordinate when appropriate with cities and counties and their law enforcement agencies in enforcement efforts.

26067.
(a) The Department of Food and Agriculture shall establish a Marijuana Cultivation Program to be administered by the secretary. The secretary shall administer this section as it pertains to the cultivation of marijuana. For purposes of this division, marijuana is an agricultural product.
(b) A person or entity shall not cultivate marijuana without first obtaining a state license issued by the department pursuant to this section.
(c)(1) The department, in consultation with, but not limited to, the bureau, the State Water Resources Control Board, and the Department of Fish and Wildlife, shall implement a unique identification program for marijuana. In implementing the program, the department shall consider issues including, but not limited to, water use and environmental impacts. In implementing the program, the department shall ensure that:

(A) Individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. If a watershed cannot support additional cultivation, no new plant identifiers will be issued for that watershed.
(B) Cultivation will not negatively impact springs, riparian wetlands and aquatic habitats.
(2) The department shall establish a program for the identification of permitted marijuana plants at a cultivation site during the cultivation period. A unique identifier shall be issued for each marijuana plant. The department shall ensure that unique identifiers are issued as quickly as possible to ensure the implementation of this division. The unique identifier shall be attached at the base of each plant or as otherwise required by law or regulation.
(A) Unique identifiers will only be issued to those persons appropriately licensed by this section.
(B) Information associated with the assigned unique identifier and licensee shall be included in the trace and track program specified in Section 26170.
(C) The department may charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each marijuana plant.
(D) The department may promulgate regulations to implement this section.
(3) The department shall take adequate steps to establish protections against fraudulent unique identifiers and limit illegal diversion of unique identifiers to unlicensed persons.
(d) Unique identifiers and associated identifying information administered by local jurisdictions shall adhere to the requirements set by the department and be the equivalent to those administered by the department.
(e) (1) This section does not apply to the cultivation of marijuana in accordance with Section 11362.1 of the Health and Safety Code or the Compassionate Use Act.
(2) Subdivision (b) of this section does not apply to persons or entities licensed under either paragraph (3) of subdivision (a) of Section 26070 or subdivision (b) of Section 26070.5.
(f) "Department" for purposes of this section means the Department of Food and Agriculture.

Chapter 7. Retailers and Distributors

26070. Retailers and Distributors
(a) State licenses to be issued by the Department of Consumer Affairs are as follows:
(1) "Retailer," for the retail sale and delivery of marijuana or marijuana products to customers.
(2) "Distributor," for the distribution of marijuana and marijuana products. A distributor licensee shall be bonded and insured at a minimum level established by the licensing authority.
(3) "Microbusiness," for the cultivation of marijuana on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this division, provided such licensee complies with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities. Microbusiness licenses that authorize cultivation of marijuana shall include conditions requested by the Department of Fish and Wildlife and the State Water Resources Control Board to ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flow needed to maintain flow variability, and otherwise protect fish, wildlife, fish and wildlife habitat, and water quality.
(b) The bureau shall establish minimum security and transportation safety requirements for the commercial distribution and delivery of marijuana and marijuana products. The transportation

safety standards established by the bureau shall include, but not be limited to, minimum standards governing the types of vehicles in which marijuana and marijuana products may be distributed and delivered and minimum qualifications for persons eligible to operate such vehicles.
(c) Licensed retailers and microbusinesses, and licensed nonprofits under Section 26070.5, shall implement security measures reasonably designed to prevent unauthorized entrance into areas containing marijuana or marijuana products and theft of marijuana or marijuana products from the premises. These security measures shall include, but not be limited to, all of the following:
(1) Prohibiting individuals from remaining on the licensee's premises if they are not engaging in activity expressly related to the operations of the dispensary.
(2) Establishing limited access areas accessible only to authorized personnel.
(3) Other than limited amounts of marijuana used for display purposes, samples, or immediate sale, storing all finished marijuana and marijuana products in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.

26070.5
(a) The bureau shall, by January 1, 2018, investigate the feasibility of creating one or more classifications of nonprofit licenses under this section. The feasibility determination shall be made in consultation with the relevant licensing agencies and representatives of local jurisdictions which issue temporary licenses pursuant to subdivision (b).
The bureau shall consider factors including, but not limited to, the following:
(1) Should nonprofit licensees be exempted from any or all state taxes, licensing fees and regulatory provisions applicable to other licenses in this division?
(2) Should funding incentives be created to encourage others licensed under this division to provide professional services at reduced or no cost to nonprofit licensees?
(3) Should nonprofit licenses be limited to, or prioritize those, entities previously operating on a not-for-profit basis primarily providing whole-plant marijuana and marijuana products and a diversity of marijuana strains and seed stock to low income persons?
(b) Any local jurisdiction may issue temporary local licenses to nonprofit entities primarily providing whole-plant marijuana and marijuana products and a diversity of marijuana strains and seed stock to low income persons so long as the local jurisdiction:
(1) confirms the license applicant's status as a nonprofit entity registered with the California Attorney General's Registry of Charitable Trusts and that the applicant is in good standing with all state requirements governing nonprofit entities;
(2) licenses and regulates any such entity to protect public health and safety, and so as to require compliance with all environmental requirements in this division;
(3) provides notice to the bureau of any such local licenses issued, including the name and location of any such licensed entity and all local regulations governing the licensed entity's operation, and;
(4) certifies to the bureau that any such licensed entity will not generate annual gross revenues in excess of two million dollars ($2,000,000).
(c) Temporary local licenses authorized under subdivision (b) shall expire after twelve months unless renewed by the local jurisdiction.
(d) The bureau may impose reasonable additional requirements on the local licenses authorized under subdivision (b).

(e) (1) No new temporary local licenses shall be issued pursuant to this section after the date the bureau determines that creation of nonprofit licenses under this division is not feasible, or if the bureau determines such licenses are feasible, after the date a licensing agency commences issuing state nonprofit licenses.
(2) If the bureau determines such licenses are feasible, no temporary license issued under subdivision (b) shall be renewed or extended after the date on which a licensing agency commences issuing state nonprofit licenses.
(3) If the bureau determines that creation of nonprofit licenses under this division is not feasible, the bureau shall provide notice of this determination to all local jurisdictions that have issued temporary licenses under subdivision (b). The bureau may, in its discretion, permit any such local jurisdiction to renew or extend on an annual basis any temporary license previously issued under subdivision (b).

Chapter 8. Distribution and Transport

26080.
(a) This division shall not be construed to authorize or permit a licensee to transport or distribute, or cause to be transported or distributed, marijuana or marijuana products outside the state, unless authorized by federal law.
(b) A local jurisdiction shall not prevent transportation of marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with this division.

Chapter 9. Delivery

26090.
(a) Deliveries, as defined in this division, may only be made by a licensed retailer or microbusiness, or a licensed nonprofit under Section 26070.5.
(b) A customer requesting delivery shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers.
(c) A local jurisdiction shall not prevent delivery of marijuana or marijuana products on public roads by a licensee acting in compliance with this division and local law as adopted under Section 26200.

Chapter 10. Manufacturers and Testing Laboratories

26100.
The Department of Public Health shall promulgate regulations governing the licensing of marijuana manufacturers and testing laboratories. Licenses to be issued are as follows:
(a) "Manufacturing Level 1," for sites that manufacture marijuana products using nonvolatile solvents, or no solvents.
(b) "Manufacturing Level 2," for sites that manufacture marijuana products using volatile solvents.
(c) "Testing," for testing of marijuana and marijuana products. Testing licensees shall have their facilities or devices licensed according to regulations set forth by the Department. A testing

licensee shall not hold a license in another license category of this division and shall not own or have ownership interest in a non-testing facility licensed pursuant to this division.
(d) For purposes of this section, "volatile solvents" shall have the same meaning as in subdivision (d) of Section 11362.2 of the Health and Safety Code unless otherwise provided by law or regulation.

26101.
(a) Except as otherwise provided by law, no marijuana or marijuana products may be sold pursuant to a license provided for under this division unless a representative sample of such marijuana or marijuana product has been tested by a certified testing service to determine:
(1) Whether the chemical profile of the sample conforms to the labeled content of compounds, including, but not limited to, all of the following:
(A) Tetrahydrocannabinol (THC).
(B) Tetrahydrocannabinolic Acid (THCA).
(C) Cannabidiol (CBD).
(D) Cannabidiolic Acid (CBDA).
(E) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.
(F) Cannabigerol (CBG).
(G) Cannabinol (CBN).
(2) That the presence of contaminants does not exceed the levels in the most current version of the American Herbal Pharmacopoeia monograph. For purposes of this paragraph, contaminants includes, but is not limited to, all of the following:
(A) Residual solvent or processing chemicals, including explosive gases, such as Butane, propane, O2 or H2, and poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene.
(B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.
(C) Microbiological impurity, including total aerobic microbial count, total yeast mold count, P. aeruginosa, aspergillus spp., s. aureus, aflatoxin B1, B2, G1, or G2, or ochratoxin A.
(b) Residual levels of volatile organic compounds shall satisfy standards of the cannabis inflorescence monograph set by the United States Pharmacopeia (U.S.P. Chapter 467).
(c) The testing required by paragraph (a) shall be performed in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test marijuana and marijuana products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement.
(d) Any pre-sale inspection, testing transfer, or transportation of marijuana products pursuant to this section shall conform to a specified chain of custody protocol and any other requirements imposed under this division.

26102.
A licensed testing service shall not handle, test, or analyze marijuana or marijuana products unless the licensed testing laboratory meets the requirements of Section 19343 in Chapter 3.5 of Division 8 or unless otherwise provided by law.

26103.
A licensed testing service shall issue a certificate of analysis for each lot, with supporting data, to report the same information required in Section 19344 in Chapter 3.5 of Division 8 or unless otherwise provided by law.

26104.
(a) A licensed testing service shall, in performing activities concerning marijuana and marijuana products, comply with the requirements and restrictions set forth in applicable law and regulations.
(b) The Department of Public Health shall develop procedures to:
(1) ensure that testing of marijuana and marijuana products occurs prior to distribution to retailers, microbusinesses, or nonprofits licensed under Section 26070.5;
(2) specify how often licensees shall test marijuana and marijuana products, and that the cost of testing marijuana shall be borne by the licensed cultivators and the cost of testing marijuana products shall be borne by the licensed manufacturer, and that the costs of testing marijuana and marijuana products shall be borne a nonprofit licensed under Section 26070.5; and
(3) require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards promulgated by the Department of Public Health, unless remedial measures can bring the marijuana or marijuana products into compliance with quality assurance standards as promulgated by the Department of Public Health.

26105.
Manufacturing Level 2 licensees shall enact sufficient methods or procedures to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents. The Department of Public Health shall establish minimum standards concerning such methods and procedures for Level 2 licensees.

26106.
Standards for the production and labeling of all marijuana products developed by the Department of Public Health shall apply to licensed manufacturers and microbusinesses, and nonprofits licensed under Section 26070.5 unless otherwise specified by the Department of Public Health.

Chapter 11. Quality Assurance, Inspection, and Testing

26110.
(a) All marijuana and marijuana products shall be subject to quality assurance, inspection, and testing.
(b) All marijuana and marijuana products shall undergo quality assurance, inspection, and testing in the same manner as provided in Section 19326 in Chapter 3.5 of Division 8 except as otherwise provided in this division or by law.

Chapter 12. Packaging and Labeling

26120.
(a) Prior to delivery or sale at a retailer, marijuana and marijuana products shall be labeled and placed in a resealable, child resistant package.
(b) Packages and labels shall not be made to be attractive to children.
(c) All marijuana and marijuana product labels and inserts shall include the following information prominently displayed in a clear and legible fashion in accordance with the requirements, including font size, prescribed by the bureau or the Department of Public Health: ~~not less than 8 point font~~:
(1) Manufacture date and source.
(2) The following statements, in bold print:
(A) For marijuana: "GOVERNMENT WARNING: THIS PACKAGE CONTAINS MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MARIJUANA MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. MARIJUANA USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MARIJUANA IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."
(B) For marijuana products: "GOVERNMENT WARNING: THIS PRODUCT CONTAINS MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MARIJUANA PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF MARIJUANA PRODUCTS MAY BE DELAYED UP TO TWO HOURS. MARIJUANA USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MARIJUANA PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."
(3) For packages containing only dried flower, the net weight of marijuana in the package.
(4) Identification of the source and date of cultivation, the type of marijuana or marijuana product and the date of manufacturing and packaging.
(5) The appellation of origin, if any.
(6) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total, and the potency of the marijuana or marijuana product by reference to the amount of tetrahydrocannabinol and cannabidiol in each serving.
(7) For marijuana products, a list of all ingredients and disclosure of nutritional information in the same manner as the federal nutritional labeling requirements in 21 C.F.R. section 101.9.
(8) A list of any solvents, nonorganic pesticides, herbicides, and fertilizers that were used in the cultivation, production, and manufacture of such marijuana or marijuana product.
(9) A warning if nuts or other known allergens are used.
(10) Information associated with the unique identifier issued by the Department of Food and Agriculture.
(11) Any other requirement set by the bureau or the Department of Public Health.

(d) Only generic food names may be used to describe the ingredients in edible marijuana products.
(e) In the event the bureau determines that marijuana is no longer a schedule I controlled substance under federal law, the label prescribed in subdivision (c) shall no longer require a statement that marijuana is a schedule I controlled substance.

Chapter 13. Marijuana Products

26130.
(a) Marijuana products shall be:
(1) Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain marijuana.
(2) Produced and sold with a standardized dosage of cannabinoids not to exceed ten (10) milligrams tetrahydrocannabinol per serving.
(3) Delineated or scored into standardized serving sizes if the marijuana product contains more than one serving and is an edible marijuana product in solid form.
(4) Homogenized to ensure uniform disbursement of cannabinoids throughout the product.
(5) Manufactured and sold under sanitation standards established by the Department of Public Health, in consultation with the bureau, for preparation, storage, handling and sale of food products.
(6) Provided to customers with sufficient information to enable the informed consumption of such product, including the potential effects of the marijuana product and directions as to how to consume the marijuana product, as necessary.
(b) Marijuana, including concentrated cannabis, included in a marijuana product manufactured in compliance with law is not considered an adulterant under state law.

