

ORDINANCE NO. 2026-845

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING
AMENDING CHAPTER 17.79 (SEASONAL EMPLOYEE HOUSING) OF
TITLE 17 OF THE KING CITY MUNICIPAL CODE GOVERNING
SEASONAL EMPLOYEE HOUSING TO ALIGN WITH STATE LAW**

WHEREAS, the City initiated Zone Text Amendment Case No. ZON26-000003 to amend Title 17 of the King City Municipal Code by amending Chapter 17.79, Seasonal Employee Housing; and

WHEREAS, Municipal Code Chapter 17.79 currently contains local development standards applicable to seasonal employee housing; and

WHEREAS, the California Department of Housing & Community Development (HCD) interprets that the City's ordinance exceeds guidelines as stated in Health and Safety Code Section 17021; and

WHEREAS, the proposed zoning text amendment would amend the text to ensure compliance with California Health and Safety code Section 17008(a); and

WHEREAS, the proposed zoning text amendment would remove local discretionary barriers that may conflict with state-mandated allowances for seasonal employee housing while maintaining compliance with applicable health, safety, building, and permitting requirements; and

WHEREAS, on August 18, 2026, the Planning Commission conducted a duly noticed public hearing, considered the proposed amendments, and adopted Resolution No. 2026-359 recommending approval to City Council; and

WHEREAS, pursuant to California Public Resources Code section 21065 and the California Environmental Quality Act ("CEQA") Guidelines section 15378(a), this Ordinance amendment is not a "project" because its adoption is an organizational or administrative activity of the City under CEQA Guidelines section 15378(b)(5) that will not result in direct or indirect physical changes in the environment; and

WHEREAS, even if this Ordinance amendment qualified as a "project" subject to CEQA, pursuant to CEQA Guidelines section 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This Ordinance merely consists of text amendments to the King City Municipal Code to ensure compliance and alignment with State of California laws governing agricultural employee housing, such as Health and Safety Code Section 17000 et seq., known as the Employee Housing Act. Also, it can be seen with certainty that there is no possibility this Ordinance's administrative amendments to the King City Municipal Code directly or indirectly authorizes or approves any reasonably foreseeable physical changes to the environment; and

WHEREAS, even if the Ordinance amendment is not exempt from further environmental review or documentation based upon CEQA Guidelines section 15061(b)(3), the environmental impacts of establishing seasonal employee housing standards, amending Title 17, and

implementing Chapter 17.79 were previously fully evaluated in the City's prior Initial Study and Negative Declaration (IS-ND) adopted for Case Nos. GPA 2018-001, ZC 2018-001, and ZC 2018-002. Here, the zoning designations authorizing the building of seasonal employee housing are not changing; rather, the Ordinance is merely being amended to ensure consistency with State and Federal regulatory requirements governing agricultural employee housing. As such, pursuant to CEQA Guidelines section 15162, the Ordinance amendment does not require any additional environmental review or documentation since on the basis of substantial evidence in the light of the whole record, there is no evidence establishing one or more of the following exists:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous negative declaration; or
 - (B) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

WHEREAS, even if the Ordinance amendment is not exempt from further environmental review or documentation based upon CEQA Guidelines section 15162, City staff has determined that the Ordinance is consistent with the City's General Plan, General Plan Environmental Impact Report, Historic Downtown Revitalization Plan, Adopted Mitigated Negative Declaration, and is absolved of further environmental review under the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines section 15183; and

WHEREAS, further even if the Ordinance amendment is not exempt from further environmental review or documentation based upon CEQA Guidelines section 15183, new seasonal employee housing or agricultural employee housing, projects, as well as projects consisting exclusively of repair or maintenance of existing agricultural employee housing, are now exempt from CEQA review, streamlining the creation of safe, affordable dwellings for agricultural workers (See Public Resources Code § 21080.44 and Health and Safety Code § 17021.8.); and

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

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

SECTION 2. Purpose and Intent: The purpose of this Ordinance is to amend Chapter 17.79, of Title 17 (Zoning) of the King City Municipal Code to remove local discretionary barriers and ensure compliance with the California Employee Housing Act (Health and Safety Code Section 17000 et seq.) and the Fair Employment and Housing Act. This amendment standardizes local review processes to match state-mandated allowances for employee and seasonal housing while safeguarding community health, safety, and building standards.

SECTION 3. CEQA. Pursuant to California Public Resources Code section 21065 and CEQA Guidelines section 15378(a), the City Council finds that this Ordinance amendment is not a “project” because its adoption is an organizational or administrative activity of the City under CEQA Guidelines section 15378(b)(5) that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance amendment is not subject to CEQA. Also, even if this Ordinance amendment qualified as a “project” subject to CEQA, the City Council finds that, pursuant to CEQA Guidelines section 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This Ordinance merely consists of text amendments to the King City Municipal Code to ensure compliance and alignment with State of California laws governing agricultural employee housing, such as Health and Safety Code Section 17000 et seq., known as the Employee Housing Act. It can be seen with certainty that there is no possibility this Ordinance’s administrative amendments to the King City Municipal Code directly or indirectly authorize or approve any reasonably foreseeable physical change(s) to the environment. Accordingly, the City Council finds that adoption of this Ordinance amendment is exempt from CEQA under the general rule.

