



# **CITY OF ATASCADERO CITY COUNCIL**

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## **AGENDA**

**Tuesday, March 14, 2017**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California  
(Entrance on Lewis Ave.)**

<b><u>City Council Closed Session:</u></b>	<b>5:30 P.M.</b>
<b><u>City Council Regular Session:</u></b>	<b>6:00 P.M.</b>

### **CITY COUNCIL CLOSED SESSION:**

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
  - a. Conference with Legal Counsel – Existing Litigation**  
Government Code Section 54956.9(1)(d)  
Rick Holiday v. City of Atascadero, et.al.  
San Luis Obispo Court Case No. 16 CVP 0206
- 4. CLOSED SESSION -- ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION -- REPORT**

### **ADJOURNMENT**

**REGULAR SESSION – CALL TO ORDER: 6:00 P.M.**

**PLEDGE OF ALLEGIANCE:** Council Member Bourbeau

**ROLL CALL:** Mayor O'Malley  
Mayor Pro Tem Fonzi  
Council Member Bourbeau  
Council Member Moreno  
Council Member Sturtevant

**APPROVAL OF AGENDA:** Roll Call

Recommendation: Council:

1. Approve this agenda; and
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

**PRESENTATIONS: None.**

**A. CONSENT CALENDAR:** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken. **DRAFT MINUTES:** Council meeting draft minutes are listed on the Consent Calendar for approval of the minutes. Should anyone wish to request an amendment to draft minutes, the item will be removed from the Consent Calendar and their suggestion will be considered by the City Council. If anyone desires to express their opinion concerning issues included in draft minutes, they should share their opinion during the Community Forum portion of the meeting.)

**1. City Council Draft Action Minutes – February 28, 2017**

- Recommendation: Council approve the City Council Draft Action Minutes of the February 28, 2017 City Council meeting. [City Clerk]

**2. Fire Chief Appointment**

- Fiscal Impact: The Fire Chief starting annual salary of \$131,589 is included in the Fire Department budget for fiscal year 2016-2017.
- Recommendation: Council concur and confirm the appointment of Casey Bryson as Fire Chief. [City Manager]

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at 470-3400, or [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org).)

**B. PUBLIC HEARINGS:**

**1. PLN 2006-1134 – 2016 California Building Code Updates**

- Fiscal Impact: None.
- Recommendations: Council:
  1. Introduce Draft Ordinance A for first reading, by title only, Repealing and Replacing Chapter 7 (Fire Code) of Title 4 Public Safety Code of the Atascadero Municipal Code for consistency with the 2016 California Building Code; and,
  2. Introduce Draft Ordinance B for first reading, by title only, Repealing Title 8 (Building Regulations) and Replacing Title 8 to Adopt and Amend the Latest Editions of the Construction and Fire Codes, and Adopt Findings of Facts to for consistency with the 2016 California Building Code. [Community Development]

**2. CDBG Final Recommendations**

- Fiscal Impact: The 2017 County Allocation is estimated to be \$154,788, with an additional \$75,563 reallocated from Morro Bay for a total of \$230,351 and \$40,000 reallocated from a prior year's unexpended funds.
- Recommendations: Council review and approve funding recommendations for the 2017 Community Development Block Grant (CDBG) program as shown in the staff report and authorize staff to adjust final award amounts proportionately upon receipt of the final funding amount. [Public Works]

**C. MANAGEMENT REPORTS: None.**

**COUNCIL ANNOUNCEMENTS AND REPORTS:** (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

**D. COMMITTEE REPORTS:** (The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor O'Malley

1. City / Schools Committee
2. County Mayors Round Table
3. SLO Council of Governments (SLOCOG)
4. SLO Regional Transit Authority (RTA)
5. Integrated Waste Management Authority (IWMA)

Mayor Pro Tem Fonzi

1. Air Pollution Control District
2. Oversight Board for Successor Agency to the Community Redevelopment Agency of Atascadero
3. SLO Local Agency Formation Commission (LAFCo)
4. City of Atascadero Design Review Committee
5. SLO County Water Resources Advisory Committee (WRAC)

Council Member Bourbeau

1. City of Atascadero Design Review Committee
2. Homeless Services Oversight Council
3. City of Atascadero Finance Committee

Council Member Moreno

1. California Joint Powers Insurance Authority (CJPIA) Board
2. City of Atascadero Finance Committee (Chair)
3. Economic Vitality Corporation, Board of Directors (EVC)

Council Member Sturtevant

1. City / Schools Committee
2. League of California Cities – Council Liaison

**E. INDIVIDUAL DETERMINATION AND / OR ACTION:**

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

**F. ADJOURN REGULAR MEETING**

**Please note:** Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.

I, Amanda Muther, Deputy City Clerk of the City of Atascadero, declare under the penalty of perjury that the foregoing agenda for the March 14, 2017 Regular Session of the Atascadero City Council was posted on March 8, 2017, at the Atascadero City Hall, 6500 Palma Avenue, Atascadero, CA 93422 and was available for public review at that location.

Signed this 8th day of March 2017, at Atascadero, California.

Amanda Muther, Deputy City Clerk  
City of Atascadero

## City of Atascadero

### **WELCOME TO THE ATASCADERO CITY COUNCIL MEETING**

The City Council meets in regular session on the second and fourth Tuesday of each month at 6:00 p.m. Council meetings will be held at the City Hall Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Council in the order of the printed Agenda. Regular Council meetings are televised live, audio recorded and videotaped for future playback. Charter Communication customers may view the meetings on Charter Cable Channel 20 or via the City's website at [www.atascadero.org](http://www.atascadero.org). Meetings are also broadcast on radio station KPRL AM 1230. Contact the City Clerk for more information (470-3400).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, [www.atascadero.org](http://www.atascadero.org). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the City Clerk's office.

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

#### **TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA**

Under Agenda item, "COMMUNITY FORUM", the Mayor will call for anyone from the audience having business with the Council to approach the lectern and be recognized.

1. Give your name for the record (not required)
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Mayor and Council.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present

This is the time items not on the Agenda may be brought to the Council's attention. A maximum of 30 minutes will be allowed for Community Forum (unless changed by the Council). If you wish to use a computer presentation to support your comments, you must notify the City Clerk's office at least 24 hours prior to the meeting. Digital presentations must be brought to the meeting on a USB drive or CD. You are required to submit to the City Clerk a printed copy of your presentation for the record. Please check in with the City Clerk before the meeting begins to announce your presence and turn in the printed copy.

#### **TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)**

Members of the audience may speak on any item on the agenda. The Mayor will identify the subject, staff will give their report, and the Council will ask questions of staff. The Mayor will announce when the public comment period is open and will request anyone interested to address the Council regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Mayor
2. Give your name (not required)
3. Make your statement
4. All comments should be made to the Mayor and Council
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present
6. All comments limited to 3 minutes

The Mayor will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Council.



# **CITY OF ATASCADERO CITY COUNCIL**

## **DRAFT MINUTES**

**Tuesday, February 28, 2017**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California**

<b><u>City Council Closed Session:</u></b>	<b>5:30 P.M.</b>
<b><u>City Council Regular Session:</u></b>	<b>6:00 P.M.</b>

### **CITY COUNCIL CLOSED SESSION:**

Mayor O'Malley announced at 5:31 p.m. that the Council is going into Closed Session.

- 1. CLOSED SESSION -- PUBLIC COMMENT - None**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
  - a. Conference with Legal Counsel – Existing Litigation**  
Government Code Section 54956.9(d)(1)  
City of Atascadero v. Rosella Helen Vetter et al.  
Case No. 15CVP-0172
- 4. CLOSED SESSION -- ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**

## 6. CLOSED SESSION -- REPORT

The City Attorney reported that there was no reportable action.

### REGULAR SESSION – CALL TO ORDER: 6:00 P.M.

Mayor O'Malley called the meeting to order at 6:04 p.m. and Boy Scout Troup 51 led the Pledge of Allegiance.

### ROLL CALL:

Present: Council Members Bourbeau, Moreno, Sturtevant, Mayor Pro Tem Fonzi, and Mayor O'Malley

Absent: None

Others Present: City Clerk Marcia McClure Torgerson

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Public Works Director Nick DeBar, Police Administrative Sergeant Caleb Davis, Interim Fire Chief Casey Bryson, City Attorney Brian Pierik, and Deputy City Manager Lara Christensen.

### APPROVAL OF AGENDA:

**MOTION: By Council Member Sturtevant and seconded by Mayor Pro Tem Fonzi to:**

- 1. Approve this agenda; and,**
- 2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.**

***Motion passed 5:0 by a roll-call vote.***

### PRESENTATIONS:

- 1. Proclamation – Twin Cities Hospital 40<sup>th</sup> Anniversary**

The City Council presented the Proclamation to CEO Mark Lisa.

## 2. Recognition of outgoing Commissioners and Committee Members

The City Council presented a plaque to David Bentz for outstanding service to the City as Planning Commissioner from 2008 – 2017.

## 3. Recognition of outgoing City Clerk Marcia Torgerson

The City Council presented to Ms. Torgerson a 20-year service pin, an obelisk listing her years of service, and a Commendation for her 20 years of service to the City.

San Luis Obispo County Supervisor Debbie Arnold also to presented Ms. Torgerson a Certificate of Recognition for her 20 years of service to the City.

### A. CONSENT CALENDAR:

#### 1. City Council Draft Action Minutes – February 14, 2017

- Recommendation: Council approve the City Council Draft Action Minutes of the February 14, 2017 City Council meeting. [City Clerk]

#### 2. January 2017 Accounts Payable and Payroll

- Fiscal Impact: \$2,192,648.43
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for January 2017. [Administrative Services]

#### 3. December 2016 Investment Report

- Fiscal Impact: None.
- Recommendation: Council receive and file the City Treasurer's report for quarter ending December 2016. [Administrative Services]

#### 4. Ordinance to Amend Atascadero Municipal Code Regarding Surfboard-Like Vessels on Atascadero Lake

- Fiscal Impact: None.
- Recommendations: Council adopt on second reading, by title only, the Draft Ordinance Amending Title 10, Chapter 1, Section 10-1.06, Section 10.1-13 and Section 10.1-11 of the Atascadero Municipal Code Regarding Water Activities on Atascadero Lake. [City Manager]

**MOTION:** By Mayor Pro Tem Fonzi and seconded by Council Member Sturtevant to approve the Consent Calendar.  
*Motion passed 5:0 by a roll-call vote. (#A-1: 4:0 by a roll-call vote (Moreno abstained)) (#A-4: Ordinance No. 606)*



## **UPDATES FROM THE CITY MANAGER:**

City Manager Rachelle Rickard gave an update on projects and issues within the City.

## **COMMUNITY FORUM:**

The following citizens spoke during Community Forum: Dana Holland, Marty Brown, Debbie Buckheim (Exhibit A), Janine Rams, Raybelle Gams, Emily Chapman, Debra Skinner, Dr. Carol Ann Jones, and Robert Skinner.

***Mayor O'Malley closed the COMMUNITY FORUM period.***

## **B. PUBLIC HEARINGS:**

### **1. PLN 2006-1134 – 2016 California Building Code Updates**

- Fiscal Impact: None.
- Recommendations: Staff recommends:
  1. City Council introduce Draft Ordinance A for first reading, by title only, to approve amendments to Title 4 Public Safety for consistency with the 2016 California Building Code;
  2. City Council introduce Draft Ordinance B for first reading, by title only, to approve amendments to Title 8 Building Code for consistency with the 2016 California Building Code; [Community Development]

Community Development Director Phil Dunsmore stated that due to some needed clarification, he gave an abbreviated staff report and answered questions from Council. He recommended that this issue be continued to a date certain, March 14, 2017.

City Attorney Pierik explained that since this is a Public Hearing, the City Council needs to open the Public Hearing and allow any Public Comment, and then state that this issue will be continued to March 14, 2017.

## **PUBLIC COMMENT:**

The following citizens spoke on this item: Tim McCutcheon.

***Mayor O'Malley closed the Public Comment period.***

**MOTION: By Council Member Bourbeau and seconded by Council Member Sturtevant to continue this item to the March 14, 2017 City Council meeting agenda.**

***Motion passed 5:0 by a roll-call vote.***

**C. MANAGEMENT REPORTS:**

**1. Property Assessed Clean Energy (PACE) Program**

- Fiscal Impact: None.
- Recommendations: Council provide direction to staff regarding the PACE Program. [City Manager]

Deputy City Manager Lara Christensen gave the staff report and answered questions from the Council.

Ex Parte Communications

Mayor Pro Tem Fonzi stated that she has spoken to realtors and lenders, and has received emails from PACE supporters.

Council Member Sturtevant stated he has spoken to several people on this issue. He has not heard anything positive.

Council Member Moreno stated she has received the same emails as others, and talked to a lender, tax accountant, the County Assessor and the County Auditor's office. She also researched online. She stated that her research provided nothing positive.

Council Member Bourbeau stated he received the same emails as others, and spoke to realtors, mortgage brokers and a solar provider.