Chapter 14. Protection of Minors

26140.
(a) No licensee shall:
(1) Sell marijuana or marijuana products to persons under 21 years of age.
(2) Allow any person under 21 years of age on its premises.
(3) Employ or retain persons under 21 years of age.
(4) Sell or transfer marijuana or marijuana products unless the person to whom the marijuana or marijuana product is to be sold first presents documentation which reasonably appears to be a valid government-issued identification card showing that the person is 21 years of age or older.
(b) Persons under 21 years of age may be used by peace officers in the enforcement of this division and to apprehend licensees, or employees or agents of licensees, or other persons who sell or furnish marijuana to minors. Notwithstanding any provision of law, any person under 21 years of age who purchases or attempts to purchase any marijuana while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase marijuana. Guidelines with respect to the use of persons under 21 years of age as decoys shall be adopted and published by the bureau in accordance with the rulemaking portion of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) Notwithstanding subdivision (a), a licensee that is also a dispensary licensed under Chapter 3.5 of Division 8 may:
(1) Allow on the premises any person 18 years of age or older who possesses a valid identification card under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card;
(2) Sell marijuana, marijuana products, and marijuana accessories to a person 18 years of age or older who possesses a valid identification card under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card.

Chapter 15. Advertising and Marketing Restrictions

26150.
For purposes of this chapter:
(a) "Advertise" means the publication or dissemination of an advertisement.
(b) "Advertisement" includes any written or verbal statement, illustration, or depiction which is calculated to induce sales of marijuana or marijuana products, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:
(1) Any label affixed to any marijuana or marijuana products, or any individual covering, carton, or other wrapper of such container that constitutes a part of the labeling under provisions of this division.
(2) Any editorial or other reading material (e.g., news release) in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any licensee, and which is not written by or at the direction of the licensee.
(c) "Advertising sign" is any sign, poster, display, billboard, or any other stationary or permanently-affixed advertisement promoting the sale of marijuana or marijuana products which are not cultivated, manufactured, distributed, or sold on the same lot.
(d) "Health-related statement" means any statement related to health, and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of marijuana or marijuana products and health benefits, or effects on health.
(e) "Market" or "Marketing" means any act or process of promoting or selling marijuana or marijuana products, including but not limited to, sponsorship of sporting events, point of sale advertising, development of products specifically designed to appeal to certain demographics, etc.

26151.
(a) All advertisements and marketing shall accurately and legibly identify the licensee responsible for its content.
(b) Any advertising or marketing placed in broadcast, cable, radio, print and digital communications shall only be displayed where at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.

(c) Any advertising or marketing involving direct, individualized communication or dialogue controlled by the licensee shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older prior to engaging in such communication or dialogue controlled by the licensee. For purposes of this section, such method of age affirmation may include user confirmation, birth date disclosure, or other similar registration method.
(d) All advertising shall be truthful and appropriately substantiated.

26152.
No licensee shall:
(a) Advertise or market in a manner that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter tends to create a misleading impression;
(b) Publish or disseminate advertising or marketing containing any statement concerning a brand or product that is inconsistent with any statement on the labeling thereof;
(c) Publish or disseminate advertising or marketing containing any statement, design, device, or representation which tends to create the impression that the marijuana originated in a particular place or region, unless the label of the advertised product bears an appellation of origin, and such appellation of origin appears in the advertisement;
(d) Advertise or market on a billboard or similar advertising device located on an Interstate Highway or State Highway which crosses the border of any other state;
(e) Advertise or market marijuana or marijuana products in a manner intended to encourage persons under the age of 21 years to consume marijuana or marijuana products;
(f) Publish or disseminate advertising or marketing containing symbols, language, music, gestures, cartoon characters or other content elements known to appeal primarily to persons below the legal age of consumption; or
(g) Advertise or market marijuana or marijuana products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center.

26153.
No licensee shall give away any amount of marijuana or marijuana products, or any marijuana accessories, as part of a business promotion or other commercial activity.

26154.
No licensee shall publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of marijuana consumption.

26155.
(a) The provisions of subsection (g) of section 26152 shall not apply to the placement of advertising signs inside a licensed premises and which are not visible by normal unaided vision from a public place, provided that such advertising signs do not advertise marijuana or marijuana products in a manner intended to encourage persons under the age of 21years to consume marijuana or marijuana products.
(b) This chapter does not apply to any noncommercial speech.

Chapter 16. Records

26160.
(a) A licensee shall keep accurate records of commercial marijuana activity.
(b) All records related to commercial marijuana activity as defined by the licensing authorities shall be maintained for a minimum of seven years.
(c) The bureau may examine the books and records of a licensee and inspect the premises of a licensee as the licensing authority, or a state or local agency, deems necessary to perform its duties under this division. All inspections shall be conducted during standard business hours of the licensed facility or at any other reasonable time.
(d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The licensing authorities may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the licensing agency upon request.
(e) A licensee, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section, has engaged in a violation of this division.
(f) If a licensee, or an agent or employee of a licensee, fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of up to thirty thousand dollars ($30,000) per individual violation.

26161.
(a) Every sale or transport of marijuana or marijuana products from one licensee to another licensee must be recorded on a sales invoice or receipt. Sales invoices and receipts may be maintained electronically and must be filed in such manner as to be readily accessible for examination by employees of the bureau or Board of Equalization and shall not be commingled with invoices covering other commodities.
(b) Each sales invoice required by subdivision (a) shall include the name and address of the seller and shall include the following information:
(1) Name and address of the purchaser.
(2) Date of sale and invoice number.
(3) Kind, quantity, size, and capacity of packages of marijuana or marijuana products sold.
(4) The cost to the purchaser, together with any discount applied to the price as shown on the invoice.
(5) The place from which transport of the marijuana or marijuana product was made unless transport was made from the premises of the licensee.
(6) Any other information specified by the bureau or the licensing authority.

Chapter 17. Track and Trace System

26170.
(a) The Department of Food and Agriculture, in consultation with the bureau and the State Board of Equalization, shall expand the track and trace program provided for under Article 7.5 to include the reporting of the movement of marijuana and marijuana products throughout the distribution chain and provide, at a minimum, the same level of information for marijuana and marijuana products as required to be reported for medical cannabis and medical cannabis

products, and in addition, the amount of the cultivation tax due pursuant to Part 14.5 of the Revenue and Taxation Code. The expanded track and trace program shall include an electronic seed to sale software tracking system with data points for the different stages of commercial activity including, but not limited to, cultivation, harvest, processing, distribution, inventory, and sale.
(b) The Department, in consultation with the bureau, shall ensure that licensees under this division are allowed to use third-party applications, programs and information technology systems to comply with the requirements of the expanded track and trace program described in subdivision (a) to report the movement of marijuana and marijuana products throughout the distribution chain and communicate such information to licensing agencies as required by law.
(c) Any software, database or other information technology system utilized by the Department to implement the expanded track and trace program shall support interoperability with third-party cannabis business software applications and allow all licensee-facing system activities to be performed through a secure application programming interface (API) or comparable technology which is well documented, bi-directional, and accessible to any third-party application that has been validated and has appropriate credentials. The API or comparable technology shall have version control and provide adequate notice of updates to third-party applications. The system should provide a test environment for third-party applications to access that mirrors the production environment.

Chapter 18. License Fees

26180.
Each licensing authority shall establish a scale of application, licensing, and renewal fees, based upon the cost of enforcing this division, as follows:
(a) Each licensing authority shall charge each licensee a licensure and renewal fee, as applicable. The licensure and renewal fee shall be calculated to cover the costs of administering this division. The licensure fee may vary depending upon the varying costs associated with administering the various regulatory requirements of this division as they relate to the nature and scope of the different licensure activities, including, but not limited to, the track and trace program required pursuant to Section 26170, but shall not exceed the reasonable regulatory costs to the licensing authority.
(b) The total fees assessed pursuant to this division shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this division.
(c) All license fees shall be set on a scaled basis by the licensing authority, dependent on the size of the business.
(d) The licensing authority shall deposit all fees collected in a fee account specific to that licensing authority, to be established in the Marijuana Control Fund. Moneys in the licensing authority fee accounts shall be used, upon appropriation by the Legislature, by the designated licensing authority for the administration of this division.

26181.
The State Water Resources Control Board, the Department of Fish and Wildlife, and other agencies may establish fees to cover the costs of their marijuana regulatory programs.

Chapter 19. Annual Reports; Performance Audit

26190.
Beginning on March 1, 2020, and on or before March 1 of each year thereafter, each licensing authority shall prepare and submit to the Legislature an annual report on the authority's activities concerning commercial marijuana activities and post the report on the authority's website. The report shall include, but not be limited to, the same type of information specified in Section 19353, and a detailed list of the petitions for regulatory relief or rulemaking changes received by the office from licensees requesting modifications of the enforcement of rules under this division.

26191.
(a) Commencing January 1, 2019, and by January 1 of each year thereafter, the Bureau of State Audits shall conduct a performance audit of the bureau's activities under this division, and shall report its findings to the bureau and the Legislature by July 1 of that same year. The report shall include, but not be limited to, the following:
(1) The actual costs of the program.
(2) The overall effectiveness of enforcement programs.
(3) Any report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.
(b) The Legislature shall provide sufficient funds to the Bureau of State Audits to conduct the annual audit required by this section.

Chapter 20. Local Control

26200.
(a) Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.
(b) Nothing in this division shall be interpreted to require a licensing authority to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing requirements.
(c) A local jurisdiction shall notify the bureau upon revocation of any local license, permit, or authorization for a licensee to engage in commercial marijuana activity within the local jurisdiction. Within ten (10) days of notification, the bureau shall inform the relevant licensing authorities. Within ten (10) days of being so informed by the bureau, the relevant licensing authorities shall commence proceedings under Chapter 3 of this Division to determine whether a license issued to the licensee should be suspended or revoked.
(d) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of marijuana or marijuana products on the premises of a retailer or microbusiness licensed under this division if:
(1) Access to the area where marijuana consumption is allowed is restricted to persons 21 years of age and older;

(2) Marijuana consumption is not visible from any public place or non-age restricted area; and
(3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

26201.
Any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state shall be the minimum standards for all licensees under this division statewide. A local jurisdiction may establish additional standards, requirements, and regulations.

26202.
(a) A local jurisdiction may enforce this division and the regulations promulgated by the bureau or any licensing authority if delegated the power to do so by the bureau or a licensing authority.
(b) The bureau or any licensing authority shall implement the delegation of enforcement authority in subdivision (a) through a memorandum of understanding between the bureau or licensing authority and the local jurisdiction to which enforcement authority is to be delegated.

Chapter 21. Funding

26210.
(a) The Medical Marijuana Regulation and Safety Act Fund established in Section 19351 of Chapter 3.5 of Division 8 is hereby renamed the Marijuana Control Fund.
(b) Upon the effective date of this section, whenever "Medical Marijuana Regulation and Safety Act Fund" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Marijuana Control Fund.

26211.
(a) Funds for the initial establishment and support of the regulatory activities under this division, including the public information program described in subdivision (c), and for the activities of the Board of Equalization under Part 14.5 of Division 2 of the Revenue and Taxation Code until July 1, 2017, or until the 2017 Budget Act is enacted, whichever occurs later, shall be advanced from the General Fund and shall be repaid by the initial proceeds from fees collected pursuant to this division, any rule or regulation adopted pursuant to this division, or revenues collected from the tax imposed by Sections 34011 and 34012 of the Revenue and Taxation Code, by January 1, 2025.
(1) Funds advanced pursuant to this subdivision shall be appropriated to the bureau, which shall distribute the moneys to the appropriate licensing authorities, as necessary to implement the provisions of this division, and to the Board of Equalization, as necessary, to implement the provisions of Part 14.5 of Division 2 of the Revenue and Taxation Code.
(2) Within 45 days of this section becoming operative:
(A) The Director of Finance shall determine an amount of the initial advance from the General Fund to the Marijuana Control Fund that does not exceed thirty million dollars ($30,000,000); and
(B) There shall be advanced a sum of five million dollars ($5,000,000) from the General Fund to the Department of Health Care Services to provide for the public information program described in subdivision (c).

(b) Notwithstanding subdivision (a), the Legislature shall provide sufficient funds to the Marijuana Control Fund to support the activities of the bureau, state licensing authorities under this division, and the Board of Equalization to support its activities under Part 14.5 of Division 2 of the Revenue and Taxation Code. It is anticipated that this funding will be provided annually beginning on July 1, 2017.
(c) The Department of Health Care Services shall establish and implement a public information program no later than September 1, 2017. This public information program shall, at a minimum, describe the provisions of the Control, Regulate, and Tax Adult Use of Marijuana Act of 2016, the scientific basis for restricting access of marijuana and marijuana products to persons under the age of 21 years, describe the penalties for providing access to marijuana and marijuana products to persons under the age of 21 years, provide information regarding the dangers of driving a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation while impaired from marijuana use, the potential harms of using marijuana while pregnant or breastfeeding, and the potential harms of overusing marijuana or marijuana products.

Section 147.6 of the Labor Code is hereby added as follows:

147.6.
(a) By March 1, 2018, the Division of Occupational Safety and Health shall convene an advisory committee to evaluate whether there is a need to develop industry-specific regulations related to the activities of licensees under Division 10 of the Business and Professions Code, including but not limited to, whether specific requirements are needed to address exposure to second-hand marijuana smoke by employees at facilities where on-site consumption of marijuana is permitted under subdivision (d) of Section 26200 of the Business and Professions Code, and whether specific requirements are needed to address the potential risks of combustion, inhalation, armed robberies or repetitive strain injuries.
(b) By October 1, 2018, the advisory committee shall present to the board its findings and recommendations for consideration by the board. By October 1, 2018, the board shall render a decision regarding the adoption of industry-specific regulations pursuant to this section.

Section 13276 of the Water Code is amended to read:

13276.
(a) The multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, assigned to respond to the damages caused by marijuana cultivation on public and private lands in California, shall continue its enforcement efforts on a permanent basis and expand them to a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on water quality and on fish and wildlife throughout the state.
(b) Each regional board shall, and the State Water Resources Control Board may, address discharges of waste resulting from medical marijuana cultivation *and commercial marijuana cultivation under Division 10 of the Business and Profession Code* and associated activities, including by adopting a general permit, establishing waste discharge requirements, or taking action pursuant to Section 13269. In addressing these discharges, each regional board shall include conditions to address items that include, but are not limited to, all of the following:
(1) Site development and maintenance, erosion control, and drainage features.

(2) Stream crossing installation and maintenance.
(3) Riparian and wetland protection and management.
(4) Soil disposal.
(5) Water storage and use.
(6) Irrigation runoff.
(7) Fertilizers and soil.
(8) Pesticides and herbicides.
(9) Petroleum products and other chemicals.
(10) Cultivation-related waste.
(11) Refuse and human waste.
(12) Cleanup, restoration, and mitigation.