In the alternative, even if the Ordinance amendment is not exempt from further environmental review or documentation based upon CEQA Guidelines section 15061(b)(3), the environmental impacts of establishing seasonal employee housing standards, amending Title 17, and implementing Chapter 17.79 were previously fully evaluated in the City’s prior Initial Study and Negative Declaration (IS-ND) adopted for Case Nos. GPA 2018-001, ZC 2018-001, and ZC 2018-002. Here, the zoning designations and densities authorizing the building of seasonal employee housing are not changing; rather, the Ordinance is being amended to ensure compliance and alignment with State of California laws governing agricultural employee housing, such as Health and Safety Code Section 17000 et seq., known as the Employee Housing Act. Thus, pursuant to CEQA Guidelines section 15162, the Ordinance amendment does not require any additional environmental review or documentation since on the basis of substantial evidence in the light of the whole record, there is no evidence establishing one or more of the following exists:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous negative declaration; or
 - (B) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

Further, even if the Ordinance amendment is not exempt from further environmental review or documentation based upon CEQA Guidelines section 15162, the City Council finds the Ordinance amendment is consistent with the City's General Plan, General Plan Environmental Impact Report, Historic Downtown Revitalization Plan, Adopted Mitigated Negative Declaration, and is absolved of further environmental review under the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines section 15183 since the Ordinance amendment does not alter the zoning nor zoning density contained within the General Plan and/or Historic Downtown Revitalization Plan for the FSC zone, which continues to allow seasonal employee housing and multi-family housing to be built. Also, there is no substantial evidence establishing (1) the existence of project-specific impacts "peculiar" to the project or its site; (2) a significant impact not evaluated in the prior EIR or plan; (3) significant off-site or cumulative impacts not evaluated in the prior EIR; and/or (4) a showing that previously identified impacts are more severe based on new information not known when the prior EIR was certified.

Lastly, even if the Ordinance amendment is not exempt from further environmental review or documentation based upon CEQA Guidelines section 15183, new seasonal employee housing or agricultural employee housing, projects, as well as projects consisting exclusively of repair or maintenance of existing agricultural employee housing, are now exempt from CEQA review, streamlining the creation of safe, affordable dwellings for agricultural workers. (See Public Resources Code § 21080.44 and Health and Safety Code § 17021.8; See also Public Resources Code § 21080.66.) As such, the Ordinance amendment is exempt from further environmental review since it does not alter the zoning nor density of the parcels within the FSC zone and continues to allow for the building of seasonal employee housing.

Therefore, based on the above, the proposed Ordinance amendment is not subject to further environmental review or documentation.

SECTION 4. Code Amendment. Chapter 17.79 ("Seasonal Employee Housing") of Title 17 of the King City Municipal Code is hereby amended to read as follows:

Chapter 17.79: Seasonal Employee Housing

Section 17.79.005 –Seasonal Employee Housing

- (a) **Compliance with State Law:** Seasonal employee housing provided by the employer and maintained in connection with the work or place where work is being performed must comply with all provisions of federal, state, and local regulations, as applicable,

including Section 17008(a) of the California Health and Safety Code. Seasonal employee housing not maintained in connection with any workplace and provided by someone other than an employer shall comply with all provisions of applicable local, state, and federal laws.

- (b) **Dual Land Use Designation:** the general plan allows a dual land use designation for seasonal employee housing, as shown on the general plan diagram and zoning map.
- (c) **Conversion of Use:** In the event structures used for seasonal employee housing facilities are proposed to be converted to some other use, the facilities shall be subject to all applicable zoning ordinance and other applicable ordinances or standards for the proposed new use that are in effect at the time of approval of the proposed change of use.
- (d) **State Permit Verification:** Seasonal employee housing for five or more employees is subject to the permitting requirements of the California Housing Employee Act. The property owner shall obtain and maintain a permit(s) with the State Department of Housing and Community Development (HCD), pursuant to the Employee Housing Act and the California Code of Regulations. A copy of the HCD permit shall be provided to the city Building and Safety Department within fourteen (14) days of issuance or at the time of building permit application submittal, whichever is earlier.
- (e) **Development Impact Fees:** Development impact fees shall be paid, as adopted by resolution of the City Council.

Section 17.79.010 is hereby deleted in its entirety
Section 17.79.020 is hereby deleted in its entirety
Section 17.79.030 is hereby deleted in its entirety
Section 17.79.040 is hereby deleted in its entirety
Section 17.79.050 is hereby deleted in its entirety
Section 17.79.060 is hereby deleted in its entirety
Section 17.79.070 is hereby deleted in its entirety
Section 17.79.080 is hereby deleted in its entirety

SECTION 5. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 6. Posting. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council and shall cause this ordinance to be published or posted in accordance with Government Code section 36933 as required by law.

SECTION 7. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving the first reading, except by title, at a regular meeting thereof held on the 25th day of August, 2026, and adopted the Ordinance after the second reading at a regular meeting held on the 8th day of September, 2026, by the following roll call vote:

AYES: LeBarre, DeLeon, Cullen, Victoria

NOES: _____

ABSTAIN: _____

ABSENT: AVALOS

ATTEST

Erica L. Sonne
ERICA SONNE, City Clerk

CITY OF KING

By: 
MIKE LEBARRE, Mayor

APPROVED AS TO LEGAL FORM

By: 
ROY C. SANTOS, City Attorney
Burke, Williams & Sorensen, LLP

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