Mayor O'Malley stated he spoke to solar providers, and has received a few complaints and concerns from other members of the community.

**PUBLIC COMMENT:**

The following citizens spoke on this item: Dustin Reilich (Exhibit B), Emily Goodwin (Exhibit C), Kevin Hauber, and Tim McCutcheon.

***Mayor O'Malley closed the Public Comment period.***

**MOTION: By Mayor Pro Tem Fonzi and seconded by Council Member Moreno to:**

- 1. Direct staff to bring back to a future City Council meeting a Resolution to rescind Resolution No. 2010-001 regarding the CaliforniaFIRST Program; and,**
- 2. Direct staff to also present to the City Council a Resolution to not approve the PACE Program.**

***Motion passed 5:0 by a roll-call vote.***

**COUNCIL ANNOUNCEMENTS AND REPORTS: None**

**D. COMMITTEE REPORTS:**

The following Council Members gave brief update reports on their committees since their last Council meeting:

Council Member Bourbeau

1. Homeless Services Oversight Council – attended new member orientation last week. Next meeting is March 15<sup>th</sup>.

**E. INDIVIDUAL DETERMINATION AND / OR ACTION: None**

**F. ADJOURNMENT:**

Mayor O'Malley adjourned the meeting at 9:08 p.m.

**MINUTES PREPARED BY:**

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Marcia McClure Torgerson, C.M.C.  
City Clerk

The following exhibit is available for review in the City Clerk's office:

- Exhibit A – Handout entitled SLO Foam Free, submitted by Debbie Buckheim
- Exhibit B – Handouts from HERO, submitted by Dustin Reilich
- Exhibit C – Handouts from YgreneWorks, submitted by Emily Goodwin
- Exhibit D – Emails forwarded to City Council by Deputy City Manager Christensen, regarding the PACE Program



## ***Atascadero City Council***

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### ***Staff Report - City Manager's Office***

#### **Confirm the Appointment of Fire Chief**

#### **RECOMMENDATION:**

Council concur and confirm the appointment of Casey Bryson as Fire Chief.

#### **DISCUSSION:**

With the retirement of former Fire Chief Kurt Stone in June of 2016, the position of Atascadero's Fire Chief was left vacant. Retired Five Cities Fire Chief Mike Hubert was appointed as Interim Fire Chief last year to fill the position temporarily while a recruitment process was ongoing. Chief Hubert's temporary appointment ended on December 31, 2016. Chief Bryson has been serving the City as Interim Fire Chief since January 1st of this year.

Beginning last summer, the City conducted two nationwide recruitments to find a candidate to fill the position. Both of these recruitment processes included the thorough review of numerous applications, an extensive interview panel process as well as in depth background and reference checks. Upon the conclusion of the most recent recruitment process, Atascadero Fire Captain Casey Bryson was selected to fill the vacant position.

Per the Atascadero Municipal Code:

"The City Manager shall be the appointing authority for all officers and employees of the City except elective officers, the City Attorney, and persons appointed by the City Council to the Planning Commission or other boards, commissions and committees who are not salaried regular employees of the City. Appointment to department head positions shall be submitted to the City Council for concurrence and confirmation. (Ord. 24 § 2-2.08, 1980)

Chief Bryson has served the City and the citizens of Atascadero full-time for over 17 years. He began his fire service career with the City of Atascadero as a Cadet Firefighter through the Atascadero High School Work Experience program in the early 1990's. In 1994, he became a Seasonal/Reserve Firefighter, and promoted to a full-time Firefighter/EMT in 1999. Thereafter, he was quickly promoted to Fire Engineer and then to Fire Captain in 2004.

Chief Bryson has served as President of the Atascadero Firefighter's Association, President of the San Luis Obispo Training Officers Association and as the Area Director for the San Luis Obispo/Tri County Area of the Southern California Training Officers Association. He completed paramedic school and holds several incident command positions in the finance section. Chief Bryson has also been a member of a US Forestry Incident Management Team.

Chief Bryson is a founding member of the North County Technical Rescue Team and has served as the Atascadero Fire Department Team Leader. He has also served as the Disaster Response Trailer Supervisor. Chief Bryson has led the Fire Department's grant writing team and is the team leader for the Insurance Services Organization (ISO) fire suppression rating classification. He completed six years as Department Training Officer and has been the Emergency Operations Manager, responsible for disaster planning for the City.

**FISCAL IMPACT:**

The Fire Chief starting annual salary of \$131,589 is included in the Fire Department budget for fiscal year 2016-2017.

**ATTACHMENT:**

1. Casey Bryson Resume

# Casey D. Bryson

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## **Objective:**

My objective is to become the next Fire Chief of Atascadero Fire and Emergency Services. My 12 years as a company officer have prepared me with a strong skill set that I bring to this position. I have a solid background of commanding both small and large emergency incidents. I have experience with incident management teams and currently in the process of completing both Strike Team Leader and the CA State Fire Marshal Chief Officer. I have a proven record of managing large projects including Department of Homeland Security grants, city-wide emergency planning and Insurance Services Office evaluations. I am excited now to lead my department into the future. I am open, flexible, proactive and positive. I have deep roots in this community and am family and community service oriented. I value open communications, honesty and professionalism. I have a vision for my department that includes a safe, competent, professional organization that is present in the community and treats each other, our customers and fellow city employees as family. I am excited to present my experience and qualifications for consideration and am happy to provide any references or additional information.

## **Professional Experience:**

Atascadero Fire and Emergency Services, Atascadero, CA

- ❖ Interim Fire Chief January 1, 2017 to present
  - I became the Interim Fire Chief in January. I am currently leading a department which has gone through a series of changes over the last 12 months. I am responsible for all emergency and administrative operations of a department of 21 full time people and a budget of \$4.04 million. I am keeping the department moving in a productive direction while preparing for the 2017-2019 budget and developing a two-year work plan.
- ❖ Fire Captain/Paramedic August 2004 to December 2016
  - As a fire captain, I was responsible for the command of single and multiple-company responses to all-risk emergencies. I would function as the incident commander with the responsibility of situation assessment, tactic and strategy development and implementation, and deployment of personnel and equipment. I planned, scheduled, and participated in equipment and station maintenance, company drills and training, company fire inspections and other operational and administrative functions. As a Fire Captain, I was an active and participative member of the Fire Chief's management team. In 2014, I attended Cuesta College to become a paramedic in order to better serve the community by providing advanced life support emergency medical services.
- ❖ Fire Engineer March 2001 to August 2004
- ❖ Firefighter September 1999 to March 2001
- ❖ Reserve/Seasonal Firefighter July 1994 to September 1999

# Casey D. Bryson

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## **Education and Professional Training:**

- ❖ California Polytechnic State University, San Luis Obispo, CA
  - Bachelor of Science, Ag Business, Finance concentration 1999
- ❖ Allan Hancock College, Santa Maria, CA
  - Fire Academy Class 73 1997
  - Associate in Science Degree, Fire Technology 1998
- ❖ Cuesta College, San Luis Obispo, CA
  - Emergency Medical Technician 1995
  - Paramedic 2015
- ❖ California State Fire Marshal and Training Program, Sacramento
  - Fire Officer 2002
- ❖ Completed 75 emergency service courses
  - CSFM – NWCG – CSTI – FEMA 1994 to present

## **Community Involvement:**

- ❖ Kiwanis Service Club of Atascadero, past member
- ❖ American Youth Soccer Organization, Atascadero, coach, sponsor
- ❖ Alicia Ann Burn Foundation, support, fundraising
- ❖ Santa Margarita Community Church, member, Board Member, treasurer
- ❖ Skills USA, volunteer, evaluator
- ❖ Muscular Dystrophy Association, fundraising

## **Accomplishments and Responsibilities:**

- ❖ City of Atascadero, Emergency Planning, Emergency Operations Center Manager
- ❖ Emergency Management Institute, City team leader for Integrated Emergency Management Course, Emmitsburg MD
- ❖ North County Technical Rescue Team, team manager, member
- ❖ Atascadero Fire, lead grant writer
- ❖ Central Coast Team 7 IMT Type 2, member, Finance Section
- ❖ Insurances Services Office, Evaluation project coordinator and liaison
- ❖ Atascadero Fire, Department Training Officer
- ❖ Cal Chief's Southern Section Training Officers, member, board member, Area Director
- ❖ San Luis Obispo County Training Officers, member, Vice President, President
- ❖ Every 15 Minutes, Program coordinator
- ❖ Atascadero Fire, Firefighter of the Year



## ***Atascadero City Council***

### ***Staff Report - Community Development Department / Fire Department***

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#### **PLN 2006-1134 – 2016 California Building Code Updates**

#### **Title 4 Public Safety Text Amendments Title 8 Building Code Text Amendments (City of Atascadero)**

#### **RECOMMENDATIONS:**

Council:

1. Introduce Draft Ordinance A for first reading, by title only, Repealing and Replacing Chapter 7 (Fire Code) of Title 4 Public Safety Code of the Atascadero Municipal Code for consistency with the 2016 California Building Code; and,
2. Introduce Draft Ordinance B for first reading, by title only, Repealing Title 8 (Building Regulations) and Replacing Title 8 to Adopt and Amend the Latest Editions of the Construction and Fire Codes, and Adopt Findings of Facts to for consistency with the 2016 California Building Code.

#### **DISCUSSION:**

##### Background

The 2016 California Building Codes (CBC) were adopted by the State of California on July 1, 2016, and became effective throughout the State on January 1, 2017, regardless of adoption by local jurisdictions. All permit applications for construction projects received on or after January 1, 2017, are subject to the new code requirements. Staff is recommending that the City amend Title 4 Public Safety and Title 8 Building Code for consistency with 2016 California Building Code and State Agency Requirements.

Local jurisdictions may make local modifications to the new State Codes if justified by climatic, topographic or geological conditions, and provided the modifications are at



least as restrictive as the State mandated Codes and codified by ordinance based on findings. Staff has reviewed the revised building codes and has combined proposed text amendments from various titles to implement the required California Building Code (CBC) and Fire Codes, with some local clarifications and modifications that require re-adoption. The majority of these local modifications and clarifications have been in place since adoption of both the 2010 and 2013 CBCs.

Situation and Facts:

- |                              |  |
|------------------------------|--|
| 1. Applicant:                | City of Atascadero, 6500 Palma Ave.<br>Atascadero, CA 93422                  |
| 2. General Plan Designation: | Citywide   |
| 3. Zoning District:          | Citywide   |
| 4. Environmental Status:     | Exempt from CEQA (Section 15061.(3)(b). No significant environmental impact) |

Analysis

**1. Draft Ordinance A – Title 4 Public Safety: Fire Code Amendments**

The Fire Department has reviewed chapter 7 of Title 4, Fire Code, for consistency with the newly adopted 2016 CBC. The CBC adopts the 2015 International Fire Code (IFC) as its code. As a part of this review, the Fire Department is proposing to carry over all local amendments that were approved with the previous 2013 CBC local modifications and clarifications by the City Council in 2013. Additionally, the following local amendments are proposed:

- Maintaining the requirement of previous code cycles of a flow switch and local fire bell on NFPA 13D sprinkler systems;
- Re-organization of the fire sprinkler section requirements to help clarify when fire sprinklers are required for contractors, residents, and business owners- no changes to requirements are proposed.;
- Elimination of previous local amendments that are no longer applicable due to amendments to State Code.

These local amendments are necessary to protect the life and safety of the public. It is the intent of all codes to ensure public safety; however, certain state level codes do not fully consider all aspects of life safety in practical daily application.

Additionally, the City of Atascadero Fire Department maintains staffing levels that are lean and efficient. Due to the City’s topographical conditions and the nature of the urban environment in Atascadero, exposure to wildland fire risk is extreme. Fire sprinklers and other automated fire safety devices assist in creating a “stop-gap” measure for better service and protection of the health, safety, and welfare of the community. This is particularly true in new building installations as these devices can be readily installed during construction and reduce potential fire hazard for the occupants and nearby residents, business owners, and patrons.

The previous code adoption is silent on the requirement of a local bell for NFPA 13D sprinkler systems. All homes are required by code to have smoke detectors that would notify the occupants in the event of a fire; however, the smoke detectors are not required in all areas of a residence or within attached garages. If a sprinkler head were to activate as a result of a fire in an attached garage and the fire overwhelmed the sprinkler head, an occupant could unknowingly open the door from the house to the garage and potentially walk into a life threatening environment. This bell ensures notification of activation of a sprinkler head within the residence. This bell notification has two benefits. The first being a life safety concern as described above and the second would be for an accidental activation. Should an occupant be away from the residence and have an accidental activation, the bell would alert neighbors of a problem at the residence and potentially reduce the amount of damage. The elimination of a bell and flow switch would only save \$200 to \$250 on the required system and increase the life safety risk.

## **2. Draft Ordinance B – Title 8 Local Building Code: Proposed Text Amendments**

State Building Codes are updated on a 3-year cycle. The current City codes are the 2013 edition, and have been in effect since January 1, 2014. The 2016 California Codes became effective throughout the State on January 1, 2017. Permit applications submitted on or after January 1, 2017 are processed under the new 2016 CBC requirements.