SECTION 7. MARIJUANA TAX.

Part 14.5 (commencing with Section 34010) is added to Division 2 of the Revenue and Taxation Code, to read:

Part 14.5. Marijuana Tax

34010.
For purposes of this part:
(a) "Board" shall mean the Board of Equalization or its successor agency.
(b) "Bureau" shall mean the Bureau of Marijuana Control within the Department of Consumer Affairs.
(c) "Tax Fund" means the California Marijuana Tax Fund created by Section 34018.
(d) "Marijuana" shall have the same meaning as set forth in Section 11018 of the Health and Safety Code and shall also mean medical cannabis.
(e) "Marijuana products" shall have the same meaning as set forth in Section 11018.1 of the Health and Safety Code and shall also mean medical concentrates and medical cannabis products.
(f) "Marijuana flowers" shall mean the dried flowers of the marijuana plant as defined by the Board.
(g) "Marijuana leaves" shall mean all parts of the marijuana plant other than marijuana flowers that are sold or consumed.
(h) "Gross receipts" shall have the same meaning as set forth in Section 6012.
(i) "Retail sale" shall have the same meaning as set forth in Section 6007.
(j) "Person" shall have the same meaning as set for in section 6005.
(k) "Microbusiness" shall have the same meaning as set for in Section 26070(a)(3) of the Business and Professions Code.
(l) "Nonprofit" shall have the same meaning as set for in Section 26070.5 of the Business and Professions Code.

34011.
(a) Effective January 1, 2018, a marijuana excise tax shall be imposed upon purchasers of marijuana or marijuana products sold in this state at the rate of fifteen percent (15%) of the gross receipts of any retail sale by a dispensary or other person required to be licensed pursuant to Chapter 3.5 of Division 8 of the Business and Professions Code or a retailer, microbusiness,

nonprofit, or other person required to be licensed pursuant to Division 10 of the Business and Professions Code to sell marijuana and marijuana products directly to a purchaser.
(b) Except as otherwise provided by regulation, the tax levied under this section shall apply to the full price, if non-itemized, of any transaction involving both marijuana or marijuana products and any other otherwise distinct and identifiable goods or services, and the price of any goods or services, if a reduction in the price of marijuana or marijuana products is contingent on purchase of those goods or services.
(c) A dispensary or other person required to be licensed pursuant to Chapter 3.5 of Division 8 of the Business and Professions Code or a retailer, microbusiness, nonprofit, or other person required to be licensed pursuant to Division 10 of the Business and Professions Code shall be responsible for collecting this tax and remitting it to the board in accordance with rules and procedures established under law and any regulations adopted by the board.
(d) The excise tax imposed by this section shall be in addition to the sales and use tax imposed by the state and local governments.
(e) Gross receipts from the sale of marijuana or marijuana products for purposes of assessing the sales and use tax under Part 1 of this division shall include the tax levied pursuant to this section.
(f) No marijuana or marijuana products may be sold to a purchaser unless the excise tax required by law has been paid by the purchaser at the time of sale.
(g) The sales and use tax imposed by Part 1 of this division shall not apply to retail sales of medical cannabis, medical cannabis concentrate, edible medical cannabis products or topical cannabis as those terms are defined in Chapter 3.5 of Division 8 of the Business and Professions Code when a qualified patient (or primary caregiver for a qualified patient) provides his or her card issued under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card.

34012.
(a) Effective January 1, 2018, there is hereby imposed a cultivation tax on all harvested marijuana that enters the commercial market upon all persons required to be licensed to cultivate marijuana pursuant to Chapter 3.5 of Division 8 of the Business and Professions Code or Division 10 of the Business and Professions Code. The tax shall be due after the marijuana is harvested.
(1) The tax for marijuana flowers shall be nine dollars and twenty five cents ($9.25) per dry-weight ounce.
(2) The tax for marijuana leaves shall be set at two dollars and seventy five cents ($2.75) per dry-weight ounce.
(b) The board may adjust the tax rate for marijuana leaves annually to reflect fluctuations in the relative price of marijuana flowers to marijuana leaves.
(c) The board may from time to time establish other categories of harvested marijuana, categories for unprocessed or frozen marijuana or immature plants, or marijuana that is shipped directly to manufacturers. These categories shall be taxed at their relative value compared with marijuana flowers.
(d) The board may prescribe by regulation a method and manner for payment of the cultivation tax that utilizes tax stamps or state-issued product bags that indicate that all required tax has been paid on the product to which the tax stamp is affixed or in which the marijuana is packaged.

(e) The tax stamps and product bags shall be of the designs, specifications and denominations as may be prescribed by the board and may be purchased by any licensee under Chapter 3.5 of Division 8 of the Business and Professions Code or under Division 10 of the Business and Professions Code.
(f) Subsequent to the establishment of a tax stamp program, the board may by regulation provide that no marijuana may be removed from a licensed cultivation facility or transported on a public highway unless in a state-issued product bag bearing a tax stamp in the proper denomination.
(g) The tax stamps and product bags shall be capable of being read by a scanning or similar device and must be traceable utilizing the track and trace system pursuant to Section 26170 of the Business and Professions Code.
(h) Persons required to be licensed to cultivate marijuana pursuant to Chapter 3.5 of Division 8 of the Business and Professions Code or Division 10 of the Business and Professions Code shall be responsible for payment of the tax pursuant to regulations adopted by the board. No marijuana may be sold unless the tax has been paid as provided in this part.
(i) All marijuana removed from a cultivator's premises, except for plant waste, shall be presumed to be sold and thereby taxable under this section.
(j) The tax imposed by this section shall be imposed on all marijuana cultivated in the state pursuant to rules and regulations promulgated by the board, but shall not apply to marijuana cultivated for personal use under Section 11362.1 of the Health and Safety Code or cultivated by a qualified patient or primary caregiver in accordance with the Compassionate Use Act.
(k) Beginning January 1, 2020, the rates set forth in subdivisions (a), (b), and (c) shall be adjusted by the board annually thereafter for inflation.

34013.
(a) The board shall administer and collect the taxes imposed by this part pursuant to the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code). For purposes of this part, the references in the Fee Collection Procedures Law to "fee" shall include the tax imposed by this part, and references to "feepayer" shall include a person required to pay or collect the tax imposed by this part.
(b) The board may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this part, including, but not limited to, collections, reporting, refunds, and appeals.
(c) The board shall adopt necessary rules and regulations to administer the taxes in this part. Such rules and regulations may include methods or procedures to tag marijuana or marijuana products, or the packages thereof, to designate prior tax payment.
(d) The board may prescribe, adopt, and enforce any emergency regulations as necessary to implement, administer and enforce its duties under this division. Any emergency regulation prescribed, adopted, or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding any other provision of law, the emergency regulations adopted by the board may remain in effect for two years from adoption.
(e) Any person who fails to pay the taxes imposed under this part shall, in addition to owing the taxes not paid, be subject to a penalty of at least one-half the amount of the taxes not paid, and

shall be subject to having its license revoked pursuant to Section 26031 of the Business and Professions Code or pursuant to Chapter 3.5 of Division 8 of the Business and Professions Code.
(f) The board may bring such legal actions as are necessary to collect any deficiency in the tax required to be paid, and, upon the board's request, the Attorney General shall bring the actions.

34014.
(a) All persons required to be licensed involved in the cultivation and retail sale of marijuana or marijuana products must obtain a separate permit from the board pursuant to regulations adopted by the board. No fee shall be charged to any person for issuance of the permit. Any person required to obtain a permit who engages in business as a cultivator, dispensary, retailer, microbusiness or nonprofit pursuant to Chapter 3.5 of Division 8 of the Business and Professions Code or Division 10 of the Business and Professions Code without a permit or after a permit has been canceled, suspended, or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.
(b) The board may require every licensed dispensary, cultivator, microbusiness, nonprofit, or other person required to be licensed, to provide security to cover the liability for taxes imposed by state law on marijuana produced or received by the cultivator, microbusiness, nonprofit, or other person required to be licensed in accordance with procedures to be established by the board. Notwithstanding anything herein to the contrary, the board may waive any security requirement it imposes for good cause, as determined by the board. "Good cause" includes, but is not limited to, the inability of a cultivator, microbusiness, nonprofit, or other person required to be licensed to obtain security due to a lack of service providers or the policies of service providers that prohibit service to a marijuana business. A person may not commence or continue any business or operation relating to marijuana cultivation until any surety required by the board with respect to the business or operation have been properly prepared, executed and submitted under this part.
(c) In fixing the amount of any security required by the board, the board shall give consideration to the financial hardship that may be imposed on licensees as a result of any shortage of available surety providers.

34015.
(a)The marijuana excise tax and cultivation tax imposed by this part is due and payable to the board quarterly on or before the last day of the month following each quarterly period of three months. On or before the last day of the month following each quarterly period, a return for the preceding quarterly period shall be filed with the board by each person required to be licensed for cultivation or retail sale under Divisions 8 or 10 of the Business and Professions Code using electronic media. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the board. If the cultivation tax is paid by stamp pursuant to section 34012(d) the board may by regulation determine when and how the tax shall be paid.
(b) The board may require every person engaged in the cultivation, distribution or retail sale of marijuana and marijuana products required to be licensed pursuant to Chapter 3.5 of Division 8 of the Business or Professions Code or Division 10 of the Business and Professions Code to file, on or before the 25th day of each month, a report using electronic media respecting the person's inventory, purchases, and sales during the preceding month and any other information as the board may require to carry out the purposes of this part. Reports shall be authenticated in a form or pursuant to methods as may be prescribed by the board.

34016.
(a) Any peace officer, or board employee granted limited peace officer status pursuant to paragraph (6) of subdivision (a) of Section 830.11 of the Penal Code, upon presenting appropriate credentials, is authorized to enter any place as described in paragraph (3) and to conduct inspections in accordance with the following paragraphs, inclusive.
(1) Inspections shall be performed in a reasonable manner and at times that are reasonable under the circumstances, taking into consideration the normal business hours of the place to be entered.
(2) Inspections may be at any place at which marijuana or marijuana products are sold to purchasers, cultivated, or stored, or at any site where evidence of activities involving evasion of tax may be discovered.
(3) Inspections shall be requested or conducted no more than once in a 24-hour period.
(b) Any person who fails or refuses to allow an inspection shall be subject to a misdemeanor. Each offense shall be punished by a fine not to exceed five thousand dollars ($5,000), or imprisonment not exceeding one year in a county jail, or both the fine and imprisonment. The court shall order any fines assessed be deposited in the California Marijuana Tax Fund.
(c) Upon discovery by the board or a law enforcement agency that a licensee or any other person possesses, stores, owns, or has made a retail sale of marijuana or marijuana products, without evidence of tax payment or not contained in secure packaging, the board or the law enforcement agency shall be authorized to seize the marijuana or marijuana products. Any marijuana or marijuana products seized by a law enforcement agency or the board shall within seven days be deemed forfeited and the board shall comply with the procedures set forth in Sections 30436 through 30449, inclusive.
(d) Any person who renders a false or fraudulent report is guilty of a misdemeanor and subject to a fine not to exceed one thousand dollars ($1,000) for each offense.
(e) Any violation of any provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such.
(f) All moneys remitted to the board under this part shall be credited to the California Marijuana Tax Fund.

34017.
The Legislative Analyst's Office shall submit a report to the Legislature by January 1, 2020, with recommendations to the Legislature for adjustments to the tax rate to achieve the goals of undercutting illicit market prices and discouraging use by persons younger than 21 years of age while ensuring sufficient revenues are generated for the programs identified in Section 34019.

34018.
(a) The California Marijuana Tax Fund is hereby created in the State Treasury. The Tax Fund shall consist of all taxes, interest, penalties, and other amounts collected and paid to the board pursuant to this part, less payment of refunds.
(b) Notwithstanding any other law, the California Marijuana Tax Fund is a special trust fund established solely to carry out the purposes of the Control, Regulate and Tax Adult Use of Marijuana Act and all revenues deposited into the Tax Fund, together with interest or dividends earned by the fund, are hereby continuously appropriated for the purposes of the Control,

Regulate and Tax Adult Use of Marijuana Act without regard to fiscal year and shall be expended only in accordance with the provisions of this part and its purposes.
(c) Notwithstanding any other law, the taxes imposed by this part and the revenue derived therefrom, including investment interest, shall not be considered to be part of the General Fund, as that term is used in Chapter 1 (commencing with section 16300) of Part 2 of Division 4 of the Government Code, shall not be considered General Fund revenue for purposes of Section 8 of Article XVI of the California Constitution and its implementing statutes, and shall not be considered "moneys" for purposes of subdivisions (a) and (b) of Section 8 of Article XVI of the California Constitution and its implementing statutes.

34019.
(a) Beginning with fiscal year 2017-2018 the Department of Finance shall estimate revenues to be received pursuant to sections 34011 and 34012 and provide those estimates to the Controller no later than June 15 of each year. The Controller shall use these estimates when disbursing funds pursuant to this section. Before any funds are disbursed pursuant to subdivisions (b), (c), (d), and (e) of this section the Controller shall disburse from the Tax Fund to the appropriate account, without regard to fiscal year, the following:
(1) Reasonable costs incurred by the board for administering and collecting the taxes imposed by this part; provided, however, such costs shall not exceed four percent (4%) of tax revenues received.
(2) Reasonable costs incurred by the Bureau, the Department of Consumer Affairs, the Department of Food and Agriculture, and the Department of Public Health for implementing, administering, and enforcing Chapter 3.5 of Division 8 of the Business and Professions Code and Division 10 of the Business and Professions Code to the extent those costs are not reimbursed pursuant to Section 26180 of the Business and Professions Code or pursuant to Chapter 3.5 of Division 8 of the Business and Professions Code. This paragraph shall remain operative through fiscal year 2022-2023.
(3) Reasonable costs incurred by the Department of Fish and Wildlife, the State Water Resources Control Board, and the Department of Pesticide Regulation for carrying out their respective duties under Chapter 3.5 of Division 8 of the Business and Professions Code or Division 10 of the Business and Professions Code to the extent those costs are not otherwise reimbursed.
(4) Reasonable costs incurred by the Controller for performing duties imposed by the Control, Regulate and Tax Adult Use of Marijuana Act, including the audit required by Section 34020.
(5) Reasonable costs incurred by the State Auditor for conducting the performance audit pursuant to Section 26191 of the Business and Professions Code.
(6) Reasonable costs incurred by the Legislative Analyst's Office for performing duties imposed by Section 34017.
(7) Sufficient funds to reimburse the Division of Labor Standards Enforcement and Occupational Safety and Health within the Department of Industrial Relations and the Employment Development Department for the costs of applying and enforcing state labor laws to licensees under Chapter 3.5 of Division 8 of the Business and Professions Code and Division 10 of the Business and Professions Code.
(b) The Controller shall next disburse the sum of ten million dollars ($10,000,000) to a public university or universities in California annually beginning with fiscal year 2018-2019 until fiscal year 2028-2029 to research and evaluate the implementation and effect of the Control, Regulate and Tax Adult Use of Marijuana Act, and shall, if appropriate, make recommendations to the

Legislature and Governor regarding possible amendments to the Control, Regulate and Tax Adult Use of Marijuana Act. The recipients of these funds shall publish reports on their findings at a minimum of every two years and shall make the reports available to the public. The Bureau shall select the universities to be funded. The research funded pursuant to this subdivision shall include but not necessarily be limited to:
(1) Impacts on public health, including health costs associated with marijuana use, as well as whether marijuana use is associated with an increase or decrease in use of alcohol or other drugs.
(2) The impact of treatment for maladaptive marijuana use and the effectiveness of different treatment programs.
(3) Public safety issues related to marijuana use, including studying the effectiveness of the packaging and labeling requirements and advertising and marketing restrictions contained in the Act at preventing underage access to and use of marijuana and marijuana products, and studying the health-related effects among users of varying potency levels of marijuana and marijuana products.
(4) Marijuana use rates, maladaptive use rates for adults and youth, and diagnosis rates of marijuana-related substance use disorders.
(5) Marijuana market prices, illicit market prices, tax structures and rates, including an evaluation of how to best tax marijuana based on potency, and the structure and function of licensed marijuana businesses.
(6) Whether additional protections are needed to prevent unlawful monopolies or anti-competitive behavior from occurring in the nonmedical marijuana industry and, if so, recommendations as to the most effective measures for preventing such behavior.
(7) The economic impacts in the private and public sectors, including but not necessarily limited to, job creation, workplace safety, revenues, taxes generated for state and local budgets, and criminal justice impacts, including, but not necessarily limited to, impacts on law enforcement and public resources, short and long term consequences of involvement in the criminal justice system, and state and local government agency administrative costs and revenue.
(8) Whether the regulatory agencies tasked with implementing and enforcing the Control, Regulate and Tax Adult Use of Marijuana Act are doing so consistent with the purposes of the Act, and whether different agencies might do so more effectively. (9) Environmental issues related to marijuana production and the criminal prohibition of marijuana production.
(10) The geographic location, structure, and function of licensed marijuana businesses, and demographic data, including race, ethnicity, and gender, of license holders.
(11) The outcomes achieved by the changes in criminal penalties made under the Control, Regulate, and Tax Adult Use of Marijuana Act for marijuana-related offenses, and the outcomes of the juvenile justice system, in particular, probation-based treatments and the frequency of up-charging illegal possession of marijuana or marijuana products to a more serious offense.
(c) The Controller shall next disburse the sum of three million dollars ($3,000,000) annually to the Department of the California Highway Patrol beginning fiscal year 2018-2019 until fiscal year 2022-2023 to establish and adopt protocols to determine whether a driver is operating a vehicle while impaired, including impairment by the use of marijuana or marijuana products, and to establish and adopt protocols setting forth best practices to assist law enforcement agencies. The department may hire personnel to establish the protocols specified in this subdivision. In addition, the department may make grants to public and private research

institutions for the purpose of developing technology for determining when a driver is operating a vehicle while impaired, including impairment by the use of marijuana or marijuana products.
(d) The Controller shall next disburse the sum of ten million dollars ($10,000,000) beginning fiscal year 2018-2019 and increasing ten million dollars ($10,000,000) each fiscal year thereafter until fiscal year 2022-2023, at which time the disbursement shall be fifty million dollars ($50,000,000) each year thereafter, to the Governor's Office of Business and Economic Development, in consultation with the Labor and Workforce Development Agency and the Department of Social Services, to administer a Community Reinvestments grants program to local health departments and at least fifty-percent to qualified community-based nonprofit organizations to support job placement, mental health treatment, substance use disorder treatment, system navigation services, legal services to address barriers to reentry, and linkages to medical care for communities disproportionately affected by past federal and state drug policies. The Office shall solicit input from community-based job skills, job placement, and legal service providers with relevant expertise as to the administration of the grants program. In addition, the Office shall periodically evaluate the programs it is funding to determine the effectiveness of the programs, shall not spend more than four percent (4%) for administrative costs related to implementation, evaluation and oversight of the programs, and shall award grants annually, beginning no later than January 1, 2020.
(e) The Controller shall next disburse the sum of two million dollars ($2,000,000) annually to the University of California San Diego Center for Medicinal Cannabis Research to further the objectives of the Center including the enhanced understanding of the efficacy and adverse effects of marijuana as a pharmacological agent.
(f) By July 15 of each fiscal year beginning in fiscal year 2018-2019, the Controller shall, after disbursing funds pursuant to subdivisions (a), (b), (c), (d), and (e), disburse funds deposited in the Tax Fund during the prior fiscal year into sub-trust accounts, which are hereby created, as follows:
(1) Sixty percent (60%) shall be deposited in the Youth Education, Prevention, Early Intervention and Treatment Account, and disbursed by the Controller to the Department of Health Care Services for programs for youth that are designed to educate about and to prevent substance use disorders and to prevent harm from substance use. The Department of Health Care services shall enter into inter-agency agreements with the Department of Public Health and the Department of Education to implement and administer these programs. The programs shall emphasize accurate education, effective prevention, early intervention, school retention, and timely treatment services for youth, their families and caregivers. The programs may include, but are not limited to, the following components:
(A) Prevention and early intervention services including outreach, risk survey and education to youth, families, caregivers, schools, primary care health providers, behavioral health and substance use disorder service providers, community and faith-based organizations, foster care providers, juvenile and family courts, and others to recognize and reduce risks related to substance use, and the early signs of problematic use and of substance use disorders.
(B) Grants to schools to develop and support Student Assistance Programs, or other similar programs, designed to prevent and reduce substance use, and improve school retention and performance, by supporting students who are at risk of dropping out of school and promoting alternatives to suspension or expulsion that focus on school retention, remediation, and professional care. Schools with higher than average dropout rates should be prioritized for grants.

(C) Grants to programs for outreach, education and treatment for homeless youth and out-of-school youth with substance use disorders.
(D) Access and linkage to care provided by county behavioral health programs for youth, and their families and caregivers, who have a substance use disorder or who are at risk for developing a substance use disorder.
(E) Youth-focused substance use disorder treatment programs that are culturally and gender competent, trauma-informed, evidence-based and provide a continuum of care that includes screening and assessment (substance use disorder as well as mental health), early intervention, active treatment, family involvement, case management, overdose prevention, prevention of communicable diseases related to substance use, relapse management for substance use and other co-occurring behavioral health disorders, vocational services, literacy services, parenting classes, family therapy and counseling services, medication-assisted treatments, psychiatric medication and psychotherapy. When indicated, referrals must be made to other providers.
(F) To the extent permitted by law and where indicated, interventions shall utilize a two-generation approach to addressing substance use disorders with the capacity to treat youth and adults together. This would include supporting the development of family-based interventions that address substance use disorders and related problems within the context of families, including parents, foster parents, caregivers and all their children.
(G) Programs to assist individuals, as well as families and friends of drug using young people, to reduce the stigma associated with substance use including being diagnosed with a substance use disorder or seeking substance use disorder services. This includes peer-run outreach and education to reduce stigma, anti-stigma campaigns, and community recovery networks.
(H) Workforce training and wage structures that increase the hiring pool of behavioral health staff with substance use disorder prevention and treatment expertise. Provide ongoing education and coaching that increases substance use treatment providers' core competencies and trains providers on promising and evidenced-based practices.
(I) Construction of community-based youth treatment facilities.
(J) The departments may contract with each county behavioral health program for the provision of services.
(K) Funds shall be allocated to counties based on demonstrated need, including the number of youth in the county, the prevalence of substance use disorders among adults, and confirmed through statistical data, validated assessments or submitted reports prepared by the applicable county to demonstrate and validate need.
(L) The departments shall periodically evaluate the programs they are funding to determine the effectiveness of the programs.
(M) The departments may use up to four percent (4%) of the moneys allocated to the Youth Education, Prevention, Early Intervention and Treatment Account for administrative costs related to implementation, evaluation and oversight of the programs.
(N) If the Department of Finance ever determines that funding pursuant to marijuana taxation exceeds demand for youth prevention and treatment services in the state, the departments shall provide a plan to the Department of Finance to provide treatment services to adults as well as youth using these funds.
(O) The departments shall solicit input from volunteer health organizations, physicians who treat addiction, treatment researchers, family therapy and counseling providers, and professional education associations with relevant expertise as to the administration of any grants made pursuant to this paragraph.

(2) Twenty percent (20%) shall be deposited in the Environmental Restoration and Protection Account, and disbursed by the Controller as follows:
(A) To the Department of Fish and Wildlife and the Department of Parks and Recreation for the cleanup, remediation, and restoration of environmental damage in watersheds affected by marijuana cultivation and related activities including, but not limited to, damage that occurred prior to enactment of this part, and to support local partnerships for this purpose. The Department of Fish and Wildlife and the Department of Parks and Recreation may distribute a portion of the funds they receive from the Environmental Restoration and Protection Account through grants for purposes specified in this paragraph.
(B) To the Department of Fish and Wildlife and the Department of Parks and Recreation for the stewardship and operation of state-owned wildlife habitat areas and state park units in a manner that discourages and prevents the illegal cultivation, production, sale and use of marijuana and marijuana products on public lands, and to facilitate the investigation, enforcement and prosecution of illegal cultivation, production, sale, and use of marijuana or marijuana products on public lands.
(C) To the Department of Fish and Wildlife to assist in funding the watershed enforcement program and multiagency task force established pursuant to subdivisions (b) and (c) of Section 12029 of the Fish and Game Code to facilitate the investigation, enforcement, and prosecution of these offenses and to ensure the reduction of adverse impacts of marijuana cultivation, production, sale, and use on fish and wildlife habitats throughout the state.
(D) For purposes of this paragraph, the Secretary of the Natural Resources Agency shall determine the allocation of revenues between the departments. During the first five years of implementation, first consideration should be given to funding purposes specified in subparagraph (A).
(E) Funds allocated pursuant to this paragraph shall be used to increase and enhance activities described in subparagraphs (A), (B), and (C), and not replace allocation of other funding for these purposes. Accordingly, annual General Fund appropriations to the Department of Fish and Wildlife and the Department of Parks and Recreation shall not be reduced below the levels provided in the Budget Act of 2014 (Chapter 25 of Statutes of 2014).
(3) Twenty percent (20%) shall be deposited into the State and Local Government Law Enforcement Account and disbursed by the Controller as follows:
(A) To the Department of the California Highway Patrol for conducting training programs for detecting, testing and enforcing laws against driving under the influence of alcohol and other drugs, including driving under the influence of marijuana. The Department may hire personnel to conduct the training programs specified in this subparagraph.
(B) To the Department of the California Highway Patrol to fund internal California Highway Patrol programs and grants to qualified nonprofit organizations and local governments for education, prevention and enforcement of laws related to driving under the influence of alcohol and other drugs, including marijuana; programs that help enforce traffic laws, educate the public in traffic safety, provide varied and effective means of reducing fatalities, injuries and economic losses from collisions; and for the purchase of equipment related to enforcement of laws related to driving under the influence of alcohol and other drugs, including marijuana.
(C) To the Board of State and Community Corrections for making grants to local governments to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act. The Board shall not make any grants to local governments which have banned

the cultivation, including personal cultivation under Section 11362.2(b)(3) of the Health and Safety Code, or retail sale of marijuana or marijuana products pursuant to Section 26200 of the Business and Professions Code or as otherwise provided by law.
(D) For purposes of this paragraph the Department of Finance shall determine the allocation of revenues between the agencies; provided, however, beginning in fiscal year 2022-2023 the amount allocated pursuant to subparagraph (A) shall not be less than ten million dollars ($10,000,000) annually and the amount allocated pursuant to subparagraph (B) shall not be less than forty million dollars ($40,000,000) annually. In determining the amount to be allocated before fiscal year 2022-2023 pursuant to this paragraph, the Department of Finance shall give initial priority to subparagraph (A).
(g) Funds allocated pursuant to subdivision (f) shall be used to increase the funding of programs and purposes identified and shall not be used to replace allocation of other funding for these purposes.
(h) Effective July 1, 2028, the Legislature may amend this section by majority vote to further the purposes of the Control, Regulate and Tax Adult Use of Marijuana Act, including allocating funds to programs other than those specified in subdivisions (d) and (f) of this section. Any revisions pursuant to this subdivision shall not result in a reduction of funds to accounts established pursuant to subdivisions (d) and (f) in any subsequent year from the amount allocated to each account in fiscal year 2027-2028. Prior to July 1, 2028, the Legislature may not change the allocations to programs specified in subdivisions (d) and (f) of this section.

34020.
The Controller shall periodically audit the Tax Fund to ensure that those funds are used and accounted for in a manner consistent with this part and as otherwise required by law.

34021.
(a) The taxes imposed by this Part shall be in addition to any other tax imposed by a city, county, or city and county.

34021.5
(a) (1) A county may impose a tax on the privilege of cultivating, manufacturing, producing, processing, preparing, storing, providing, donating, selling, or distributing marijuana or marijuana products by a licensee operating under Chapter 3.5 of Division 8 of the Business and Professions Code or Division 10 of the Business and Professions Code.
(2) The board of supervisors shall specify in the ordinance proposing the tax the activities subject to the tax, the applicable rate or rates, the method of apportionment, if necessary, and the manner of collection of the tax. The tax may be imposed for general governmental purposes or for purposes specified in the ordinance by the board of supervisors.
(3) In addition to any other method of collection authorized by law, the board of supervisors may provide for the collection of the tax imposed pursuant to this section in the same manner, and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by the county. A tax imposed pursuant to this section is a tax and not a fee or special assessment. The board of supervisors shall specify whether the tax applies throughout the entire county or within the unincorporated area of the county.
(4) The tax authorized by this section may be imposed upon any or all of the activities set forth in paragraph (1), as specified in the ordinance, regardless of whether the activity is undertaken

individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous, as determined by the board of supervisors.
(b) A tax imposed pursuant to this section shall be subject to applicable voter approval requirements imposed by law.
(c) This section is declaratory of existing law and does not limit or prohibit the levy or collection of any other fee, charge, or tax, or a license or service fee or charge upon, or related to, the activities set forth in subdivision (a) as otherwise provided by law. This section shall not be construed as a limitation upon the taxing authority of a county as provided by law.
(d) This section shall not be construed to authorize a county to impose a sales or use tax in addition to the sales and use tax imposed under an ordinance conforming to the provisions of Sections 7202 and 7203 of the Revenue and Taxation Code.