The typical building code adoption process is as follows:

- The State adopts the new building codes on July 1, 2016, to become effective in six months.
- Local jurisdictions typically review and adopt the new codes following the state code adoption.
- Local amendments must be based on geologic, topographic or climatic conditions, and must be at least as restrictive as the State Code.
- State Codes become effective on January 1, 2017.
- Local amendments become effective 30 days after 2nd reading.

### ***Significant Changes to the 2016 Building Code***

Staff has reviewed the 2016 California Building Code (CBC) and noted that there are fewer changes than we have seen in previous Building Code Update cycles. Below are changes to the new code that may substantially affect property owners and builders:

- Maximum height for accessory structures has been increased from two (2) to three (3) stories above grade. However, restrictions remain in place by the City's Zoning Ordinance that limits heights to 30-feet maximum;
- The requirement for a "habitable" room within minimum floor area has been removed and is known as the "tiny house rule";
- A requirement that new single-family, duplexes, and attached units are Electric Vehicle (EV) "ready" or pre-wired for installation.

***Proposed Local Amendments to the 2016 Building Code***

As a part of the code adoption, the City may make local amendments and clarifications to the State Code. Many of the proposed local amendments and clarifications are carry overs from previous CBC adoptions by the City Council in the 2010 and 2013. Many of these proposed amendments are also intended to reduce redundancy and eliminate overlap and inconsistency between our locally adopted codes and the state code. These local amendments include the following:

1. Adoption of the 2015 International Swimming Pool and Space Code for health, safety, and climatic necessities. This local amendment establishes clear rules for a more efficient plan check and building permit process for swimming pools and spas. City staff has done outreach to pool companies that provide permitting services and have no issues with the clarification of proposed regulations.
2. Adoption of the 2015 International Solar Energy Provisions and commentary will allow a greater proficiency in the plan check and permitting processes for Photovoltaic and Solar Thermal System permits, furthering streamlining efforts for permit plan checks that meets the City Council's 2015-2017 Action Plan.
3. Clarification on the type of construction projects that are exempt from building permits providing for easier access for residents, contractors, and developers to quickly access information on the type of permit exempt projects versus sifting through the technical document of the building code. This is a carry-over clarification from 2013.
4. Re-affirming the Building Code Appeals Officer Code Compliance for Remodel, Renovation or Repairs to Existing Buildings. In the 2013 CBC update, the City established the appeals process by the building code. This amendment re-affirms this local amendment.
5. Ability to review EV charging stations through the acceptance of digital submittals, furthering permit streamlining efforts consistent with City Council 2015-2017 Action Plan.
6. Repeal of the existing Water Efficient Landscape and Irrigation ordinance and replacing with the require State of California ordinance with local modifications clarifying the water purveyor within the City of Atascadero (Atascadero Mutual Water Company), the responsible entity for enforcing water regulations, and other local clarifications.
7. Deletion of section that references private sewer systems in Chapter 6, Plumbing Code (Septic systems). The 2016 California Plumbing Code, Appendix H, already covers this section, therefore local code is redundant.
8. Deletion of reference to wood shake roofs in Chapter 3, Building Code, since this same section is already covered by the Fire Code.

Conclusion

The adoption of the California Building Code and Fire Codes are mandatory adoptions. California Building Codes are adopted by the State on a 3-year cycle. The 2016 Building Codes were adopted by the State on July 1, 2016 and became effective

throughout the State on January 1, 2017. Municipalities use the 6-month timeframe between the State adoption and the effective date of the code to make local modifications based on climatic, topographic or geographic conditions. As a part of this effort, staff has proposed the modification of certain sections within the City's Municipal Code for clarification, simplification and flexibility.

City Staff, primarily the Building Department, has provided outreach to applicants, builders, and others during field visits, inspections, and front counter questions. The Community Development Department provided flyers on job sites, as well as front counter handouts about the new code changes. In addition, the City hosted several training seminars that were open to the public, in-regards to changes in the 2016 California Building Code (CBC), the California Residential Code (CRC), California Electrical Code (CEC), California Mechanical Code, (CMC) and California Plumbing Code (CPC) with revised code sections. The seminars were heavily attended by public employees from many neighboring jurisdictions, design professionals, contractors, and other interested parties.

**FISCAL IMPACT:**

Staff expects minimal fiscal impact from the adoption of the new building codes and proposed code text amendments.

**ALTERNATIVES:**

1. The Council may refer this item back to staff for additional analysis of proposed amendments. However, the 2016 State Building Codes will go into effect in Atascadero on January 1, 2017 regardless of Council action and without local amendments should the Council refer Draft Ordinance A and B back to staff.
2. The Council may make minor modifications of the text amendments.
3. The Council may deny some or all of the proposed text amendments.

**ATTACHMENTS:**

- 1: Draft Ordinance A – Title 4 – Public Safety
- 2: Draft Ordinance B – Title 8 – Building Code

**ATTACHMENT 1: Draft Ordinance A – Title 4 Public Safety**

**DRAFT ORDINANCE A**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA, REPEALING AND  
REPLACING CHAPTER 7 (FIRE CODE)  
OF TITLE 4 PUBLIC SAFETY CODE  
OF THE ATASCADERO MUNICIPAL CODE**

The City Council hereby finds and declares as follows:

**WHEREAS**, it is the desire and intent of the City Council to provide residents with common sense reform to the City’s Municipal Code to reduce regulations; and

**WHEREAS**, the City Fire Marshall has reviewed applicable sections of Title 4 and has determined sections that need to be modified for consistency with State Law; and

**WHEREAS**, provisions codified in this title are adopted to implement and supplement the Streets and Highways Code as it exists and as it may be amended from time to time; and

**WHEREAS**, it is the desire and intent of the City Council of the Atascadero to provide citizens with the greatest degree of fire, life and structural safety in buildings, in the most cost effective manner, by adopting the body of regulations referred to as the California Building Standards Code with amendments specific to the City of Atascadero; and

**WHEREAS**, the California Health and Safety Code, Section 17958.5 and Section 18941.5, require the City Council, before making any modifications or changes to the California Building Standards Code pursuant to Health and Safety Code Sections 18941.5 and 17958.5, to make an express finding that each such modification or change is needed; and,

**WHEREAS**, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission; and,

**WHEREAS**, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on March 14, 2017, studied and considered the proposed municipal code text amendments and changes; and,

**ITEM NUMBER: B-1**  
**DATE: 03/14/17**  
**ATTACHMENT 1**

**WHEREAS**, the Council of the City of Atascadero affirms the findings justifying previous changes and modifications to the adopted construction and fire codes previously adopted; and,

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** All of Chapter 7, Fire Code within Title 4 of the City of Atascadero Municipal Code is amended as follows.

Chapter 7

FIRE CODE

Sections:

- 4-7.101 Title.
- 4-7.102 Adoption of Fire Code and Wildland-Urban Interface Code.
- 4-7.103 Local Modifications to the California Fire Code.
- 4-7.104 Modifications to the International Wildland-Urban Interface Code.
- ~~4-7.105 Adoption of design requirements for roof mounted photovoltaic electrical generation systems.~~

4-7.101 Title.

This chapter shall be known as the City of Atascadero Fire Code, ~~(2013)~~.

4-7.102 Adoption of Fire Code and Wildland-Urban Interface Code.

(a) Two (2) documents, three (3) of which are on file in City offices, identified by the Seal of the City of Atascadero, marked and designated as the ~~2013-2016~~ Edition of the California Fire Code and the ~~2012-2015~~ Edition of the International Wildland-Urban Interface Code published by the International Code Council are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Fire Prevention Regulations of the City of Atascadero. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter except as modified hereinafter (~~2013~~2016).

(b) Adopt all appendix sections of the 2016 California Fire Code except Appendix J.

4-7.103 Local Modifications to the California Fire Code.

~~(a) Delete Appendix Chapter A.~~

~~(b)~~ Adopt Appendix D without Table D103.4 and Figure D103.4.

~~(c)~~ Amend Chapter I, Division II, Section 101.1 to read as follows:

**101.1 Title.** These regulations shall be known as the Fire Code of the City of Atascadero, hereinafter referred to as “this code.”

~~(d)~~ Amend Chapter I, Division II, Section 108.1 to read as follows:

**108.1 Board of appeals established.**

- In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals, consistent with Title 8, section 1.02 of the Atascadero Municipal Code. ~~The board of appeals shall be the City Council.~~ The fire code official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.

~~(e)~~ Amend Section 311.2.2 Fire Protection by deletion of Exceptions 1 and 2.

(fe) Amend Section 503.1.1 to read as follows:

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720mm) of all portions of the facility and all portions of the exterior walls of the first story of the building measured by an approved route around the exterior of the building or facility. Additionally, all roads and driveways shall comply with Atascadero Fire Department standards [F 1, F 2, F 3, F 4, F 7 and F 8](#).

**Exception:** The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of protection is provided.
2. There are not more than two Group R-3 or Group U occupancies.

(gf) Amend Section 505.1 to read as follows:

**505.1 Address ~~identification numbers~~.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. All buildings with access via an alley or other similar roadways shall have the address number provided on the rear door of the building or tenant space. Address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) or as otherwise determined necessary by the fire code official. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

(hg) Amend Section 507.2.2 to read as follows:

**507.2.2 Water tanks.** Water tanks are not permitted for private fire protection.

(h) Amend Section 605.11 to read as follows:

**605.11 Solar photovoltaic power systems:**

Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the California Building Code or California Residential Code, California Electrical Code and the Atascadero Municipal Code Solar Installation Guidelines.

(i) Amend Section 609.2 to read as follows:



**609.2 Where required.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. Hood systems shall be tied into existing alarm systems.

(j) Amend Section 901.7 to read as follows:

**901.7 Systems out of service.** Where a required fire protection system is out of service, the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. The person assigned to fire watch shall maintain a written log of their activities during their assigned shift and the log shall be provided to the fire code official upon request.

(k) Delete Sections 903.2 through 903.2.19 and replace ~~with new Sections 903.2 and 903.2.3 to read~~ as follows:

**903.2. Where required.** An approved automatic fire sprinkler system shall be installed throughout all new buildings, and/or buildings that are increased in size that meet the following conditions below:

~~1. Throughout all new buildings.~~

~~— Exceptions:~~

1. Buildings containing Groups B and M occupancies where floor area is ~~not more than~~ greater than or equal to 500 square feet (46.45 m<sup>2</sup>) and located ~~not less than or equal to~~ 10 feet from adjacent buildings on the same property and ~~not less than or equal to~~ 5 feet from adjacent property lines.

2. Buildings containing Group U occupancies where floor area is ~~less than~~ greater than or equal to 1,000 square feet (92.9 m<sup>2</sup>) and located ~~not less than or equal to~~ 10 feet from adjacent buildings on the same property and ~~not less than~~ or equal to 5 feet from adjacent property lines, unless part of a mixed-occupancy building containing a Group R, Division 3 occupancy.

3. Group U occupancy buildings that are not open on at least three sides and ~~not greater than~~ or equal to 3,000 square feet.

~~2~~ 4. ~~Throughout an existing building other than a~~ Group R, Division 3 occupancy or a U occupancy when accessory to a Group R, Division 3 occupancy whenever additions exceed ten (10) percent of the total floor area of the existing building, and the total combined floor area will exceed 2,000 square feet (185.8 m<sup>2</sup>), or a second story or greater is added.

~~3~~ 5. Throughout an existing Group R, Division 3 occupancy or Group U occupancy when accessory to a Group R, Division 3 occupancy whenever additions exceed ten (10) percent of the total floor area of the existing building ~~and or~~ the total combined floor area will exceed 5,000 square feet (185.8 m<sup>2</sup>).

~~— Exceptions:~~

~~16.~~ Group R, Division 3 occupancies where the total combined floor area will ~~not~~ exceed 3,000 square feet (278.7 m<sup>2</sup>).

~~27.~~ Group B and M occupancies whenever single or multiple additions will ~~not~~ exceed 1,000 square feet (92.9 m<sup>2</sup>) beyond the size of the structure on the effective date of this regulation, or the total combined floor area will ~~not~~ exceed 5,000 square feet (464.5 m<sup>2</sup>), provided or a second story or greater is ~~not~~ added.

~~903.2.1 When occupancy change increases fire risk or hazard. An automatic sprinkler system shall be provided for 8.~~ Group A, B, E, F, M and S occupancies where one of the following conditions exist in existing buildings when modification or tenant improvements are being considered:

- ~~\_\_\_\_\_~~ 1. The fire area exceeds 5,000 sq. ft. (464m<sup>2</sup>).
- ~~\_\_\_\_\_~~ 2. The fire area has an occupant load of 100 or more.
- ~~\_\_\_\_\_~~ 3. The fire area is located on the floor other than a level of exit discharge serving A, B, E, F, M and S occupancies.
- ~~\_\_\_\_\_~~ 4. The structure exceeds 5,000 sq. ft. (464m<sup>2</sup>), contains more than one fire area containing A, B, E, F, M and S occupancies and is separated into two or more buildings by firewalls of less than four-hour fire resistance rating without openings.