SECTION 8. CRIMINAL OFFENSES, RECORDS, AND RESENTENCING.

Sections 11357, 11358, 11359, 11360 and 11361.5 of the Health and Safety Code are amended, and Sections 11361.1 and 11361.8 are added to read as follows:

11357. Possession
~~(a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.~~
(~~b~~*a*) Except as authorized by law, ~~every person who~~ possesses*sion of* not more than 28.5 grams of marijuana, ~~other than~~ *or not more than four grams of* concentrated cannabis, ~~is guilty of an infraction punishable by a fine of not more than one hundred dollars ($100).~~ *or both, shall be punished or adjudicated as follows:*
(1) Persons under the age of 18 shall be guilty of an infraction and shall be required to:
(A) Upon a finding that a first offense has been committed, complete four hours of drug education or counseling and up to 10 hours of community service over a period not to exceed 60 days.
(B) Upon a finding that a second offense or subsequent offense has been committed, complete six hours of drug education or counseling and up to 20 hours of community service over a period not to exceed 90 days.
(2) Persons at least 18 years of age but less than 21 years of age shall be guilty of an infraction and punishable by a fine of not more than one hundred dollars ($100).
(~~c~~*b*) Except as authorized by law, ~~every person who~~ possesses*sion of* more than 28.5 grams of marijuana, *or more than four grams of* ~~other than~~ concentrated cannabis, shall be punished *as follows:*
(1) Persons under the age of 18 who possess more than 28.5 grams of marijuana or more than four grams of concentrated cannabis, or both, shall be guilty of an infraction and shall be required to:

(A) Upon a finding that a first offense has been committed, complete eight hours of drug education or counseling and up to 40 hours of community service over a period not to exceed 90 days.
(B) Upon a finding that a second or subsequent offense has been committed, complete 10 hours of drug education or counseling and up to 60 hours of community service over a period not to exceed 120 days.
(2) Persons 18 years of age or over who possess more than 28.5 grams of marijuana, or more than four grams of concentrated cannabis, or both, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment.
(~~d~~*c*) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, *or not more than four grams of* ~~other than~~ concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished ~~by a~~ *as follows:*
(1) A fine of not more than two hundred fifty dollars ($250), upon a finding that a first offense has been committed.
(2) A fine of not more than five hundred dollars ($500), or by imprisonment in a county jail for a period of not more than 10 days, or both*, upon a finding that a second or subsequent offense has been committed.*
(~~e~~*d*) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, *or not more than four grams of* ~~other than~~ concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of ~~a misdemeanor~~ *an infraction* and shall be *punished in the same manner provided in paragraph (1) of subdivision (b) of this section.* ~~subject to the following dispositions:~~
~~(1) A fine of not more than two hundred fifty dollars ($250), upon a finding that a first offense has been committed.~~
~~(2) A fine of not more than five hundred dollars ($500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.~~

11358. Planting, harvesting, or processing
Every person who plants, cultivates, harvests, dries, or processes ~~any~~ marijuana *plants,* or any part thereof, except as otherwise provided by law, *shall be punished as follows:*
(a) Every person under the age of 18 who plants, cultivates, harvests, dries, or processes any marijuana plants shall be punished in the same manner provided in paragraph (1) of subdivision (b) of section 11357.
(b) Every person at least 18 years of age but less than 21 years of age who plants, cultivates, harvests, dries, or processes not more than six living marijuana plants shall be guilty of an infraction and a fine of not more than one hundred dollars ($100).
(c) Every person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living marijuana plants shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment.

(d) Notwithstanding subdivision (c), a person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living marijuana plants, or any part thereof, except as otherwise provided by law, ~~shall~~ *may* be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code *if:*
(1) the person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code;
(2) the person has two or more prior convictions under subdivision (c); or
(3) the offense resulted in any of the following:
(A) violation of Section 1052 of the Water Code relating to illegal diversion of water;
(B) violation of Section 13260, 13264, 13272, or 13387 of the Water Code relating to discharge of waste;
(C) violation of Fish and Game Code Section 5650 or Section 5652 of the Fish and Game Code relating to waters of the state;
(D) violation of Section 1602 of the Fish and Game Code relating to rivers, streams and lakes;
(E) violation of Section 374.8 of the Penal Code relating to hazardous substances or Sections 25189.5, 25189.6, or 25189.7 of the Health and Safety Code relating to hazardous waste;
(F) violation of Section 2080 of the Fish and Game Code relating to endangered and threatened species or Section 3513 of the Fish and Game Code relating to the Migratory Bird Treaty Act; or
(G) intentionally or with gross negligence causing substantial environmental harm to public lands or other public resources.

11359. Possession for sale
Every person who possesses for sale any marijuana, except as otherwise provided by law, shall be punished *as follows:*
(a) Every person under the age of 18 who possesses marijuana for sale shall be punished in the same manner provided in paragraph (1) of subdivision (b) of section 11357.
(b) Every person 18 years of age or over who possesses marijuana for sale shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment.
(c) Notwithstanding subdivision (b), a person 18 years of age or over who possesses marijuana for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code *if:*
(1) the person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code;
(2) the person has two or more prior convictions under subdivision (b); or
(3) the offense occurred in connection with the knowing sale or attempted sale of marijuana to a person under the age of 18 years.
(d) Notwithstanding subdivision (b), a person 21 years of age or over who possesses marijuana for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if the offense involves knowingly hiring, employing, or using a person 20 years of age or younger in unlawfully cultivating, transporting, carrying, selling, offering to sell, giving away, preparing for sale, or peddling any marijuana.

11360. Unlawful transportation, importation, sale, or gift
(a) Except as otherwise provided by this section or as authorized by law, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana shall be punished *as follows:*
(1)Persons under the age of 18 years shall be punished in the same manner as provided in paragraph (1) of subdivision (b) of section 11357.
(2) Persons 18 years of age or over shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment.
(3) Notwithstanding paragraph (2), a person 18 years of age or over may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period two, three, or four years *if:*
(A) the person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code;
(B) the person has two or more prior convictions under paragraph (2);
(C) the offense involved the knowing sale, attempted sale, or the knowing offer to sell, furnish, administer or give away marijuana to a person under the age of 18 years; or
(D) the offense involved the import, offer to import, or attempted import into this state, or the transport for sale, offer to transport for sale, or attempted transport for sale out of this state, of more than 28.5 grams of marijuana or more than four grams of concentrated cannabis.
(b) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a*n infraction* ~~misdemeanor~~ and shall be punished by a fine of not more than one hundred dollars ($100). In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, such person shall be released by the arresting officer upon presentation of satisfactory evidence of identity and giving his *or her* written promise to appear in court, as provided in Section 853.6 of the Penal Code, and shall not be subjected to booking.
(c) For purposes of this section, "transport" means to transport for sale.
(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

11361.1.
(a) The drug education and counseling requirements under sections 11357, 11358, 11359, and 11360 shall be:
(1) mandatory, unless the court finds that such drug education or counseling is unnecessary for the person, or that a drug education or counseling program is unavailable;
(2) free to participants, and the drug education provide at least four hours of group discussion or instruction based on science and evidence-based principles and practices specific to the use and abuse of marijuana and other controlled substances.
(b) For good cause, the court may grant an extension of time not to exceed 30 days for a person to complete the drug education and counseling required under sections 11357, 11358, 11359; and 11360.

Subdivision (a) of Section 11361.5 of the Health and Safety Code is amended to read:

11361.5. Destruction of arrest and conviction records; Procedure; Exceptions
(a) Records of any court of this state, any public or private agency that provides services upon referral under Section 1000.2 of the Penal Code, or of any state agency pertaining to the arrest or conviction of any person for a violation of ~~subdivision (b), (c), (d), or (e) of~~ Section 11357 or subdivision (b) of Section 11360, *or pertaining to the arrest or conviction of any person under the age of 18 for a violation of any provision of this article except Section 11357.5,* shall not be kept beyond two years from the date of the conviction, or from the date of the arrest if there was no conviction, except with respect to a violation of subdivision (~~c~~*d*) of Section 11357*, or any other violation by a person under the age of 18 occurring upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs,* the records shall be retained until the offender attains the age of 18 years at which time the records shall be destroyed as provided in this section. Any court or agency having custody of the records*, including the statewide criminal databases,* shall provide for the timely destruction of the records in accordance with subdivision (c)*, and such records must also be purged from the statewide criminal databases. As used in this subdivision, "records pertaining to the arrest or conviction" shall include records of arrests resulting in the criminal proceeding and records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. The two-year period beyond which records shall not be kept pursuant to this subdivision shall not apply to any person who is, at the time at which this subdivision would otherwise require record destruction, incarcerated for an offense subject to this subdivision. For such persons, the two-year period shall begin to run from the date the person is released from custody.* The requirements of this subdivision do not apply to records of any conviction occurring prior to January 1, 1976, or records of any arrest not followed by a conviction occurring prior to that date*, or records of any arrest for an offense specified in subdivision (c) of Section 1192.7, or subdivision (c) of Section 667.5 of the Penal Code.*

Section 11361.8 is added to the Health and Safety Code to read:

11361.8
(a) A person currently serving a sentence for a conviction, whether by trial or by open or negotiated plea, who would not have been guilty of an offense or who would have been guilty of a lesser offense under the Control, Regulate and Tax Adult Use of Marijuana Act had that Act been in effect at the time of the offense may petition for a recall or dismissal of sentence before the trial court that entered the judgment of conviction in his or her case to request resentencing or dismissal in accordance with Sections 11357, 11358, 11359, 11360, 11362.1, 11362.2, 11362.3, and 11362.4 as those sections have been amended or added by this Act.
(b) Upon receiving a petition under subdivision (a), the court shall presume the petitioner satisfies the criteria in subdivision (a) unless the party opposing the petition proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria in subdivision (a), the court shall grant the petition to recall the sentence or dismiss the sentence because it is legally invalid unless the court determines that granting the petition would pose an unreasonable risk of danger to public safety.

(1) In exercising its discretion, the court may consider, but shall not be limited to evidence provided for in subdivision (b) of Section 1170.18 of the Penal Code.
(2) As used in this section, "unreasonable risk of danger to public safety" has the same meaning as provided in subdivision (c) of Section 1170.18 of the Penal Code.
(c) A person who is serving a sentence and resentenced pursuant to subdivision (b) shall be given credit for any time already served and shall be subject to supervision for one year following completion of his or her time in custody or shall be subject to whatever supervision time he or she would have otherwise been subject to after release, whichever is shorter, unless the court, in its discretion, as part of its resentencing order, releases the person from supervision. Such person is subject to parole supervision under Penal Code Section 3000.08 or post-release community supervision under subdivision (a) of Section 3451 of the Penal Code by the designated agency and the jurisdiction of the court in the county in which the offender is released or resides, or in which an alleged violation of supervision has occurred, for the purpose of hearing petitions to revoke supervision and impose a term of custody.
(d) Under no circumstances may resentencing under this section result in the imposition of a term longer than the original sentence, or the reinstatement of charges dismissed pursuant to a negotiated plea agreement.
(e) A person who has completed his or her sentence for a conviction under Sections 11357, 11358, 11359, and 11360, whether by trial or open or negotiated plea, who would not have been guilty of an offense or who would have been guilty of a lesser offense under the Control, Regulate and Tax Adult Use of Marijuana Act had that Act been in effect at the time of the offense, may file an application before the trial court that entered the judgment of conviction in his or her case to have the conviction dismissed and sealed because the prior conviction is now legally invalid or redesignated as a misdemeanor or infraction in accordance with Sections 11357, 11358, 11359, 11360, 11362.1, 11362.2, 11362.3, and 11362.4 as those sections have been amended or added by this Act.
(f) The court shall presume the petitioner satisfies the criteria in subdivision (e) unless the party opposing the application proves by clear and convincing evidence that the petitioner does not satisfy the criteria in subdivision (e). Once the applicant satisfies the criteria in subdivision (e), the court shall redesignate the conviction as a misdemeanor or infraction or dismiss and seal the conviction as legally invalid as now established under the Control, Regulate and Tax Adult Use of Marijuana Act.
(g) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subdivision (e).
(h) Any felony conviction that is recalled and resentenced under subdivision (b) or designated as a misdemeanor or infraction under subdivision (f) shall be considered a misdemeanor or infraction for all purposes. Any misdemeanor conviction that is recalled and resentenced under subdivision (b) or designated as an infraction under subdivision (f) shall be considered an infraction for all purposes.
(i) If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.
(j) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.
(k) Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of the Control, Regulate and Tax Adult Use of Marijuana Act.

(l) A resentencing hearing ordered under this act shall constitute a "post-conviction release proceeding" under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy's Law).
(m) The provisions of this section shall apply equally to juvenile delinquency adjudications and dispositions under Section 602 of the Welfare and Institutions Code if the juvenile would not have been guilty of an offense or would have been guilty of a lesser offense under the Control, Regulate and Tax Adult Use of Marijuana Act.
(l) The Judicial Council shall promulgate and make available all necessary forms to enable the filing of the petitions and applications provided in this section.

SECTION 9. INDUSTRIAL HEMP.

Section 11018.5 of the Health and Safety Code is amended to read as follows:

11018.5. *Industrial hemp*
(a) "Industrial hemp" means a fiber or oilseed crop, or both, that is limited to ~~nonpsychoactive~~ types of the plant Cannabis sativa L. ~~and the seed produced therefrom,~~ having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, *whether growing or not;* ~~and that is cultivated and processed exclusively for the purpose of producing the mature stalks of the plant, fiber produced from the stalks, oil or cake made from~~ the seeds of the plant;~~,~~ *the resin extracted from any part of the plant; and* ~~or any other~~ *every* compound, manufacture, salt, derivative, mixture, or preparation of the *plant, its seeds or* ~~mature stalks, except the~~ resin ~~or flowering tops extracted~~ *produced* therefrom~~, fiber, oil, or cake, or the sterilized seed, or any component of the seed, of the plant that is incapable of germination~~.
(b) The possession, use, purchase, sale, cultivation, processing, manufacture, packaging, labeling, transporting, storage, distribution, use and transfer of industrial hemp shall not be subject to the provisions of this Division or of Division 10 of the Business and Professions Code, but instead shall be regulated by the Department of Food and Agriculture in accordance with the provisions of Division 24 of the Food and Agricultural Code, inclusive.

Sections 81000, 81006, 81008, and 81010 of the Food and Agricultural Code are amended to read, and Section 81007 of the Food and Agricultural Code is repealed as follows:

81000. Definitions
For purposes of this division, the following terms have the following meanings:
(a) "Board" means the Industrial Hemp Advisory Board.
(b) "Commissioner" means the county agricultural commissioner.
(c) "Established agricultural research institution" means ~~a public or private institution or organization that maintains land for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.~~
any institution that is either:
(1) a public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or
(2) an institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for

purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
(d) "Industrial hemp" has the same meaning as that term is defined in Section 11018.5 of the Health and Safety Code.
(e) "Secretary" means the Secretary of Food and Agriculture.
(f) "Seed breeder" means an individual or public or private institution or organization that is registered with the commissioner to develop seed cultivars intended for sale or research.
(g) "Seed cultivar" means a variety of industrial hemp.
(h) "Seed development plan" means a strategy devised by a seed breeder, or applicant seed breeder, detailing his or her planned approach to growing and developing a new seed cultivar for industrial hemp.

81006. Industrial hemp growth limitations; Prohibitions; Imports; Laboratory testing
(a)(1) Except when grown by an established agricultural research institution or a registered seed breeder, industrial hemp shall be grown only as a densely planted fiber or oilseed crop, or both, in acreages of not less than ~~five acres~~ *one-tenth of an acre* at the same time, ~~and no portion of an acreage of industrial hemp shall include plots of less than one contiguous acre~~.
(2) Registered seed breeders, for purposes of seed production, shall only grow industrial hemp as a densely planted crop in acreages of not less than *one-tenth of an* ~~two~~ acres at the same time, ~~and no portion of the acreage of industrial hemp shall include plots of less than one contiguous acre~~.
(3) Registered seed breeders, for purposes of developing a new California seed cultivar, shall grow industrial hemp as densely as possible in dedicated acreage of not less than one-*tenth of an* acre and in accordance with the seed development plan. The entire area of the dedicated acreage is not required to be used for the cultivation of the particular seed cultivar.
(b) Ornamental and clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.
(c) Pruning and tending of individual industrial hemp plants is prohibited, except when grown by an established agricultural research institution or when the action is necessary to perform the tetrahydrocannabinol (THC) testing described in this section.
(d) Culling of industrial hemp is prohibited, except when grown by an established agricultural research institution, when the action is necessary to perform the THC testing described in this section, or for purposes of seed production and development by a registered seed breeder.
(e) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.
(f) Except when industrial hemp is grown by an established agricultural research institution, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.
(1) Sampling shall occur as soon as practicable when the THC content of the leaves surrounding the seeds is at its peak and shall commence as the seeds begin to mature, when the first seeds of approximately 50 percent of the plants are resistant to compression.

(2) The entire fruit-bearing part of the plant including the seeds shall be used as a sample. The sample cut shall be made directly underneath the inflorescence found in the top one-third of the plant.
(3) The sample collected for THC testing shall be accompanied by the following documentation:
(A) The registrant's proof of registration.
(B) Seed certification documentation for the seed cultivar used.
(C) The THC testing report for each certified seed cultivar used.
(4) The laboratory test report shall be issued by a laboratory registered with the federal Drug Enforcement Administration, shall state the percentage content of THC, shall indicate the date and location of samples taken, and shall state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.
(5) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.
(6) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.
(7) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage content of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (6) indicating a percentage content of THC that exceeds three-tenths of 1 percent but is less than 1 percent. If the percentage content of THC exceeds 1 percent, the destruction shall take place within 48 hours after receipt of the laboratory test report. If the percentage content of THC in the second laboratory test report exceeds three-tenths of 1 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.
(8) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage content of THC that is greater than three-tenths of 1 percent but does not exceed 1 percent.
(9) Established agricultural research institutions shall be permitted to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage content of THC that is greater than three-tenths of 1 percent if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the three-tenths of 1 percent THC limit established in this division.
(10) Except for an established agricultural research institution, a registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing,

transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.
(g) If, in the Attorney General's opinion issued pursuant to Section 8 of the act that added this division, it is determined that the provisions of this section are not sufficient to comply with federal law, the department, in consultation with the board, shall establish procedures for this section that meet the requirements of federal law.

~~81007. Prohibitions; De minimis considerations~~
~~(a) Except as provided in subdivision (b) or as necessary to perform testing pursuant to subdivision (f) of Section 81006, the possession, outside of a field of lawful cultivation, of resin, flowering tops, or leaves that have been removed from the hemp plant is prohibited.~~
~~(b) The presence of a de minimis amount, or insignificant number, of hemp leaves or flowering tops in hemp bales that result from the normal and appropriate processing of industrial hemp shall not constitute possession of marijuana.~~

81008. Attorney General reports; Requirements
(a) Not later than January 1, 2019, ~~or five years after the provisions of this division are authorized under federal law, whichever is later,~~ the Attorney General shall report to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety the reported incidents, if any, of the following:
(1) A field of industrial hemp being used to disguise marijuana cultivation.
(2) Claims in a court hearing by persons other than those exempted in subdivision (f) of Section 81006 that marijuana is industrial hemp.
(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.
(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2023, or four years after the date that the report is due, whichever is later.

81010. Operation of division
(a) This division, *and Section 221 of the Food and Agricultural Code,* shall ~~not~~ become operative ~~unless authorized under federal law~~ *on January 1, 2017.*
(b) The possession, use, purchase, sale, production, manufacture, packaging, labeling, transporting, storage, distribution, use, and transfer of industrial hemp shall be regulated in accordance with this division. The Bureau of Marijuana Control has authority to regulate and control plants and products that fit within the definition of industrial hemp but that are produced, processed, manufactured, tested, delivered, or otherwise handled pursuant to a license issued under Division 10 of the Business and Professions Code.

SECTION 10. AMENDMENT.

This Act shall be broadly construed to accomplish its purposes and intent as stated in Section 3. The Legislature may by majority vote amend the provisions of this Act contained in Sections 5 and 6 to implement the substantive provisions of those sections, provided that such amendments are consistent with and further the purposes and intent of this Act as stated in Section 3. Amendments to this Act that enact protections for employees and other workers of licensees under Section 6 of this Act that are in addition to the protections provided for in this Act or that

otherwise expand the legal rights of such employees or workers of licensees under Section 6 of this Act shall be deemed to be consistent with and further the purposes and intent of this Act. The Legislature may by majority vote amend, add, or repeal any provisions to further reduce the penalties for any of the offenses addressed by this Act. Except as otherwise provided, the provisions of the Act may be amended by a two-thirds vote of the Legislature to further the purposes and intent of the Act.

SECTION 11. CONSTRUCTION AND INTEPRETATION.

The provisions of this Act shall be liberally construed to effectuate the purposes and intent of the Control, Regulate and Tax the Adult Use of Marijuana Act; provided, however, no provision or provisions of this Act shall be interpreted or construed in a manner to create a positive conflict with federal law, including the federal Controlled Substances Act, such that the provision or provisions of this Act and federal law cannot consistently stand together.

SECTION 12. SEVERABILITY.

If any provision in this Act, or part thereof, or the application of any provision or part to any person or circumstance is held for any reason to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SECTION 13. CONFLICTING INITIATIVES.

In the event that this measure and another measure or measures concerning the control, regulation, and taxation of marijuana, medical marijuana, or industrial hemp appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.

Agenda Item No. 7(A)
Attachment 4

HEALTH AND SAFETY CODE SECTION 11357-11362.9

11357. (a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars ($100).

(c) Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment.

(d) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500), or by imprisonment in a county jail for a period of not more than 10 days, or both.

(e) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

(1) A fine of not more than two hundred fifty dollars ($250), upon a finding that a first offense has been committed.

(2) A fine of not more than five hundred dollars ($500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

11357.5. (a) Every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person, is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars ($1,000), or by both that fine and

imprisonment.
(b) Every person who uses or possesses any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, is guilty of an infraction, punishable by a fine not to exceed two hundred fifty dollars ($250).
(c) As used in this section, the term "synthetic cannabinoid compound" refers to any of the following substances:
(1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018).
(2) 1-butyl-3-(1-naphthoyl)indole (JWH-073).
(3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200).
(4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497).
(5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue).
(d) This section shall become operative on January 1, 2016.

11358. Every person who plants, cultivates, harvests, dries, or processes any marijuana or any part thereof, except as otherwise provided by law, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

11359. Every person who possesses for sale any marijuana, except as otherwise provided by law, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

11360. (a) Except as otherwise provided by this section or as authorized by law, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three or four years.
(b) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars ($100). In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, such person shall be released by the arresting officer upon presentation of satisfactory evidence of identity and giving his written promise to appear in court, as provided in Section 853.6 of the Penal Code, and shall not be subjected to booking.
(c) For purposes of this section, "transport" means to transport for sale.
(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

11361. (a) Every person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling,

giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, or offers to sell, any marijuana to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any marijuana to a minor under 14 years of age, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of three, five, or seven years.

(b) Every person 18 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any marijuana to a minor 14 years of age or older shall be punished by imprisonment in the state prison for a period of three, four, or five years.

11361.5. (a) Records of any court of this state, any public or private agency that provides services upon referral under Section 1000.2 of the Penal Code, or of any state agency pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of Section 11357 or subdivision (b) of Section 11360, shall not be kept beyond two years from the date of the conviction, or from the date of the arrest if there was no conviction, except with respect to a violation of subdivision (e) of Section 11357 the records shall be retained until the offender attains the age of 18 years at which time the records shall be destroyed as provided in this section. Any court or agency having custody of the records shall provide for the timely destruction of the records in accordance with subdivision (c). The requirements of this subdivision do not apply to records of any conviction occurring prior to January 1, 1976, or records of any arrest not followed by a conviction occurring prior to that date.

(b) This subdivision applies only to records of convictions and arrests not followed by conviction occurring prior to January 1, 1976, for any of the following offenses:

(1) Any violation of Section 11357 or a statutory predecessor thereof.

(2) Unlawful possession of a device, contrivance, instrument, or paraphernalia used for unlawfully smoking marijuana, in violation of Section 11364, as it existed prior to January 1, 1976, or a statutory predecessor thereof.

(3) Unlawful visitation or presence in a room or place in which marijuana is being unlawfully smoked or used, in violation of Section 11365, as it existed prior to January 1, 1976, or a statutory predecessor thereof.

(4) Unlawfully using or being under the influence of marijuana, in violation of Section 11550, as it existed prior to January 1, 1976, or a statutory predecessor thereof.

Any person subject to an arrest or conviction for those offenses may apply to the Department of Justice for destruction of records pertaining to the arrest or conviction if two or more years have elapsed since the date of the conviction, or since the date of the arrest if not followed by a conviction. The application shall be submitted upon a form supplied by the Department of Justice and shall be accompanied by a fee, which shall be established by the department in an amount which will defray the cost of administering this subdivision and costs incurred by the state under subdivision (c), but which shall not exceed thirty-seven dollars and fifty cents ($37.50). The application form may be made available at every local police or sheriff's department and from the Department of Justice and may require that information which the department determines is necessary for purposes of identification.

The department may request, but not require, the applicant to include a self-administered fingerprint upon the application. If the department is unable to sufficiently identify the applicant for purposes of this subdivision without the fingerprint or without additional fingerprints, it shall so notify the applicant and shall request the applicant to submit any fingerprints which may be required to effect identification, including a complete set if necessary, or, alternatively, to abandon the application and request a refund of all or a portion of the fee submitted with the application, as provided in this section. If the applicant fails or refuses to submit fingerprints in accordance with the department's request within a reasonable time which shall be established by the department, or if the applicant requests a refund of the fee, the department shall promptly mail a refund to the applicant at the address specified in the application or at any other address which may be specified by the applicant. However, if the department has notified the applicant that election to abandon the application will result in forfeiture of a specified amount which is a portion of the fee, the department may retain a portion of the fee which the department determines will defray the actual costs of processing the application, provided the amount of the portion retained shall not exceed ten dollars ($10).

Upon receipt of a sufficient application, the Department of Justice shall destroy records of the department, if any, pertaining to the arrest or conviction in the manner prescribed by subdivision (c) and shall notify the Federal Bureau of Investigation, the law enforcement agency which arrested the applicant, and, if the applicant was convicted, the probation department which investigated the applicant and the Department of Motor Vehicles, of the application.

(c) Destruction of records of arrest or conviction pursuant to subdivision (a) or (b) shall be accomplished by permanent obliteration of all entries or notations upon the records pertaining to the arrest or conviction, and the record shall be prepared again so that it appears that the arrest or conviction never occurred. However, where (1) the only entries upon the record pertain to the arrest or conviction and (2) the record can be destroyed without necessarily effecting the destruction of other records, then the document constituting the record shall be physically destroyed.

(d) Notwithstanding subdivision (a) or (b), written transcriptions of oral testimony in court proceedings and published judicial appellate reports are not subject to this section. Additionally, no records shall be destroyed pursuant to subdivision (a) if the defendant or a codefendant has filed a civil action against the peace officers or law enforcement jurisdiction which made the arrest or instituted the prosecution and if the agency which is the custodian of those records has received a certified copy of the complaint in the civil action, until the civil action has finally been resolved. Immediately following the final resolution of the civil action, records subject to subdivision (a) shall be destroyed pursuant to subdivision (c) if more than two years have elapsed from the date of the conviction or arrest without conviction.

11361.7. (a) Any record subject to destruction or permanent obliteration pursuant to Section 11361.5, or more than two years of age, or a record of a conviction for an offense specified in subdivision (a) or (b) of Section 11361.5 which became final more than two years previously, shall not be considered to be accurate, relevant, timely, or complete for any purposes by any agency or

person. The provisions of this subdivision shall be applicable for purposes of the Privacy Act of 1974 (5 U.S.C. Section 552a) to the fullest extent permissible by law, whenever any information or record subject to destruction or permanent obliteration under Section 11361.5 was obtained by any state agency, local public agency, or any public or private agency that provides services upon referral under Section 1000.2 of the Penal Code, and is thereafter shared with or disseminated to any agency of the federal government.