~~Exceptions:~~

~~19.~~ In A-5, F-1 and S-1 building occupancy ~~the CFC requirements will apply~~ as follows:

- ~~\_\_\_\_\_~~ 1. An automatic sprinkler system shall be provided for Group A-5 Occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (90m<sup>2</sup>). ~~(CFC 903.2.1.5)~~
- ~~\_\_\_\_\_~~ 2. A Group F-1 Occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232m<sup>2</sup>). ~~(CFC 903.2.4, 4)~~
- ~~\_\_\_\_\_~~ 3. Woodworking Operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain wood-working operations in excess of 2,500 square feet in area which generate finely divided combustible waste or which use finely divided combustible materials. A firewall of less than four hour fire-resistance rating without openings, or any firewall with openings, shall not be used to establish separate fire areas. ~~(CFC 903.2.4.1)~~
- ~~\_\_\_\_\_~~ 4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232m<sup>2</sup>). ~~(CFC 903.2.9, 5)~~

~~510.~~ Any commercial occupancy, A, B, E, F, M, and S that is partially converted to an R occupancy within the same building adjoining other commercial uses.

~~903.2.112.~~ **Additions to existing buildings equipped with an automatic fire sprinkler system.** For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building.

~~903.2.3. Telecommunication buildings. An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.~~

903.2.12 Flow switch. All sprinkler systems including NFPA 13, 13R and 13D shall require a flow switch that is connected to a local bell and is highly encouraged to have an inspector test valve at the most hydraulically remote location per Atascadero Fire Department standards.

903.2.13 Automatic fire-extinguishing system. An automatic fire-extinguishing system shall be installed as set forth in Section 903.2 of the California Fire Code as amended in Section 4-7.103 of the Atascadero Municipal Code.

~~(l)~~ Add Sections 904.11.4.2 through 904.11.4.3 to read as follows:

~~904.11.4.2 Wood or wood product fueled cooking.~~ All commercial type cooking equipment using wood or wood products as fuel shall be protected by an automatic sprinkler system within the hood and the duct work. The water supply may be provided from the building's fire sprinkler system, or the domestic water supply. The minimum water flow calculation shall be 18 gallons per minute (69 lpm) at 7 psi for each head. There shall be a separate control valve for the fire sprinkler system protecting the commercial type cooking equipment.

~~904.11.4.3 Extinguishing system service.~~ Automatic fire extinguishing systems shall be serviced in accordance with the manufacturer's specifications and the California State Fire Marshal's Standards at least every 6 months and after activation of the system. Service shall be by licensed and qualified individuals, and a certificate of inspection shall be forwarded to the fire code official as set forth in Section 609.2.1.

~~(m)~~ Add Sections 907.~~8-110~~ through 907.~~8-310.2~~ to read as follows:

**907.~~8-110~~ False alarms.** The fire code official is authorized to seek cost recovery for a fire department response to an alarm system activation which is determined to be a false alarm caused by system malfunction, system misuse or other non-emergency causes.

**907.~~8-210.1~~ False alarm frequency.** The cost recovery fee will be charged for all responses after the second false alarm in a calendar year.

**907.~~8-310.2~~ False alarm fee.** The amount of the cost recovery fee will be as set forth in the City of Atascadero User Fees Schedule. Additional fees may be charged for extraordinary circumstances.

~~(n)~~ Add Section 1011.9 to read as follows:

~~1011.9 Temporary exit signage.~~ All buildings under construction or undergoing demolition shall be provided with temporary exit signage when any one or more of the following conditions are present:

- ~~1. The building is 15,000 square feet or larger.~~
- ~~2. When in the opinion of the fire code official, exit signage is necessary due to the design of the building or other unusual circumstances are present.~~

~~The location and design of the exit signs shall be determined by the fire code official.~~

~~(c) Amend Section 3315 to add subsections 4 and 5:~~

~~4. Throughout the building under construction in sufficient quantity so travel distance does not exceed 75 feet.~~

~~5. The minimum rating for fire extinguishers shall be 2A10BC.~~

~~(Ord. 575 § 2, 2013)~~

#### **4-7.104 Modifications to the International Wildland-Urban Interface Code.**

The following are local modifications to the 2015 Edition of the Wildland-Urban Interface Code (WUI). Interpretations of the Fire Code shall be made by the City of Atascadero Fire Chief or their designee.

- (a) Delete Appendix C, E and G.
- (b) Amend Section 101.1 to read as follows:

**101.1 Title.** These regulations shall be known as the Wildland-Urban Interface Code of the City of Atascadero, hereinafter referred to as “this code.” References throughout this code to the International Building Code shall mean California Building Code. References throughout this code to the International Fire Code shall mean California Building Code.

- (c) Add Section 101.1.1 to read as follows:

**101.1.1 Code official designated.** For the purposes of this code, the code official shall be the fire code official or building official as established in the building construction and fire codes adopted by the City.

~~(d) Amend Section 104.1 to read as follows:~~

~~**104.1 General.** To determine the suitability of alternate materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals. The board of appeals shall be the City Council. The building official and fire code official shall be ex officio members, and shall act as secretary of the board. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant.~~

~~(e) Amend Section 108 to be titled Certificate of Occupancy and amend Section 108.1 to read as follows:~~

~~**108.1 General.** A certificate of occupancy shall not be issued by the building official until the code official determines that the project is in compliance with this code.~~

- ~~(f)~~ Amend Section 302.1 to read as follows:

**302.1 Declaration.** Wildland-Urban Interface areas shall be established by the Fire Hazard Severity Zones designated by the State of California or as declared by the City Council.

~~(g) Amend Section 308.1 to read as follows:~~

~~**308.1.6.3 Sky lanterns.** No person shall release or cause to be released an untethered sky lantern.~~

~~(h) Add new definition as follows to Section 202:~~

~~**SKY LANTERN.** An unmanned device with a fuel source that incorporates an open flame in order to make the device airborne.~~

~~(i) Amend Chapter 5 to read as follows:~~

~~**Section 501.** Chapter 5 is deleted in its entirety. Ignition Resistant Construction shall be as set forth in Chapter 7A of the California Building Code as amended in Section 8-3.101 of the Atascadero Municipal Code.~~

~~(j) Adopt all appendix sections except appendix J. (Ord. 575 § 2, 2013)~~

~~**4-7.105 Adoption of design requirements for roof mounted photovoltaic electrical generation systems.**~~

~~(a) The Fire Chief shall approve standards for the installation of roof mounted photovoltaic electrical generations systems.~~

~~(b) The installation of all roof mounted photovoltaic electrical generations shall be consistent with the adopted standards. (Ord. 575 § 2, 2013)~~

**SECTION 2.** A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s Office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on \_\_\_\_\_, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: \_\_\_\_\_  
Tom O’Malley, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Pierik, City Attorney

**ATTACHMENT 2: Draft Ordinance B – Title 8 Building Codes**

**DRAFT  
ORDINANCE B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA,  
REPEALING TITLE 8 (BUILDING REGULATIONS) AND  
REPLACING TITLE 8 TO ADOPT AND AMEND THE LATEST EDITIONS  
OF THE CONSTRUCTION AND FIRE CODES,  
AND ADOPT FINDINGS OF FACTS TO SUPPORT THE IMPOSITION OF  
REQUIREMENTS GREATER THAN THE REQUIREMENTS ESTABLISHED  
BY OR PURSUANT TO THE  
CALIFORNIA BUILDING STANDARDS CODE  
(City of Atascadero)**

The City Council hereby finds and declares as follows:

**WHEREAS**, an application has been received from the City of Atascadero (6500 Palma Avenue, Atascadero, CA 93422), to consider a project consisting of Amendments to Title 8, and Title 4 of the Atascadero Municipal Code to be consistent with the California Building Standards Code; and,

**WHEREAS**, it is the desire and intent of the City Council of the Atascadero to provide citizens with the greatest degree of fire, life and structural safety in buildings in the most cost effective manner by adopting that body of regulations referred to as the California Building Standards Code with amendments specific to the City of Atascadero; and

**WHEREAS**, the California Health and Safety Code, Section 17958.5 and Section 18941.5, require the City Council, before making any modifications or changes to the California Building Standards Code pursuant to Health and Safety Code Sections 18941.5 and 17958.5, to make an express finding that each such modification or change is needed; and,

**WHEREAS**, the California Health and Safety Code Section 17958.7 requires that such changes must be determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and,

**WHEREAS**, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission; and,

**WHEREAS**, the proposed text amendments are exempt per section 15061(b)(3) in accordance with the California Environmental Quality Act (CEQA); and,

**WHEREAS**, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on March 14, 2016, studied and considered the proposed municipal code text amendments and changes; and,

**WHEREAS**, the Council of the City of Atascadero affirms the findings justifying previous changes and modifications to the adopted construction and fire codes previously adopted; and,

**WHEREAS**, the City Council hereby determines that the California Building Code, California Plumbing Code, California Electrical Code, and California Fire Code are required to be modified due to the findings contained herein to greater requirements than those set forth in the California State Building Standards; and,

**WHEREAS**, the City Council finds that each of the changes or modifications to measures referred to therein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Atascadero, and the City Council further finds that the following findings support the local necessity for the changes or modifications:

1. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, and 1995. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of Fire Department personnel may cause a substantial or total lack of protection against fire for buildings and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in the 2016 California Building Code;
2. That the City of Atascadero is situated near three major faults capable of generating earthquakes with a magnitude of 7.5: the San Andreas to the east of the City, the Nacimiento-Rinconada that crosses Hwy 101 north of the City then parallels the City to the east, and the Hosgri to the South West. Other faults of importance are the Huasna and West Huasna to the Southeast of the City, and the San Simeon to the Northwest. In as much as these faults are included as major California earthquake faults, which are subject to becoming active at any time, the City Atascadero is particularly vulnerable to devastation should such an earthquake occur. The potential effects include isolating the City of Atascadero from the north and south due to the potential for collapsing of freeway overpasses or a slide on both the Cuesta and Ontario Grades and the potential for horizontal or vertical movement of the Edna fault rendering surface travel across the southern extremities of the City unduly burdensome or impossible. Additional potential situations inherent in such an occurrence include broken natural-gas mains causing structure and other fires, leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people. The protection of human life and the preservation of property in the



event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of greater requirements than set forth in 2016 California Building Code;

3. That the central commercial area in the City of Atascadero consists of mixed conditions that create the potential for possible conflagration, including congested streets during the business day, numerous older buildings without adequate internal fire-resistance, and contemporary low-rise buildings. The continued development of the Atascadero commercial area and the current and potential development of high-rise buildings pose a substantial threat of fire to human life, public safety, and the preservation of property and support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular, support the imposition of greater requirements than set forth in 2016 California Building Code;
4. That the City of Atascadero is bisected by a major freeway (Hwy 101), traversing in the north/south direction and a major highway (Hwy 41) traversing in an east/west direction. The City is also transected by a mainline railroad that traverses in the north/south direction. It is a frequent occurrence for the aforementioned highways and railway to support the transportation of hazardous materials. The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life, and to prevent as far as practicable, property losses. Emergency personnel responding to said incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The above-described problems support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2016 California Building Code;
5. That seasonal climatic conditions during the late summer and fall create numerous serious difficulties in the control and protection against fire situations in the City of Atascadero. The hot dry weather in combination with Santa Ana winds frequently results in wildland fires in the brush-covered slopes on the Santa Lucia Mountains and several areas surrounding. The aforementioned areas completely surround the City. When a fire occurs in said areas, such as occurred in 1994, the Highway 41 fire burned for several days and entered the City, the entirety of local fire department personnel is required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property and watershed land. The same climatic conditions may result in the concurrent occurrence of one or more fires in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Therefore, the above-described findings support the imposition of fire-protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2016 California Building Code;

6. That for the most part, the soils in the City of Atascadero are medium to highly expansive in nature, and such soils may cause damage to foundations, structures and underground utilities if not properly mitigated through known construction techniques. Furthermore, a significant part of the City lies on hills and rolling topography subject to earth slides and movements and present problems to developments constructed in such areas due to surface water drainage and disposal. The above-described conditions support the imposition of requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than those set forth in the 2016 California Building Code.

**WHEREAS**, the City Council has determined that the provisions of the State Building Standards Code shall be modified, changed and amended, as provided for in this ordinance, based upon the foregoing findings and that said Council takes said action because of the public interest in protecting life and preserving public safety and property; and,

**WHEREAS**, the Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** All Chapters of Title 8 of the City of Atascadero Municipal Code are hereby repealed and replaced by new Title 8 as follows.

**Title 8**

**BUILDING CODE**

**Chapters:**

- 1 Administrative**
- 2 Organization and Enforcement**
- 3 Building Code**
- 4 Residential Code**
- 5 Electrical Code**
- 6 Plumbing Code**
- 7 Mechanical Code**
- 8 Green Building Code**
- 9 Unsafe Buildings and Structures**
- 10 Water Efficient Landscape and Irrigation**
- 11 Unreinforced Masonry**
- 12 Post-Disaster Regulations**

**Chapter 1**  
**ADMINISTRATIVE**

**Sections:**

- 8-1.101 Title.**
- 8-1.102 Adoption of Codes.**
- 8-1.103 Building Official designated.**

**8-1.101 Title.**

This title shall be known as the City of Atascadero Building Construction Code, Title 8 of the Atascadero Municipal Code.