(b) No public agency shall alter, amend, assess, condition, deny, limit, postpone, qualify, revoke, surcharge, or suspend any certificate, franchise, incident, interest, license, opportunity, permit, privilege, right, or title of any person because of an arrest or conviction for an offense specified in subdivision (a) or (b) of Section 11361.5, or because of the facts or events leading to such an arrest or conviction, on or after the date the records of such arrest or conviction are required to be destroyed by subdivision (a) of Section 11361.5, or two years from the date of such conviction or arrest without conviction with respect to arrests and convictions occurring prior to January 1, 1976. As used in this subdivision, "public agency" includes, but is not limited to, any state, county, city and county, city, public or constitutional corporation or entity, district, local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency thereof.

(c) Any person arrested or convicted for an offense specified in subdivision (a) or (b) of Section 11361.5 may, two years from the date of such a conviction, or from the date of the arrest if there was no conviction, indicate in response to any question concerning his prior criminal record that he was not arrested or convicted for such offense.

(d) The provisions of this section shall be applicable without regard to whether destruction or obliteration of records has actually been implemented pursuant to Section 11361.5.

11362. As used in this article "felony offense," and offense "punishable as a felony" refer to an offense prior to July 1, 2011, for which the law prescribes imprisonment in the state prison, or for an offense on or after July 1, 2011, imprisonment in either the state prison or pursuant to subdivision (h) of Section 1170 of the Penal Code, as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

11362.5. (a) This section shall be known and may be cited as the Compassionate Use Act of 1996.

(b) (1) The people of the State of California hereby find and declare that the purposes of the Compassionate Use Act of 1996 are as follows:

(A) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.

(B) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.

(C) To encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.

(2) Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.

(c) Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

(d) Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

(e) For the purposes of this section, "primary caregiver" means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person.

11362.9. (a) (1) It is the intent of the Legislature that the state commission objective scientific research by the premier research institute of the world, the University of California, regarding the efficacy and safety of administering marijuana as part of medical treatment. If the Regents of the University of California, by appropriate resolution, accept this responsibility, the University of California shall create a program, to be known as the California Marijuana Research Program.

(2) The program shall develop and conduct studies intended to ascertain the general medical safety and efficacy of marijuana and, if found valuable, shall develop medical guidelines for the appropriate administration and use of marijuana.

(b) The program may immediately solicit proposals for research projects to be included in the marijuana studies. Program requirements to be used when evaluating responses to its solicitation for proposals, shall include, but not be limited to, all of the following:

(1) Proposals shall demonstrate the use of key personnel, including clinicians or scientists and support personnel, who are prepared to develop a program of research regarding marijuana's general medical efficacy and safety.

(2) Proposals shall contain procedures for outreach to patients with various medical conditions who may be suitable participants in research on marijuana.

(3) Proposals shall contain provisions for a patient registry.

(4) Proposals shall contain provisions for an information system that is designed to record information about possible study participants, investigators, and clinicians, and deposit and analyze data that accrues as part of clinical trials.

(5) Proposals shall contain protocols suitable for research on marijuana, addressing patients diagnosed with the acquired immunodeficiency syndrome (AIDS) or the human immunodeficiency virus (HIV), cancer, glaucoma, or seizures or muscle spasms associated with a chronic, debilitating condition. The proposal may also include research on other serious illnesses, provided that resources are available and medical information justifies the research.

(6) Proposals shall demonstrate the use of a specimen laboratory capable of housing plasma, urine, and other specimens necessary to

study the concentration of cannabinoids in various tissues, as well as housing specimens for studies of toxic effects of marijuana.

(7) Proposals shall demonstrate the use of a laboratory capable of analyzing marijuana, provided to the program under this section, for purity and cannabinoid content and the capacity to detect contaminants.

(c) In order to ensure objectivity in evaluating proposals, the program shall use a peer review process that is modeled on the process used by the National Institutes of Health, and that guards against funding research that is biased in favor of or against particular outcomes. Peer reviewers shall be selected for their expertise in the scientific substance and methods of the proposed research, and their lack of bias or conflict of interest regarding the applicants or the topic of an approach taken in the proposed research. Peer reviewers shall judge research proposals on several criteria, foremost among which shall be both of the following:

(1) The scientific merit of the research plan, including whether the research design and experimental procedures are potentially biased for or against a particular outcome.

(2) Researchers' expertise in the scientific substance and methods of the proposed research, and their lack of bias or conflict of interest regarding the topic of, and the approach taken in, the proposed research.

(d) If the program is administered by the Regents of the University of California, any grant research proposals approved by the program shall also require review and approval by the research advisory panel.

(e) It is the intent of the Legislature that the program be established as follows:

(1) The program shall be located at one or more University of California campuses that have a core of faculty experienced in organizing multidisciplinary scientific endeavors and, in particular, strong experience in clinical trials involving psychopharmacologic agents. The campuses at which research under the auspices of the program is to take place shall accommodate the administrative offices, including the director of the program, as well as a data management unit, and facilities for storage of specimens.

(2) When awarding grants under this section, the program shall utilize principles and parameters of the other well-tested statewide research programs administered by the University of California, modeled after programs administered by the National Institutes of Health, including peer review evaluation of the scientific merit of applications.

(3) The scientific and clinical operations of the program shall occur, partly at University of California campuses, and partly at other postsecondary institutions, that have clinicians or scientists with expertise to conduct the required studies. Criteria for selection of research locations shall include the elements listed in subdivision (b) and, additionally, shall give particular weight to the organizational plan, leadership qualities of the program director, and plans to involve investigators and patient populations from multiple sites.

(4) The funds received by the program shall be allocated to various research studies in accordance with a scientific plan developed by the Scientific Advisory Council. As the first wave of studies is completed, it is anticipated that the program will receive requests for funding of additional studies. These requests shall be reviewed by the Scientific Advisory Council.

(5) The size, scope, and number of studies funded shall be commensurate with the amount of appropriated and available program funding.

(f) All personnel involved in implementing approved proposals shall be authorized as required by Section 11604.

(g) Studies conducted pursuant to this section shall include the greatest amount of new scientific research possible on the medical uses of, and medical hazards associated with, marijuana. The program shall consult with the Research Advisory Panel analogous agencies in other states, and appropriate federal agencies in an attempt to avoid duplicative research and the wasting of research dollars.

(h) The program shall make every effort to recruit qualified patients and qualified physicians from throughout the state.

(i) The marijuana studies shall employ state-of-the-art research methodologies.

(j) The program shall ensure that all marijuana used in the studies is of the appropriate medical quality and shall be obtained from the National Institute on Drug Abuse or any other federal agency designated to supply marijuana for authorized research. If these federal agencies fail to provide a supply of adequate quality and quantity within six months of the effective date of this section, the Attorney General shall provide an adequate supply pursuant to Section 11478.

(k) The program may review, approve, or incorporate studies and research by independent groups presenting scientifically valid protocols for medical research, regardless of whether the areas of study are being researched by the committee.

(l) (1) To enhance understanding of the efficacy and adverse effects of marijuana as a pharmacological agent, the program shall conduct focused controlled clinical trials on the usefulness of marijuana in patients diagnosed with AIDS or HIV, cancer, glaucoma, or seizures or muscle spasms associated with a chronic, debilitating condition. The program may add research on other serious illnesses, provided that resources are available and medical information justifies the research. The studies shall focus on comparisons of both the efficacy and safety of methods of administering the drug to patients, including inhalational, tinctural, and oral, evaluate possible uses of marijuana as a primary or adjunctive treatment, and develop further information on optimal dosage, timing, mode of administration, and variations in the effects of different cannabinoids and varieties of marijuana.

(2) The program shall examine the safety of marijuana in patients with various medical disorders, including marijuana's interaction with other drugs, relative safety of inhalation versus oral forms, and the effects on mental function in medically ill persons.

(3) The program shall be limited to providing for objective scientific research to ascertain the efficacy and safety of marijuana as part of medical treatment, and should not be construed as encouraging or sanctioning the social or recreational use of marijuana.

(m) (1) Subject to paragraph (2), the program shall, prior to any approving proposals, seek to obtain research protocol guidelines from the National Institutes of Health and shall, if the National Institutes of Health issues research protocol guidelines, comply with those guidelines.

(2) If, after a reasonable period of time of not less than six months and not more than a year has elapsed from the date the program seeks to obtain guidelines pursuant to paragraph (1), no guidelines have been approved, the program may proceed using the research protocol guidelines it develops.

(n) In order to maximize the scope and size of the marijuana studies, the program may do any of the following:

(1) Solicit, apply for, and accept funds from foundations, private individuals, and all other funding sources that can be used to

expand the scope or timeframe of the marijuana studies that are authorized under this section. The program shall not expend more than 5 percent of its General Fund allocation in efforts to obtain money from outside sources.

(2) Include within the scope of the marijuana studies other marijuana research projects that are independently funded and that meet the requirements set forth in subdivisions (a) to (c), inclusive. In no case shall the program accept any funds that are offered with any conditions other than that the funds be used to study the efficacy and safety of marijuana as part of medical treatment. Any donor shall be advised that funds given for purposes of this section will be used to study both the possible benefits and detriments of marijuana and that he or she will have no control over the use of these funds.

(o) (1) Within six months of the effective date of this section, the program shall report to the Legislature, the Governor, and the Attorney General on the progress of the marijuana studies.

(2) Thereafter, the program shall issue a report to the Legislature every six months detailing the progress of the studies. The interim reports required under this paragraph shall include, but not be limited to, data on all of the following:

(A) The names and number of diseases or conditions under study.

(B) The number of patients enrolled in each study by disease.

(C) Any scientifically valid preliminary findings.

(p) If the Regents of the University of California implement this section, the President of the University of California shall appoint a multidisciplinary Scientific Advisory Council, not to exceed 15 members, to provide policy guidance in the creation and implementation of the program. Members shall be chosen on the basis of scientific expertise. Members of the council shall serve on a voluntary basis, with reimbursement for expenses incurred in the course of their participation. The members shall be reimbursed for travel and other necessary expenses incurred in their performance of the duties of the council.

(q) No more than 10 percent of the total funds appropriated may be used for all aspects of the administration of this section.

(r) This section shall be implemented only to the extent that funding for its purposes is appropriated by the Legislature in the annual Budget Act.

AGENDA BILL

Agenda Item No. 7(B)

Date: May 17, 2016

To: El Cerrito City Council

From: City Council Subcommittee for City Manager Performance Evaluation

Subject: Amended and Restated City Manager Employment Agreement

ACTION REQUESTED

Adopt a resolution amending and restating the employment agreement between the City of El Cerrito and Scott Hanin, the City Manager.

BACKGROUND

The employment contract between the City and Mr. Hanin was originally approved in 2001, amended twice, and replaced with a new agreement in May 2006, amended once. Over the duration of the contract, Mr. Hanin's salary has been increased four times for inflation in line with cost of living adjustments provided to other management employees, and adjusted once based on performance. Additionally, the City Manager began paying the 8% employee member contribution to CalPERS at the same time as the rest of the management employees.

In April, the Mayor and City Council initiated a process for evaluating Mr. Hanin's performance as City Manager. The Council appointed a Subcommittee of the Mayor and Councilmember Quinto to negotiate with Mr. Hanin regarding his compensation. On the basis of the City Council's evaluation and the negotiation process, the Subcommittee recommends amending and restating the employment agreement between the City and Mr. Hanin.

ANALYSIS

Based on a review of the compensation from the standard group of comparison cities and consistency with the City's median compensation policy, the Subcommittee's recommendation is to adjust the City Manager's monthly base pay to $18,700, starting with the first full pay period of June 2016. The Subcommittee also recommends reducing the City Manager's car allowance to $50 a month in recognition of Mr. Hanin's residence within the City of El Cerrito. Further, the Subcommittee recommends in order to be consistent with all other City employees, the City's contribution of 5% to the City Manager's deferred compensation retirement account shall be eliminated. The proposed changes are consistent with the City Council's opinion of Mr. Hanin's work performance and are based on the Subcommittee's review of comparison compensation. Additionally, in recognition of his 15 years of service, Mr. Hanin's administrative leave balance shall be increased by 40 hours in 2016 and 160 hours in 2017. These hours are meant to be used for time off and cannot be cashed out while employed with the City.

FINANCIAL CONSIDERATIONS

No changes to the current fiscal year budget are required for the proposed amendment to the employment contract with Mr. Hanin; the revised compensation will be included in future years.

LEGAL CONSIDERATIONS

The City Attorney prepared the amended and restated agreement and has reviewed this report.

Reviewed by Gregory B. Lyman, Mayor

Attachments:

1. Resolution approving Amended and Restated City Manager Employment Agreement

2. Amended and Restated City Manager Employment Agreement

Agenda Item No. 7(B)
Attachment

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING CITY MANAGER EMPLOYMENT AGREEMENT

WHEREAS, the employment agreement between the City of El Cerrito and Scott Hanin, the City Manager, was approved in 2001, amended twice, and replaced with a new agreement in 2006, amended once; and

WHEREAS, in April 2016, the Mayor and City Council initiated a performance evaluation of the City Manager and appointed a Subcommittee of the Mayor and Council Member Quinto to negotiate a new and restated agreement with Scott Hanin; and

WHEREAS, as a result of the evaluation process and contract negotiations, the Subcommittee recommended amendments to the City Manager Employment Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it approves the amended and restated City Manager Employment Agreement, attached as Exhibit A.

BE IT FURTHER RESOLVED, the City Council hereby authorizes the Mayor to execute the amended and restated agreement.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on May 17, 2016, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May ___, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

Agenda Item No. 7(B)
Resolution No. 2016-XX, Exhibit A

AMENDED AND RESTATED
CITY MANAGER EMPLOYMENT AGREEMENT

between the

City of El Cerrito

and

Scott Hanin

dated

June 1, 2016

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CITY MANAGER EMPLOYMENT AGREEMENT
between
the City of El Cerrito
and
Scott Hanin

This Agreement is entered into as of June 1, 2016 by and between the City of El Cerrito, California, a municipal corporation (the "City"), and Scott Hanin, an individual (the "City Manager"). The City and the City Manager are sometimes individually referred to as a "Party" and collectively as "Parties." This Agreement replaces the prior agreement dated March 20, 2006.

RECITALS

1. The City requires the services of a City Manager.

2. The City Manager has the necessary education, experience, skills and expertise to serve as the City's City Manager; and

3. The City Council of the City (the "City Council") desires to employ Scott Hanin to serve as the City Manager of City.

4. The Parties desire to execute this Agreement pursuant to the authority of and subject to the provisions of Government Code Section 53260 et seq.

5. In consideration of these Recitals and the performance by the Parties of the promises, covenants, and conditions herein contained, the Parties agree as follows:

AGREEMENT

1. EMPLOYMENT

The City hereby employs the City Manager as its City Manager, and the City Manager hereby accepts such employment.

2. COMMITMENTS AND RESPONSIBILITIES

The City Manager's commitments and responsibilities are contained in various provisions of State statute, including, but not limited to, the Government Code the El Cerrito Municipal Code and in City policies and procedures, including, but not limited to, a job description for the position of City Manager. The City Council also may designate the City Manager as the chief executive of other City-related legal entities. Such other legal entities could include a redevelopment agency, financing authorities, and joint powers authorities.

3. PERFORMANCE EVALUATION

Annual performance evaluations are an important way for the City Council and City Manager to ensure effective communications about expectations and performance. In order to provide effective and timely feedback on performance, the City Council may conduct a performance review of the City Manager on an annual or more frequent basis. The City Council, in consultation with the City Manager, may define such goals and performance objectives as the Council determines are necessary for the proper operation of the City. The Parties acknowledge that the City Manager is a member of the International City Management Association ("ICMA"). The Parties mutually desire that the City Manager be subject to and comply with the ICMA Code of Ethics as they exist on June 1, 2016. A copy of the ICMA Code of Ethics is attached to this Agreement as Attachment A.

The City and the City Council agree that neither the City Council nor any of its members will give the City Manager any order, direction, or request that would require the City Manager to violate the ICMA Code of Ethics.

4. COMPENSATION

The City agrees to provide the following compensation to the City Manager during the term of this Agreement:

A. Compensation & Required City Costs

For purposes of this Agreement, the phrases "annual salary" and "base salary" shall not include any benefits such as automobile allowance, pension or retirement plan contributions, leave allowances or City paid deferred compensation plan contributions and the phrase "total compensation" shall include annual or base salary, automobile allowance, pension or retirement plan contributions and City paid deferred compensation plan contributions.

All required City costs shall follow all applicable laws. Changes to required City costs due to changes to any applicable law shall not constitute termination under this Agreement.

1. Base Salary

As of the effective date of this Agreement, the monthly salary for the position of City Manager shall be eighteen thousand and seven hundred dollars ($18,700). An annual cost of living salary increase similar to that paid to the City's Directors (Department Heads) shall be effective with the first payroll period paid in July of each year beginning June 1, 2016. The City Manager shall be paid at the same intervals and in the same manner as regular City employees.

The City shall not at any time during the term of this Agreement reduce the base salary, compensation or other financial benefits of the City Manager, unless as part of a general City management salary reduction, and then in no greater percentage than the average reduction for all City Directors (Department Heads).

2. Required City Costs and Deferred Compensation

(a) Federal Insurance Contributions Act (FICA).

(i) Old Age Survivor and Disability Income (OASDI).

(ii) Medicare.

(b) Unemployment Compensation.

(c) Public Employees Retirement System (PERS).

The City contracts with the California Public Employees' Retirement System for retirement benefits. The City will pay the City's share for participation in the Public Employees' Retirement System. Should the City Directors (Department Heads) pay for any portion of the employee's contribution to PERS during the term of this Agreement, City Manager shall pay the same portion of employee's contribution to PERS as the City Directors (Department Heads).

(d) The cost of any fidelity or other bonds required by law for the City Manager.

(e) Workers' Compensation.

(f) Life Insurance.

The City shall pay for a life insurance policy for the City Manager. The policy shall be in an amount equal to the City Manager's annual salary to the nearest thousand dollar.

(g) Long-term Disability.

The City shall pay for long-term disability for the City Manager in an amount equal to two-thirds of the City Manager's annual salary.

B. Basic Benefits

1. Holidays

The City Manager is entitled to the same paid holidays per calendar year as is consistent with those provided to the City's non-public safety Directors (Department Heads).

2. Leave Allowance

(a) The City Manager shall receive the same vacation and sick leave accrual and benefits as provided to the non-public safety Directors (Department Heads), and

the City Manager may accrue earned vacation time not to exceed twice the rate of accrual. The beginning vacation accrual shall be twenty-two (22) days per calendar year. The City Manager may accrue unlimited earned sick leave time. The City Manager shall be paid for any unused accrued vacation upon either voluntary or involuntary termination of employment.

(b) The City Manager shall be entitled to 75 hours of executive/ administrative leave per year. The City Manager may accumulate executive/administrative leave days up to a maximum of ten working days except as described below. The City Manager shall receive an additional 40 hours of executive/administrative leave to be used in Fiscal Year 2016-17 and an additional 160 hours of administrative/executive leave to be used during Fiscal Year 2017-18. In the event of termination or resignation from employment, the City Manager shall be entitled to compensation for one hundred percent of accumulated and unused administrative leave days, up to the maximum set forth above.

3. Automobile

The City Manager shall be provided a monthly automobile allowance of $50 in exchange for making a vehicle available for the City Manager's own use and for City-related business and/or functions during, before and after normal work hours so long as the City Manager remains a resident of El Cerrito. By the City Manager making the City Manager's personal automobile available for use, the City Manager is not precluded from using City vehicles for City business during, before, and after the normal workday on occasion, when appropriate.

5. SECURITY

A. Pensions

1. Federal Insurance Contributions Act (FICA)

2. Public Employees Retirement System (PERS)

(a) Under Government Code Section 20636(c), the City has elected to report the value of employer-paid member contributions (EPMC) to CalPERS as additional compensation.

(b) For the purposes of PERS reporting, the City shall incorporate into the reported base pay as compensation earnable, but only to the extent, if any, that PERS will consider it to be compensation earnable, all payments to the City Manager for the following: pay for performance, incentive payments, cafeteria plan contributions, City-paid employee portion of PERS, and deferred compensation, as well as Section 4.A(l) base pay.

(c) Availability of a 457 deferred compensation plan.

6. SEPARATION

A. Resignation/Retirement

The City Manager may resign at any time and agrees to give the City at least 45 calendar days advance written notice of the effective date of the City Manager's the Parties otherwise agree in writing. If the City Manager retires from fun time public service while with the City, the City Manager shall provide *six* months' advance otherwise mutually agreed upon.

B. Termination & Removal

1. The City Manager is an at-will employee serving at the pleasure of the City Council as provided in Government Code Section 36506.

2. The City Council may remove the City Manager at any time with or without cause, by a majority vote of its members. Notice of termination shall be provided to the City Manager in writing. Termination as used in this Agreement shall include a formal request from a majority of the Councilmembers that the City Manager resign, a reduction in annual salary not a part of a general City management salary reduction or, if during a general City management salary reduction, in a greater percentage than the average reduction for all City Directors (Department Heads), or the elimination of the City Manager's position. Any such notice of termination or act constituting termination shall be given at or effectuated at a duly noticed regular or special meeting of the City Council.

3. The City Manager shall not be removed during the 90-day period preceding or following any City election for membership on the City Council, or during the 90- day period following any change in membership of the City Council.

Given the at-will nature of the position City Manager, an important element the employment agreement pertains to termination. It is in both the City's interest and that of the City Manager that any separation of the City Manager is done in a businesslike manner.

C. Severance Pay

1. In the event the City Manager is terminated by the City Council during such time that the City Manager is willing and able to perform the City Manager's duties under this Agreement and any such termination is not for cause, the City to pay the City Manager a lump sum cash payment equal to twelve months' base salary then effect as provided in 4.A(l) above.

2. In addition, the City shall extend to the City Manager the right to continue health insurance as may be required by and pursuant to the terms and conditions of the Consolidated Omnibus Budget Reconciliation Act Of 1986 (COBRA). The City agrees to pay the City Manager's COBRA coverage for the same number of months for which the City Manager is entitled to severance pay under Section 6.C(l) above, or until the City Manager either secures full-time employment or obtains other health insurance, whichever of these three events first occurs. The City Manager shall notify the City within five days of securing new full- time

employment or insurance.

3. All payments required under Sections 6.C (1), and (2), are subject to and shall be interpreted to comply with the limitations set forth in Government Code Section 53260.

4. The Parties agree that in the event there is any disagreement between the City Manager and the City Council regarding the provisions of this Agreement, the parties shall attempt to resolve such disagreement first through informal mediation between the parties.

D. Involuntary Resignation

In the event that the City Council formally asks the City Manager to resign, then the City Manager shall be entitled to resign and still receive the severance benefits provided in Section 6.C above.

E. Separation for Cause

1. Notwithstanding the provisions of Section 6.C, the City Manager may be terminated for cause. As used in this section, "cause" shall mean only one or more the following:

(a) Conviction of a felony;

(b) Continued abuse of drugs or alcohol that materially affects the performance of the Manager's duties. The term "drugs" includes non-prescription drugs and/or non-prescribed drugs;

(c) Violation of the City's policies regarding discrimination or harassment may, at the election of the City Council, constitute grounds for termination for cause; or

(d) Repeated and protracted unexcused absences from the City Manager's office and duties.

2. In the event the City terminates the City Manager for cause, then the City may terminate this Agreement immediately, and the City Manager shall be entitled to only the compensation accrued up to the date of termination, payments required by Section 6.F below, and such other termination benefits and payments as may be required by law. The City Manager shall not be entitled to any severance benefits provided by Section 6.C.

3. In the event the City terminates the City Manager for cause, the City and the City Manager agree that neither Party shall make any written or oral statements to members of the public or the press concerning the City Manager's termination except in the form of a joint press release which is mutually agreeable to both Parties. The joint press release shall not contain any text or information that would be disparaging to either Party. Provided, however, that either Party may verbally repeat the substance of any such press release in response to inquiries by members of the press or public.

F. Payment for Unused Leave Balance

1. On separation from City employment, the City Manager shall be paid for all unused accrued leave allowances provided in Section 4.B (2) above, and/or the City Manager may apply the leave time to service credit for retirement purposes if permitted by PERS. Accumulated leave balances shall be paid at the City Manager's monthly salary rate at the effective date of separation.

2. In the event the City Manager dies while employed by the City under this Agreement, the City Manager's beneficiaries or those entitled to the City Manager's estate, shall be entitled to the City Manager's earned salary, and any payments for accrued but unused benefits, including compensation for the value of all accrued leave balances

7. MISCELLANEOUS PROVISIONS

A. Term

1. Initial Term

The Initial Term shall be for a period commencing on June 1, 2016, , and continuing until June 30, 2019, (the initial "Termination Date").

2. Subsequent Terms

This Agreement shall automatically renew as provided herein unless the City gives the City Manager timely notice of non-renewal. The City must give the City Manager written notice of non-renewal at least twelve (12) calendar months prior to the initial Termination Date or any succeeding Termination Date. Unless such notice of non-renewal is timely given, this Agreement shall automatically renew for an additional three-year Term, and a new Termination Date shall be accordingly established.

B. Provisions that Survive Termination

Many sections of this Agreement are intended by their terms to survive the City Manager's termination of employment with the City. These sections, and the others so intended, shall survive termination of employment and termination of this Agreement.

C. Amendments

This Agreement may be amended at any time by mutual agreement of the City and the City Manager and shall not constitute termination of the City Manager or of this Agreement. Any amendments are to be negotiated, put in writing, and adopted by the City Council.

D. Indemnification

1. To the full extent of the law as provided by the California Torts Claims Act (Government Code Section 810 et seq.) and the indemnity provisions of this Agreement, whichever shall provide the greatest protection to the City Manager, the City and the El Cerrito Redevelopment Agency, jointly and severally, shall defend and indemnify the City Manager against and for all losses sustained by the City Manager in direct consequences of the discharge of the City Manager's duties on the City's behalf for the period of the City Manager's employment.

2. The City shall defend, save harmless and indemnify the City Manager against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the City Manager's duties as City Manager. The City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

3. Whenever the City Manager shall be sued for damages arising out of the performance of the City Manager's duties, the City shall provide defense counsel for the City Manager in such suit and indemnify the City Manager from any judgment rendered against the City Manager; provided that such indemnity shall not extend to any judgment for damages arising out of any willful wrongdoing. This indemnification shall extend beyond termination of employment and the otherwise expiration of this Agreement to provide protection for any such acts undertaken or committed in the City Manager's capacity as City Manager, regardless of whether the notice of filing of a lawsuit occurs during or following employment with the City. This indemnity provision shall survive the termination of the Agreement and is in addition to any other rights or remedies that the City Manager may have under the law.

4. The City and all parties claiming under or through it, hereby waives all rights of subrogation and contribution against the City Manager, while acting within the scope of the City Manager's duties, from all claims, losses and liabilities arising out of or incident to activities or operations performed by or on behalf of the City or any party affiliated with or otherwise claiming under or through it, regardless of any prior, concurrent, or subsequent active or passive negligence by the City Manager.

5. In the event that the City Manager shall serve as the chief executive of other City-related legal entities as provided in Section 3.A(l)(c) above, then each provision of this Section shall be equally applicable to each City-related legal entity as though set forth in an indemnity agreement between the City Manager and that legal entity. The City hereby guarantees the performance of this indemnity obligation by the City-related legal entity, and shall indemnify and hold the City Manager harmless against any failure or refusal by City-related legal entity to perform its obligations under this Section.

E. Severability

If any clause, sentence, part, section, or portion of this Agreement is found by a court of competent jurisdiction to be illegal or unenforceable, such clause, sentence, part, section, or portion so found shall be regarded as though it were not part of this Agreement and the remaining

parts of this Agreement shall be fully binding and enforceable by the Parties hereto.

F. Laws Affecting Title

In addition to those laws affecting a City Manager, the City Manager shall have the same powers, rights and responsibilities as a Chief Executive Officer, City Administrative Officer, Administrator, and/or City Administrator as those terms are used in local, state or federal laws.

G. Jurisdiction and Venue

This Contract shall be construed in accordance with the laws of the State of California, and the Parties agree that venue shall be in Contra Costa County, California.

H. Entire Agreement

This Contract represents the entire agreement of the Parties, and no representations have been made or relied upon except as set forth herein. This Contract may be amended or modified only by a written, fully executed agreement of the Parties.

I. Notice

Any notice, amendments, or additions to this Agreement, including change of address of either party during the term of this Agreement, which the City Manager or the City shall be required, or may desire, to make shall be in writing and shall be sent by prepaid first class mail or hand-delivered to the respective Parties as follows:

1. If to the City:

City Clerk
City of El Cerrito
El Cerrito, CA 94530

2. If to the City Manager:

Scott Hanin
2322 Arlington Blvd.
El Cerrito, CA 94530

8. EXECUTION

IN WITNESS WHEREOF the Parties have executed this Agreement as of the day and year first above written.

CITY

_____
Greg Lyman, Mayor

CITY MANAGER

_____
Scott Hanin

ATTEST:

_____
Cheryl Morse, City Clerk

APPROVED AS TO FORM:

_____
Sky Woodruff, City Attorney