**8-1.102 Adoption of Codes.**

Eleven (11) ~~Ten (10)~~ documents, three (3) each of which are on file in City offices, identified by the Seal of the City of Atascadero, marked and designated as:

2016-1. — 2013 Edition of the California Building Code (Volumes 1 and 2) published by the International Code Council;

2016-2. — 2013 Edition of the California Residential Code published by the International Code Council;

2016-3. — 2013 Edition of the California Electrical Code published by the National Fire Protection Association;

2016-4. — 2013 Edition of the California Mechanical Code published by the International Association of Plumbing and Mechanical Officials;

2016-5. — 2013 California Plumbing Code published by the International Association of Plumbing and Mechanical Officials;

2016-6. — 2013 Edition of the California Green Building Code;

2016-7. — 2013 Edition of California Energy Code;

2016-8. — 2013 Edition of the California Historical Building Code;

2016-9. — 2013 Edition of the California Existing Building Code;

2015-10. — 2012 Edition of International Property Maintenance Code published by the International Code Council;

2015 International Swimming Pool and Spa Code

are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Building Construction Regulations of the City of Atascadero. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter except as modified hereinafter.

The 2015 International Solar Energy Provisions and Commentary is hereby incorporated as a reference document only to pertinent section of the Building Code as determined by the Building Official.

**8-1.103 Building Official designated.**

The Building Official is hereby designated as the Building Official and Code Official for the City of Atascadero. Where the “authority having jurisdiction” is used in the adopted codes, it shall mean the Building Official.

**Chapter 2**  
**ORGANIZATION AND ENFORCEMENT**

**Sections:**

- 8-2.101 Administration of adopted Codes.**
- 8-2.102 Modification of Chapter 1, Division II.**
- 8-2.103 Administration of adopted Codes.**

**8-2.101 Administration of adopted Codes.**

The administration and enforcement of this title shall be in accordance with Chapter 1, Division II of the California Building Code as adopted in Chapter 1 of this title and amended in this chapter.

**8-2.102 Modification of Chapter 1, Division II.**

- (a) Amend Section 103.1 to read as follows:

**103.1 Creation of enforcement agency.** The Building Services Division is hereby created and the official in charge thereof shall be known as the building official.

- (b) Amend Section 105.1 and add Section 105.1.3 to read as follows:

**Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or re-grade, re-pave, re-surface, re-stripe or otherwise alter a parking facility, the installation of which is regulated by this code, or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Grading and/or waste disposal system permits for residential sites shall not be issued separately from the building permit for the residence without specific approval of the building official and Community Development Director.

105.1.2 Occupancy and use prohibited before approval. The building or structure shall not be occupied prior to the fire code official approving and the Building Official issuing a permit and conducting associated inspections indicating that applicable provisions of this code have been met. No appliance, device, equipment, or system shall be operated or used until the installation has been approved and permitted by the fire code official and all applicable provisions of this code have been met. It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes.

**105.1.3 Cargo containers and railroad cars.** Railroad cars, cabooses, shipping containers, mobile homes without HUD certification label, and similar assemblies shall not be moved into or relocated within the City limits for habitation, storage or any structural purpose without approval of the building official. Said structures do not qualify as conventional construction, and therefore compliance with all applicable codes shall be substantiated by a California licensed architect or engineer.

(c) Add Section 105.2.4 to read as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, exempt from a building permit under Section 105.2 may not exceed 16 ft. in total height.
2. In residential one- and two-family dwellings, decks not exceeding 200 sq. ft. (18.58m<sup>2</sup>) in area, that are not more than 30 inches (762mm) above grade at any point, that are not attached to a structure and do not serve the exit door required by Section R311.3

(d) Amend Section 105.3.2 to read as follows:

**105.3.2 Time limitation of application.**

1. **Expiration of application.** Applications for which no permit is issued within 180 days following date of notification of approval/ready for issuance by the Building Division, or applications within 180 days following date of notification of permit corrections to be picked up or returned, shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

In order to renew action on an application after expiration, the applicant shall resubmit a permit application, plans and pay a new plan review feesfee. No extension is allowed except by written appeal to the Building Official. The Building Official is authorized to grant anone extension of time for an additional period not exceeding 180 days. ~~No application shall be extended more than once.~~

2. **Fee refund.** Application fees and permit fees are assessed to cover the cost of providing permit issuance services and therefore are not refundable once service has been obtained. A full refund (100%) can only be given when a cancelled application was submitted and/or reviewed due to staff error. Refunds for cancelled applications will not include submittal fees, document imaging fees, and plan review fees (once a plan review has been completed). Refunds must be requested in writing and within one (1) year of application submittal date. Refunds for cancelled permits will include up to 80% of the permit fee, provided no work has commenced and the request for refund is within one (1) year from permit issuance. Refunds must be requested in writing and within one (1) year of permit issuance. Refunds will not be processed for applications and/or permits that have been suspended or revoked, or that have expired due to limitation.

~~3. **Dormant building permit application one time only blanket extension.** In addition to the time extension allowed in Section 105.3.2.1., any building permit application for new single-family residence, new multi-family residence, new commercial or industrial building, or a commercial or industrial addition, submitted to the City of Atascadero on or before September 9, 2008, may opt into a one time-only application extension. In order to be considered for this program, all outstanding plan check fees must be paid in full on or before February 28, 2009, and any subsequent building permit regulated by this program must be paid for in full and issued on or before December 31, 2014. Any building permit application or subsequent building permit regulated by this program that does not meet all timeframes indicated in this section will be cancelled and become null and void, and any subsequent work will require a new permit application, new plans, and new plan check and permit fees.~~

~~4.— Dormant building permit application one-time-only blanket extension with projects using City Approved Stock Plans. For projects meeting the requirements of the City's Dormant Permit Program, and whose stock plans have been updated to the 2010 California Building Code and 2010 California Residential Code AND has for construction permit applications on file must secure said permits by the end of the calendar year 2014 or current code stock plan update is required.~~

~~(e) Amend Appendix Section 105.5 to read as follows:~~

**105.5 Expiration of permit.** Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Failure to request and receive a recorded inspection by the building official within the 180-day period constitutes a condition of suspension or abandonment.

Before work can be recommenced after expiration of a permit, a new permit shall be obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew ~~action on a permit after expiration, the permittee shall pay a new full permit fee.~~ action on a permit after one year expiration, the permittee shall submit new plans, if required, and pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. ~~No permit shall be extended more than once.~~

(f) Amend Section 109.4 to read as follows:

**109.4 Work commencing before permit issuance.** Any person who commences work on a project regulated by this code before obtaining necessary permits shall be subject to the following investigative fee:

1. First offense: \$100.00 investigative fee.
2. Second offense: \$250.00 investigative fee.
3. Third offense: An investigative fee equal to the amount of the required permit fee, with a minimum of \$500.00.

The payment of such investigative fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(g) Amend Appendix Section 113 to read as follows:

**BUILDING CODE APPEALS HEARING OFFICER**

**113. General.** In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of this Code, there shall be and is hereby created a Building

Code Appeals Hearing Officer. The Building Code Appeals Hearing Officer shall be appointed consistent with Section 12-2.08(a) of the Atascadero Municipal Code.

113.1 Appeal Board Members. The City Manager of the City of Atascadero shall appoint no less than three (3) board members and no more than five (5) members whom must be knowledgeable in building codes, regulations, and ordinances, including specialty trades including but not limited to structural engineering and combustible materials, when necessary. In no instance shall an appeal board member be an employee, appointed, or elected official of the City of Atascadero.

**113.2. Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The hearing officer shall have no authority to waive requirements of this code.

**113.3. Hearing procedure.** Hearing procedure shall be consistent with Title 12 Chapter 2 of the Atascadero Municipal Code.

(h) Add Sections 114.5 and 114.6 to read as follows:

**114.5 Notice of noncompliance.** When determined by the building official that work has been done without required permits, or has not been completed in accordance with the requirements of this code, the State Housing Laws, or any other adopted code, the building official may cause a Notice of Noncompliance to be recorded with the County Recorder and shall notify the owner of the property of such action. The Notice of Noncompliance shall describe the property, shall set forth the non-complying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the Notice of Noncompliance with the County Recorder when it has been determined by the building official that the non-complying conditions have been corrected.

**114.6 Liability for costs of enforcement.** Any person who maintains any premises in violation of any provision of this code, the State Housing Law, or any other adopted code shall be liable for and obligated to pay to the City of Atascadero all costs incurred by the City of Atascadero in obtaining abatement or compliance that is attributable to or associated with the enforcement or abatement action, whether the action is administrative, injunctive, or legal, and for all damages suffered by the City of Atascadero, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

If the owner of the property involved in such abatement or compliance action fails to pay for the costs of such abatement or compliance action upon demand by the City of Atascadero, the City Council by resolution may order the cost of the abatement to be specially assessed against the parcel. Such assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of the delinquency as are provided for ordinary City taxes.

(i) Amend Section 116.1 to read as follows:

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal



or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and the ~~2015~~2012 Edition of the International Property Maintenance Code, as adopted. A vacant structure that is not secured against entry shall be deemed unsafe.

(j) Add Section 116.6 to read as follows:

**116.6 Levels of code compliance for remodel, renovation or repair to existing buildings.** When the estimated value of proposed remodel, renovation or repair work to an existing building exceeds 75% of the current valuation for a new building, all building code requirements for new buildings, including, but not limited to, an automatic fire suppression system, wildland interface construction requirements, Title 24 energy analysis, etc will apply.

**Exception:** For structures damaged by flood see AMC Title 7 Chapter 11.

(k) Add Section 117 to read as follows:

## SECTION 117 CONSTRUCTION SITE

**117.1 Temporary toilet facilities required.** No person shall initiate or proceed with construction, erection, alteration, repair, or razing a project without first having provided an adequate number of suitable sanitary job toilet facilities for the use of workers on the project in a ration of 1 toilet per 30 workers. Toilets must be within two hundred (200) feet of each work area within the project site.

### **8-2.103 Administration of adopted Codes.**

The administration and enforcement of this title shall be in accordance with Chapter 1, Division II of the California Building Code as adopted in Chapter 1 of this title and amended in this chapter.

Chapter 3  
BUILDING CODE

Section:

8-3.101 Modifications of the California Building Code.

8-3.101 Modifications of the California Building Code.

- (a) Delete Appendices A, B, C, D, E, F, G, H, K, L, and M. Adopt Appendix [I and J104.1](#).
- (b) Amend Section 701A.1 to read as follows:

**701A.1.** This chapter applies to building materials, systems and/or assemblies used in the exterior design of construction of new buildings and additions to existing buildings whose first application for construction permit was submitted after October 4, 2004, and located in a High or Very High Fire Severity Zone as described on the approved City of Atascadero Fire Severity Zone map on file in the office of the Fire Chief of the City of Atascadero.

- (c) Amend 701A.2 to read as follows:

**701A.2 Purpose.** The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in a High or Very High Fire Severity Zone within the City of Atascadero to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

- (d) Amend Section 701A.3 to read as follows:

**701A.3 Application.** New buildings, or additions or alterations to buildings whose first application for construction permit was submitted after October 4, 2004, located in a High or Very High Fire severity zone shall comply with all sections of this chapter, as amended.

**Exceptions:**

1. Detached trellises, patio covers, gazebos and similar structures, 450 sq. ft. or less, with open trellis roof or Class A roofing, when open on all sides and located at least 10 feet from adjacent buildings.
2. Accessory structures not exceeding 120 square feet in floor area and exempt from a building permit per Section 105.2, as amended.
3. Agricultural buildings where located at least 50 feet from buildings containing habitable spaces on the same lot and 50 feet from an adjacent property line.
4. Additions or modifications to existing buildings whose first application for construction permit was submitted prior to October 5, 2004.

- (e) Amend 704A.1 as follows:

**704A.1 General.** The materials prescribed herein for ignition resistance shall conform to the requirements of this chapter. Wood shake or wood shingle roofing products shall not be installed on any exterior part of any building.

- (f) Delete Sections 903.2 through 903.2.19. Add new Section 903.2 to read as follows:

**903.2 Where required.** An approved automatic fire sprinkler system shall be installed consistent with the requirements contained in Section 4-7.103 (Fire Code).

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage shed, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls and non-retaining walls, including masonry and concrete free-standing walls, that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agriculture purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

(g) Amend Section 1505.1 to read as follows:

**1505.1 General.** Roof assemblies shall be divided into the classes as defined below. Class A, B and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. ~~In addition, fire retardant treated wood roof coverings shall be tested in accordance with ASTM D 2898.~~ The minimum roof coverings installed on new and existing buildings shall be a Class A assembly.

**Exception:** Skylights and sloped glazing that comply with Chapter 24 or Section 2610.

~~(h) Add Section 1506.3.1 to read as follows:~~

~~**1506.3.1 Wood shake and shingle limitations.** Wood shake or wood shingle roofing products shall not be installed on any exterior part of any building.~~

~~**Exceptions:**~~

- ~~1. Roof coverings on additions to existing wood shingle or wood shake roofs not greater than 25 percent of the existing roof area may be a fire retardant treated wood shingles or shakes to match existing.~~
- ~~2. Repairs to existing wood roof coverings not exceeding 25 percent of existing roof area per calendar year may be fire retardant treated wood shingles or shakes to match existing.~~

(i) Amend Section 1802.2 to read as follows:

**1802.2 Where required.** The owner or applicant shall submit foundation and soils investigation report to the building official where required in Sections 1802.2.1 through 1802.2.7.

**Exceptions:**

1. The building official need not require a foundation and soils investigation report where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1802.2.1 through 1802.6.
2. The building official need not require a foundation and soils investigation report for one-story, wood-frame and light-steel-frame additions to Group R, Division 1 and 3 occupancies of 1,000 square feet of floor area or less, or new one-story, wood-frame and light-steel-frame detached accessory structures 1,000 square feet of floor area or less, or one-story, wood-frame and light-steel-frame additions to detached accessory structures 1,000 square feet of floor area or less when a licensed architect or engineer provides a foundation design and a site observation report with a statement of site suitability.

~~(j) Add Sections 3408.1.1 through 3408.1.4.3 to read as follows:~~

~~**3408.1.1 Change of occupancy classification based on hazard category.** The relative degree of hazard between different occupancy classifications shall be determined in accordance with the category specified in Tables 3408.1.1, 3408.1.2 and 3408.1.3. Such determination shall be the basis for the application of Sections 3408.1.2 through 3408.1.4.3.~~

~~**3408.1.2 Means of egress, general.** Hazard categories in regard to life safety and means of egress shall be in accordance with Table 3408.1.2.~~

**Table 3408.1.2**  
**Means of Egress Hazard Categories**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I 2, I 3, I 4
3	A, E, I 1, M, R 1, R 2, R 4
4	B, F 1, R 3, S 1
5 (Lowest Hazard)	F 2, S 2, U

~~3408.1.2.1 Means of egress for change to higher hazard category.~~ When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 3406.1.2, the means of egress shall comply with the requirements of Chapter 10 of the California Building Code.

~~3408.1.2.2 Means of egress for change of use to equal or lower hazard category.~~ When a change of occupancy is made to an equal or lesser hazard category (higher number) as shown in Table 3406.1.2, existing elements of the means of egress shall not be reduced below the level established by the code under which the building was constructed for the new occupancy classification. Newly constructed or configured means of egress shall comply with the requirements of Chapter 10 of the California Building Code.

~~Exception:~~ Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.

~~3408.1.3 Heights and areas.~~ Hazard categories in regard to height and area shall be in accordance with Table 3408.1.3.

**Table 3408.1.3**  
**Heights and Areas Hazard Categories**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	A 1, A 2, A 3, A 4, I, R 1, R 2, R 4
3	E, F 1, S 1, M
4 (Lowest Hazard)	B, F 2, S 2, A 5, R 3, U

~~3408.1.3.1 Height and area change to higher hazard category.~~ When a change of occupancy is made to a higher category as shown in Table 3408.1.3, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the California Building Code for the new occupancy classification.

~~3408.1.3.2 Height and area change to equal or lesser category.~~ When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 3408.1.3, the height and area of the existing building shall be deemed acceptable.

~~3408.1.3.3 Fire barriers.~~ When a change of occupancy classification is made to a higher hazard category as shown in Table 3408.1.3, fire barriers in separated mixed-use buildings shall comply with the fire resistance requirements of the California Building Code.

~~Exception:~~ Where the fire barriers are required to have a 1-hour fire resistance rating, existing wood lath and plaster in good condition or existing 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted.

~~3408.1.4 Exterior wall fire resistance ratings.~~ Hazard categories in regard to fire resistance ratings of exterior walls shall be in accordance with Table 3408.1.4.

**Table 3408.1.4**  
**Exposure of Exterior Walls Hazard Categories**

Relative Hazard	Occupancy Classification
1 (Highest Hazard)	H
2	F-1, M, S-1
3	A, B, E, I, R
4 (Lowest Hazard)	F-2, S-2, U

~~3408.1.4.1 Exterior wall rating for change of occupancy classification to a higher hazard category.~~ When a change of occupancy classification is made to a higher hazard category as shown in Table 3408.1.4, exterior walls shall have a fire resistance and exterior opening protectives as required by the California Building Code. This provision shall not apply to walls at right angles to the property line.

~~Exception:~~ A 2-hour fire resistance rating shall be allowed where the building does not exceed three stories in height and is classified as one of the following groups: A-2 and A-3 with an occupant load of less than 300, B, F, M, or S.

~~3408.1.4.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard category.~~ When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 3408.1.4, existing exterior walls, including openings, shall be accepted.

~~3408.1.4.3 Opening protectives.~~ Openings in exterior walls shall be protected as required by the California Building Code. Where openings are required to be protected because of distance from the property line, the sum of the area of such openings shall not exceed 50 percent of the total area of the wall in each story.

**Exceptions:**

1. Where the California Building Code permits openings in excess of 50 percent.
2. Protected openings shall not be required in buildings of Group R occupancy that do not exceed three stories in height and that are located not less than 3 feet (914 mm) from the property line.
3. Where exterior opening protectives are required, an automatic sprinkler system throughout may be substituted for opening protection.

~~4.— Exterior opening protectives are not required when the change of occupancy group is to an equal or lower hazard classification in accordance with Table 3408.1.4.~~

(k) Amend Section 3109.4.4.2 as follows:

**Section 3109.4.4.2 Construction permit; safety features required.** Commencing January 1, 2007, except as required by Section 3109.4.4.5, whenever a building permit was issued for construction of a new swimming pool or spa or any building permit issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least one of the following seven drowning prevention safety features:

Items 4 and 5 may only be used in conjunction with an enclosure meeting the requirements of Section 3109.4.4.3, that isolates the swimming pool, spa or hot tub from adjoining property.

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 3109.4.4.3.
2. The pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F 2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
3. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM Specifications F 1346.
4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
5. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.
6. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F 2208 “Standards Specification for Pool Alarms” which includes surface motion, pressure, sonar, laser and infrared type alarms. For purposes of this article, “swimming pool alarms” shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.
7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 4, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Testing Mechanical Engineers (ASTM).

(l) Amend Appendix J101.1 to read as follows:

**J101.1 Scope.** Grading, excavation, and earthwork construction, including fills and embankments, shall comply with the provisions of this chapter and Title 9, Sections 9-4.138 through 9-4.154 of the Atascadero Municipal Code. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern. Where conflicts occur between this chapter and Title 9 provisions, the most restrictive shall govern.

(m) Add Appendix Section J101.3 to read as follows:

**J101.3 Special grading standards.** All excavations and fills except for minor grading shall be conducted in accordance with the following special standards:

1. **Area of cuts and fills.** Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate yard areas. Consideration shall be given to revising the building design to minimize unnecessary grading.
2. **Creation of building sites: slope limitations.** Grading for the purpose of creating a site for a building or structure shall be prohibited on slopes of 20 percent or greater except where authorized through precise plan approval.
3. **Final contours.** Contours, elevations and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance.

(n) Add Appendix Section J101.4 to read as follows:

**J101.4 Grading near watercourses such as creeks, streams and rivers (collectively referred to as “creeks”).** Grading, dredging, or diking may not alter any intermittent or perennial stream or natural body of water shown on any USGS 7 1/2 minute map, except as permitted through approval of a grading and drainage plan, and appropriate permits from the California Department of Fish and Game and any other federal or State agency with jurisdiction over work near or in creeks. Watercourses are to be protected as follows:

1. Watercourses shall not be obstructed unless an alternate drainage facility is approved.
2. Fills placed within creeks shall have suitable protection against erosion during flooding.
3. Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the City Engineer in place.
4. Excavated materials shall not be deposited or stored in or alongside creeks where the materials can be washed away by high water or storm runoff.

(o) Amend Appendix Section J103.2 to read as follows:

**J103.2 Exempted work.** A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, that such grading will not adversely affect adjoining properties, and that such grading is approved by the City Engineer.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.



7. Exploratory excavations performed under the direction of a registered design professional. Any grading needed to gain access to exploratory excavation areas is not included in this exemption.
8. Excavation and/or fill not greater than 50 cubic yards (38.3 m<sup>3</sup>) that is not intended to support a structure does and will not obstruct a drainage course.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(p) Add Appendix Sections J104.2.1 and J104.2.2 to read as follows:

**J104.2.1 Application content.** To apply for a grading permit, the grading plan shall be submitted together with the additional information required by this section. Where grading requiring a permit is proposed in conjunction with a precise plan or conditional use permit request, those applications may be used to satisfy grading permit information requirements as long as all required information is submitted.

Where a grading permit is required and the grading will move less than 500 cubic yards and is located on slopes less than 20 percent, the application for a grading permit shall include the following:

1. Contour Information.
  - a. For sites with slopes of 10 percent or less, accurate contours of existing ground at one foot intervals and drainage channels, including areas of the subject site (and adjoining properties) that will be affected by the disturbance either directly or through drainage alterations.
  - b. For sites with slopes greater than 10 percent and less than 30 percent, details of area drainage and accurate contours of existing ground at 2-foot intervals; for slopes 30 percent or greater, contours at 5-foot intervals.
2. Location of any buildings or structures existing or proposed on the site within 50 feet of the area that may be affected by the proposed grading operations.
3. Proposed use of the site necessitating grading.
4. Limiting dimensions, elevations or finished contours to be achieved by the grading, slopes of cut and fill areas and proposed drainage channels and related construction.
5. Drainage plan. The drainage plan shall include provisions to mitigate the impact of drainage on nearby creeks, swales and off-site properties or structures. The drainage plan shall comply with the requirements of any Council adopted City Engineering Standard Specifications and Drawings, Low Impact Development, or Hydromodification Control Standards.
6. A soils engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.
7. Where required by the building official, an engineering geology report, including a description of site geology, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

8. Intended means of erosion and sedimentation control and site revegetation, including the location, species, container size and quantity of plant materials proposed, and the proposed time of planting.
9. Protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills.
10. Where grading area of disturbance exceeds one acre, a Stormwater Pollution Prevention Plan will be submitted. The Stormwater Pollution Prevention Plan shall be in compliance with the most recent General Construction Permit issued by the State Water Resources Control Board.

Where the grading will move 500 cubic yards or more, is located on slopes of 20 percent or greater, or is located within a Geologic Hazard overlay zone or Flood Hazard overlay zone, the grading plan shall be prepared and certified by a registered civil engineer and shall include specifications covering construction and material requirements in addition to the information required above. The grading plan shall also include:

1. If located in a Flood Hazard Area, the grading plan shall include flood way and flood zone boundaries and appropriate mitigations required by Municipal Code Title 7, Chapter 11 Flood Damage Prevention.
2. If located in a Geologic Hazard Overlay Zone, an engineering geology report, including a description of site geology, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

(q) Amend Appendix J108.1 to read as follows:

**J108.1 General.** Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied prior to approval of alternate setbacks.

(r) Add Appendix Section J110.2 to read as follows:

**J110.2 Revegetation.** Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that shall not be occupied by structures, such areas shall be replanted to prevent erosion after construction activities are completed as follows:

1. Preparation for revegetation. Topsoil removed from the surface in preparation for grading and construction shall be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil shall be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.
2. Methods of revegetation. Acceptable methods of revegetation include hydro-mulching, or the planting of rye grass, barley or other seed with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscaping cover shall be sown at not less

than four (4) pounds to each one thousand (1,000) square feet of land area. Other revegetation methods offering equivalent protection may be approved by the building official. Plant materials shall be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to reduce irrigation demands.

3. Off-site effects. Grading operations shall be conducted to prevent damaging effects of erosion, sediment production and dust on adjacent property, including public and private rights-of-way.

**Chapter 4  
RESIDENTIAL CODE**

**Section:**

**8-4.101 Modifications to the California Residential Code.**

**8-4.101 Modifications to the California Residential Code.**

- (a) Delete Appendices A, B, C, D, E, F, G, I, J, K, L, M, N, O, P, Q, R, T, U, V and WR. Adopt Appendix H, S-Patio Covers
- (b) Delete Chapter I, Division II. Administration of the California Residential Code shall be as set forth in Chapter 1 Division II of the California Building Residential Code, as amended.
- (c) Delete Section R313. Add new Section R313 to read as follows:

**Section R313 Required.** Fire sprinkler systems shall be as set forth in Section 903.2 of the California Building Code, as amended.

- (d) Amend Section R401.1 to read as follows:

**Section R401.1. Required.** The owner or applicant shall submit foundation and soils investigation report to the building official as set forth in the California Building Code, as amended.

**Chapter 5  
ELECTRICAL CODE**

**Section:**

- 8-5.101**      **Modifications of the California Electrical Code.**
- 8-5.102**      **Small residential rooftop solar energy system review process.**
- 8-5.103**      **Underground utility services.**
- 8-5.104**      **Electric Vehicle Charging Stations**

**8-5.101      Modifications of the California Electrical Code.**

- (a) Administration of the California Electrical Code shall be as set forth in Chapter 1 Division II of the California Building Code, as amended.
- (b) Amend Article 230-70(A)(1) to read as follows:

**(1) Readily accessible location.** The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.

**8-5.102      Small residential rooftop solar energy system review process.**

- (a) The following words and phrases as used in this section are defined as follows:
  - “Electronic submittal” means the utilization of one or more of the following:
    - (1) Email;
    - (2) The Internet;
    - (3) Facsimile.
  - “Small residential rooftop solar energy system” means all of the following:
    - (1) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
    - (2) A solar energy system that conforms to all applicable State fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
    - (3) A solar energy system that is installed on a single- or duplex-family dwelling.
    - (4) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.
  - “Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
- (b) Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- (c) Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The Building Official is hereby authorized and directed to develop and adopt such checklist.

(d) The checklist shall be published on the City's website. The applicant may submit the permit application and associated documentation to the City's Building Division by person, mail, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

(e) Prior to submitting an application, the applicant shall:

(1) Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

(2) At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

(f) For a small residential rooftop solar energy system eligible for expedited review, only one (1) inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the Chief Building Official and Fire Chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

(g) An application that satisfies the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(h) Upon confirmation by the Building Official of the application and supporting documentation being complete and meeting the requirements of the checklist, the Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

8-5.103 Underground utility services. All new electric, telephone, television, and other communication service connections, for all new, altered, or enlarged buildings shall be provided by underground wiring. Extension of electric or communication distribution lines to serve such projects shall be underground wiring.

Exceptions:

1. Replacement or relocation of electric service equipment served by existing overhead wiring.
2. Where determined by the building official to be impractical or infeasible within the standards and practices of the utility or other companies providing such services.

Where the utility or other company's distribution system is underground, the service lines shall terminate at a connection point designated by the utility company. Where the utility or other company's distribution is overhead, the service lines shall terminate as a pole riser on a pole designated by the utility company.

#### **8-5.104 Electric Vehicle Charging Stations.**

**Definitions.** The following terms shall have the following meanings:

**A. Electric vehicle charging station or charging station.** Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

**B. Electronic submittal.** The utilization of one or more of the following:

1. Email;
2. Internet;
3. Facsimile.

**C. Specific, adverse impact.** A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

#### **Electric Vehicle Charging Station Requirements**

**A. All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the city.**

**B. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, accredited testing laboratories, and, where applicable, the Public Utilities Commission regarding safety and reliability.**

### Checklists and Standard Plans

- A. The building official shall establish an administrative, nondiscretionary expedited permit application review process for electric vehicle charging stations, including standard plans and checklists. The checklists shall set forth all requirements with which the electric vehicle charging station must comply in order to be eligible for expedited review.
  
- B. The electric vehicle charging station permit process, standard plans, and checklists shall substantially conform to the recommendations for expedited permitting, including the checklists and standard plans, contained in the most current version of “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research. The building official may modify the checklists and standard plans found in the Guidebook due to unique climactic, geological, seismological, or topographical conditions.
  
- C. The checklists and standard plans for electric vehicle charging stations, as well as all other required permitting documentation, shall be available on the City of Atascadero’s website. Unique climactic, geological, seismological or topographical conditions requiring modifications of the checklists and standard plans found in the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” shall be included on the website.

### Permit Application Review

- A. An applicant may submit the permit application and related documentation for an electric vehicle charging station by electronic submittal, including all required permit processing and inspection fees, as specified on the City of Atascadero’s website. Electronic signatures shall be accepted on all electronic submittals in lieu of a wet signature.
  
- B. A permit application for an electric vehicle charging station shall be deemed complete when the building official determines that the application satisfies all the information requirements in the checklists and standard plans.
  
- C. If a permit application for an electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
  
- D. An application for an electric vehicle charging station shall be administratively reviewed and approved by the building official as a nondiscretionary permit within in a reasonable time following receipt of a complete application that satisfies the requirements of the approved checklists and standard plans, and includes payment of all required permit processing and inspection fees.
  
- E. The building official may require the applicant to apply for a use permit pursuant to other City



Municipal Code provisions if the building official, based on substantial evidence, determines that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health and safety.

F. Approval of a permit application for an electric vehicle charging station shall not be based or conditioned on the approval of an association, as defined in Section 4080 of the Civil Code.

**Chapter 6  
PLUMBING CODE**

**Sections:**

**8-6.101 Modifications of the California Plumbing Code.**

~~8-6.102 Private sewage disposal systems.~~

**8-6.101 Modifications of the California Plumbing Code.**

(a) Delete ~~Chapter 1~~, Division ~~II of Chapter 1~~. Administration of the plumbing code shall be as set forth in Chapter 1 Division II ~~Chapter 1~~ of the California ~~Building Plumbing~~ Code, as amended.

(b) Delete Appendices ~~B, C, D~~, E, F, G, J, K and L. Adopt Appendices A, ~~D, B~~, H and I.

(c) Amend Section 710.1 to read as follows:

**710.1** Drainage piping serving fixtures located at an elevation of less than one (1) foot above the nearest upstream manhole cover in the main sewer serving said fixtures shall drain by gravity into the main sewer, and shall be protected from backflow of sewage by installing an approved backwater valve. Each such backwater valve shall be installed only in that branch or section of the drainage system that receives the discharge from fixtures located less than one (1) foot above the nearest upstream manhole cover.

(d) Amend Section 713.5 to read as follows:

**713.5** No permit shall be issued for the installation, alteration, or repair of any private sewage disposal system, or part thereof, on any lot where a public sewer is available at the property line or where the public sewer is within 200 feet of the proposed or existing building.

(e) Amend Section 717 to read as follows:

**717.0 Size of building sewers.** The minimum size of any building sewer shall be determined on the basis of the total number of fixture units drained by such sewer, in accordance with Table 7-8. No sewer shall be smaller than the building drain. All building sewers shall be constructed with pipe of internal diameter not less than four (4) inches (100 mm), unless a pipe of internal diameter not less than three (3) inches is approved by the Authority Having Jurisdiction.

(f) Amend Section 719.1 to read as follows:

**719.1** A cleanout shall be placed in every building sewer within five (5) feet of each building, at all changes in alignment or grade in excess of one hundred thirty-five (135) degrees, within five (5) feet of the junction with the public sewer, and at intervals not to exceed one hundred (100) feet in straight runs. The cleanout shall be made by inserting a “Y” fitting in the line and fitting the cleanout in the “Y” branch in an approved manner. In the case of a cleanout near the junction of the public sewer, the

“Y” branch riser shall be extended to a depth of not more than one (1) foot. All other cleanouts shall be extended to finish grade.

~~(g) Amend Appendix Section K1(A) to read as follows:~~

~~(A) Where permitted by Section 713.0 the building sewer may be connected to a private sewage disposal system complying with the provisions of this appendix and Section 8-5.102 of the Atascadero Municipal Code. The type of system shall be determined on the basis of location, soil porosity, and groundwater level, and shall be designed to receive all sewage from the property. The system, except as otherwise approved, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one (1) or more~~

~~seepage pits, or into a combination of subsurface disposal field and seepage pits. The Authority Having Jurisdiction may grant exceptions to the provisions of this appendix for permitted structures that have been destroyed due to fire or natural disaster and that cannot be reconstructed in compliance with these provisions.~~

~~Where conflicts occur between this appendix and provisions of Section 8-5.102 of the Municipal Code, the most restrictive shall govern.~~

~~(Ord. 576 § 1, 2013)~~

~~8-6.101~~

~~**8-6.102 — Private sewage disposal systems.**~~

~~— The design, installation operation and maintenance of private sewage disposal systems shall be in conformance with Appendix H of the California Plumbing Code and with standards specified in this section. Where specific standards in this section and the Appendix H conflict, the most restrictive standard shall apply. Where specific standards are not provided within this section or where the City determines that higher requirements are necessary to maintain a safe and sanitary condition, the “Water Quality Control Plan, Central Coast Basin” (adopted by the Central Coast Regional Water Quality Control Board or other recognized industry standards) may be used by the City.~~

~~— (a) Percolation Test. An on-site investigation shall be made by a registered engineer competent in sanitary engineering or a geotechnical engineer in order to determine the suitability of a particular site for a private sewage disposal system and to provide the data necessary to design a private sewage disposal system. A percolation test shall be required prior to issuance of a permit for all new, replacement or enlarged private sewage disposal systems. Percolation tests shall be conducted within the soil that will be used for the leachfield. Percolation tests that are older than five years will not be accepted, unless the registered engineer provides a letter stating that the percolation test results are still valid.~~

~~— (b) Percolation Testing Procedure for Seepage Pits. The following percolation test procedure shall be used in performing percolation tests, except that other accepted test procedures may be used when approved by the City:~~

~~— (1) The hole diameter shall be between six (6) and eight (8) inches. The test depth shall be equal to the depth of the proposed dry well, plus sufficient depth to prove proper setback to groundwater and impervious material as required by this chapter.~~

~~— (2) Carefully fill the hole with clear water to a maximum depth of four (4) feet below the surface of the ground, or if cuts are anticipated, to the depth of the assumed inlet.~~

~~— (3) All holes shall be pre-soaked for twenty four (24) hours unless the site consists of sandy soils containing little or no clay. In sandy soils where the water on two (2) consecutive readings seeps away faster than one half (1/2) the wetted depth in twenty five (25) minutes or less, re-fill the hole with water, and pre-soak for an additional two (2) hours. After the two (2) hour pre-soak, the test may then be run. The time interval between measurements shall be taken at ten (10) minutes and the test run for one (1) hour. Re fill to original depth after each reading.~~

~~— (4) For all other soils, the percolation rate measurement shall be made on the day following the twenty four (24) hour pre-soaking.~~

~~— (5) Pre-soak the boring as described above. After twenty four (24) hours have elapsed, re-fill the hole to the proposed inlet depth. The fall of water should be measured every one half (1/2) hour over a five (5) hour period. Re-fill the hole after each one half (1/2) hour reading. During the last or the sixth hour, do not~~

re fill the hole after the one half (1/2) hour reading. Be sure to check the total hole depth every one half (1/2) hour as well to see if any caving has occurred.

~~—— (6) Readings will be recorded and reported in min/inch.~~

~~—— (c) Leachfield Percolation Test Procedure. The following percolation test procedure shall be used in performing percolation tests, except that other accepted test procedures may be used when approved by the City:~~

~~—— (1) Number and Location of Test Holes. A minimum of three (3) separate test holes spaced uniformly through and located in the immediate vicinity of the proposed leach field site are to be made.~~

~~—— (2) Type of Test Holes. The test hole shall have horizontal dimensions between four (4) and twelve (12) inches and vertical sides to the depth of the absorption trench.~~

~~—— (3) Preparation of Test Holes. Smearred soil surfaces shall be removed from the sides and bottom of the test hole to provide a natural soil interface. All loose material shall be removed from the test hole. Two (2) inches of coarse sand or fine gravel shall be added to the test hole to protect the bottom from scouring and sediment.~~

~~—— (4) Soil Saturation and Swelling. The test hole is to be carefully filled to a depth of one (1) foot above the gravel or sand with clear water, which is to be kept in the hole for at least four (4) hours but preferably overnight. This step may be omitted in sandy soils containing little or no clay.~~

~~—— (5) Measurement of Percolation Rate. The percolation rate shall be determined twenty four (24) hours after water is first added to the test holes; except, in sandy soils containing little or no clay, the percolation rate shall be determined after the water from one (1) filling of the test hole has completely seeped away.~~

~~—— (i) If water remains in the test hole after the overnight swelling period, adjust the depth to approximately six (6) inches over the gravel or sand and, from a fixed referenced point, measure the drop in water level over a thirty (30) minute period to calculate the percolation rate.~~

~~—— (ii) If no water remains in the test hole after the overnight swelling period, add clear water to bring the depth of water in the test hole to approximately six (6) inches over the gravel or sand. From a fixed reference point, measure the drop in water level at approximately thirty (30) minute intervals over four (4) hours refilling six (6) inches over the gravel or sand as necessary. The drop that occurs during the final thirty (30) minute period is used to calculate the percolation rate. The drops during prior periods provide information for possible modification of the test procedure to suit local conditions.~~

~~—— (iii) In sandy soils or other soils in which the first six (6) inches of water seeps away in less than thirty (30) minutes after the overnight swelling period, the time interval between measurements shall be taken as ten (10) minutes and the test shall run for one (1) hour with the drop during the final ten (10) minutes being used to calculate the percolation rate.~~

~~—— (6) Deep Boring. A soil boring, to a minimum depth of ten (10) feet below the bottom of the absorption trench or pit, shall be made in order to determine the presence of impermeable bedrock and/or groundwater.~~

~~—— (d) General Design Standards. The following standards shall be used in the design of new or enlarged private sewage disposal systems where the percolation rate does not exceed one hundred twenty (120) minutes per inch.~~

~~—— (1) Determination of Size of Absorption Area. The absorption area, measured in lineal feet of absorption trench, shall be calculated as set forth in this section. Tables 4-1 (Absorption Area Requirements) and 4-2 (Standard Trench Adjustment Factors), included in this chapter, shall be referred to as necessary. The formula for calculating trench length is included below.~~

$$\text{Trench Length} = \frac{A_a \times N_b \times A_f}{T_w}$$

$A_a$  = Absorption area per bedroom

$N_b$  = Number of bedrooms

$A_f$  = Trench adjustment factor

$T_w$  = Trench width

~~—— (2) Location of Private Sewage Disposal Systems. The minimum distance between components of a private sewage disposal system and other site features shall be as set forth in Table 4-3 (Horizontal Distance Separation) and Table 4-4 (Vertical Distance Separation). Where physical limitations on a site preclude conformance with distance separation requirements, the City may approve a lesser separation when the design is prepared by a registered engineer competent in sanitary engineering and when adequate substantiating data is submitted with the design. The City will not approve a separation less than that set forth in the “Water Quality Control Plan—Central Coast Region” unless the Regional Water Quality Control Board or its designated representatives have previously approved the design.~~

~~—— (3) Plastic Leach Chamber. Plastic leach chamber systems shall be installed per the requirements of Table 4-5, when the percolation rate is less than thirty (30) minutes per inch.~~

~~—— (4) Standard Trench Lengths. Standard trench lengths for percolation rates less than thirty (30) minutes per inch are included in Table 4-6. The trench lengths shown in Table 4-6 are for a standard three (3) foot wide trench with three (3) feet of gravel below the distribution pipe. Other trench configurations may require different trench lengths and system design. The sections included in this chapter shall be complied with for designs that differ from the lengths shown in Table 4-6.~~

~~—— (e) Additional Standards:~~

~~—— (1) Existing legal building sites that are served by an individual on-site well may be approved for a private sewage disposal system only if the site is one (1) acre or larger in size and meets other regulations and requirements regarding septic setbacks and distance separation.~~

~~—— (2) Private sewage disposal systems proposed to be installed on slopes of twenty (20) percent or more shall be designed by and have their installation inspected and be certified to be in substantial conformance with the City approved engineering plans by a Registered Civil Engineer or Registered Environmental Health Specialist. The design shall minimize grading disruption associated with access for installation and maintenance. Such systems shall be prohibited on slopes of thirty (30) percent or more, unless approved by both the City and the Regional Water Quality Control Board.~~

~~—— (3) When the percolation rate is below thirty (30) minutes/inch, the contractor, developer, installer or homeowner, shall certify in writing that the private sewage disposal system conforms to the prescriptive standards of this section at or before calling for final inspection.~~

~~—— (4) When the percolation rates equals or exceeds thirty (30) minutes/inch, a private sewage disposal system shall be designed, inspected, and be certified to be in substantial conformance with the City approved engineering plans by a Registered Civil Engineer or Registered Environmental Health Specialist.~~

~~—— (5) When the percolation rate exceeds one hundred twenty (120) minutes/inch, a private sewage disposal system, solely dependent upon soil absorption, shall not be allowed, unless the lot size is two (2) acres or greater.~~

~~— (6) The design of private sewage disposal systems shall incorporate an approved filtering device to remove solids from effluent at the outlet of septic tanks.~~

~~— (7) When a seepage pit percolation rate exceeds thirty (30) minutes/inch, a private sewage disposal system using a seepage pit shall not be allowed.~~

~~— (8) Seepage pit (dry well) types systems shall be designed, inspected, and be certified to be in substantial conformance with the City approved engineering plans by a registered civil engineer.~~

~~— (9) A one hundred (100) percent expansion area shall be provided on all building sites, shall be identified on all plans submitted for private sewage disposal systems, and shall remain available for system expansion. If areas reserved for system expansion are not accessible for future installation, then the expansion area shall be installed when the primary system is installed. When the primary and expansion systems are installed jointly, a means of switching flows to each field shall be provided.~~

~~— (10) Inspection risers with four (4) inches minimum diameter shall be installed at the ends of each absorption trench or bed. The inspection riser shall be open on the bottom of the trench or perforated.~~

~~— (f) Septic Tanks.~~

~~— (1) Septic tank manholes more than twenty four (24) inches below grade, valves, distribution boxes, and pumps shall be permanently accessible to the surface in a manner acceptable to the City.~~

~~— (2) Septic tanks shall be constructed and installed as specified in the California Plumbing Code, Appendix H. In addition, the following standards shall be met. Septic tank sizes shall be in conformance with Table 4-7. Septic tanks shall be repaired only by a licensed contractor.~~

~~— (i) Water tightness shall be ensured prior to backfilling the excavation around the tank. The water tightness test shall be conducted in conformity with the American Society for Testing and Materials (ASTM) Standard C-1227 or equivalent. The installer shall provide a written report of the results of the test to the Building Official.~~

~~— (ii) All septic tanks for new systems and replacement tanks for existing systems shall be equipped with an effluent filter that complies with the American National Standards Institute (ANSI) Standard 46. The filter shall be accessible for cleaning, replacement and maintenance. Filters shall be maintained as required by their listing; the owner shall maintain records of filter maintenance but need not submit these records to the City.~~

~~— (iii) Septic tanks and other system components installed with more than three (3) feet of earth cover or beneath surfaces subject to vehicular traffic (such as driveways and vehicle turnarounds) shall be traffic rated or engineered to support the additional load.~~

~~— (iv) Each compartment of the septic tank shall be provided with a watertight riser, capable of withstanding anticipated structural loads and extending to grade level for ease of maintenance. Risers shall be constructed of concrete, PVC, fiberglass or other approved material, with a minimum inside horizontal measurement of twenty (20) inches. Risers shall be covered with tight fitting lids that are gas tight, securely fastened with stainless steel or other noncorrosive fasteners, resistant to vandals, tampering, and access by children. Surface water shall be diverted away from the riser cover or septic tank lid providing a sloping surface away from the riser, or extending the riser at least six (6) inches above grade. If the lid is in a driveway or other traffic area, the lids and risers shall be structurally designed to support vehicle weight.~~

~~— (v) Wooden and metal septic tanks are prohibited, as are cesspools.~~

~~— (g) Seepage Pit Design.~~

~~— (1) A statement of infeasibility of leaching trenches or beds is required to be submitted with the plans, except for a seepage pit that is designed to the standards of this section to replace an existing seepage pit system.~~

~~— (2) Seepage pits shall be cylindrical in shape with a diameter of not less than four (4) feet, or more than six (6) feet. Construction of a seepage pit with a diameter less than four (4) feet or greater than six (6) feet may be permitted with written approval of the City.~~

~~— (3) Seepage pits shall have a centrally located four (4) inch diameter perforated pipe which extends from the inlet to the bottom of the pit and the space around the pipe shall be filled with washed gravel which may vary in size from three fourths (3/4) inch to two and one half (2 1/2) inches. A smaller gravel size may be used if the Design Engineer can provide justification for its use and written approval is obtained from the City. When necessary to meet minimum slope setback requirements, the upper portion of the central pipe shall be unperforated.~~

~~— (4) Rock fill in seepage pits shall be covered with one layer of a geotextile fabric designed for the purpose or approved equivalent, and backfilled with a minimum of twelve (12) inches of clean earth cover, free of debris and rock.~~

~~— (5) Seepage pits shall have an effective disposal depth of at least ten (10) feet. Effective disposal depth is defined as total depth subtracted by the distance below the grade to the uppermost disposal pipe perforation.~~

~~— (6) The maximum depth of a seepage pit shall be fifty (50) feet, unless the Building Official provides written approval for a greater depth.~~

~~— (7) Multiple seepage pit installations shall receive septic tank effluent via an approved distribution method. The percentage distribution of effluent entering each seepage pit shall be determined by the performance test of the seepage pit and shall be approved by the City.~~

~~— (8) The maximum effluent application rate for a seepage pit is 0.30 gallons/square foot/day.~~

~~— (9) Seepage pits shall maintain all horizontal and vertical setback requirements listed in this chapter.~~

~~— (h) One Hundred (100) Percent Expansion Area. All systems shall be designed and constructed to reserve sufficient site area for a one hundred (100) percent replacement dispersal system/area. Installation of dual fields shall be required for all sites when access for installation of the replacement field/area would not be feasible after initial site development. When the primary and expansion systems are installed jointly, a means of switching flows to each field shall be provided.~~

~~— (i) Design Flow Rate. For single family dwellings, the daily design flow shall be three hundred seventy five (375) gallons per day for up to four (4) bedrooms, with one hundred fifty (150) gallons per day for each additional bedroom in excess of four (4). For other occupancies, refer to the California Plumbing Code, Appendix H.~~

~~— (j) Special Design Standards. The following standards shall be used in the design of new or enlarged private sewage disposal systems where the percolation rate equals or exceeds thirty (30) minutes per inch. Designs for alternate types of private sewage disposal systems shall be by a Registered Civil Engineer and may be approved by the Building Official, and shall be approved by the Central Coast Regional Water Quality Control Board, when the Design Engineer submits adequate substantiating data with the design.~~

~~— (1) Determination of Disposal Field Size. The size of the disposal field shall be determined by the Design Engineer using methods of accepted engineering practice including manuals and documents specified in this chapter or as otherwise approved by the City.~~

~~— (2) Location of Private Sewage Disposal System. The minimum distance between components of a private sewage disposal system and other site features shall be as set forth in Table 4-3 (Horizontal Distance Separation) and Table 4-4 (Vertical Distance Separation) using the column entitled "Leach Field or Seepage Bed."~~



~~— (3) When private sewage disposal systems are designed pursuant to this section, the Design Engineer shall provide the owner with information on the location, design operation and maintenance of the private sewage disposal system.~~

~~— (4) Existing legal building sites that are served by an individual on-site well may be approved for a private sewage disposal system only if the site is one (1) acre or larger in size and meets other regulations and requirements regarding septic setbacks and distance separation.~~

~~— (5) One Hundred (100) Percent Expansion Area. All systems shall be designed and constructed to reserve sufficient site area for a one hundred (100) percent replacement dispersal system/area. Installation of dual fields shall be required for all sites when access for installation of the replacement field/area would not be feasible after initial site development.~~

~~— (k) Replacement of Existing Private Sewage Disposal System. Where an existing private sewage disposal system has failed, the replacement system shall be designed in conformance with this chapter and shall be designed, inspected and be certified to be in substantial conformance with the City approved engineering plans by a Registered Civil Engineer. In the event that the replacement system cannot be designed to conform with this chapter, the City may approve a system designed to lesser standards when it is designed, inspected and be certified to be in substantial conformance with the City approved engineering plans by a Registered Civil Engineer.~~

~~— (1) A private sewage disposal system shall not be replaced by another system if sewers are available and are either within two hundred (200) feet of the structure, as required by the plumbing code, or sewers are at the property line. In the event that sewer is deemed available by the Building Official or City Engineer, the sewer line shall be extended to the property line that is upstream of the existing sewer main. Availability is determined by projecting a straight line from the nearest sewer line, manhole or cleanout to the nearest property corner, then projecting a straight line to the nearest house corner. The City Engineer or duly authorized representative shall make the final determination regarding sewer availability.~~

~~— (2) The City shall not approve a replacement system that does not conform to prohibitions set forth in the “Water Quality Control Plan – Central Coast Basin,” unless the Regional Water Quality Control Board or its designed representative has previously approved the design. The Building Official may authorize or require a temporary means of sewage disposal pending such approval.~~

~~— (l) Tables:~~

**Table 4-1  
Absorption Area Requirements**

<b>Percolation Rate (Minutes/Inch)</b>	<b>Absorption Area per Bedroom (Square Feet)</b>
0—9	150
10	165
11—15	190
16—20	215
21—25	230
26—30	250
31—35	270
36—40	285
41—45	300

Percolation Rate (Minutes/Inch)	Absorption Area per Bedroom (Square Feet)
46—50	315
51—60	330
61—70	380
71—80	430
81—90	520
91—100	660
101—110	830
111—120	1,250

**Table 4-2**  
**Standard Trench Adjustment Factor**

Depth of Gravel Below Pipes (Inches)	Trench Width (Inches)								
	12	18	24	30	36	42	48	54	60
12	.75	.78	.80	.82	.83	.85	.86	.87	.87
18	.60	.64	.66	.69	.71	.73	.75	.77	.78
24	.50	.54	.57	.60	.62	.64	.66	.68	.70
30	.43	.47	.50	.53	.55	.58	.60	.62	.64
36	.37	.41	.44	.47	.50	.52	.54	.56	.58
42	.33	.37	.40	.43	.45	.48	.50	.52	.54
48	.30	.33	.36	.39	.42	.44	.46	.48	.50

— Note: For trenches not shown in Table 4-2, the standard trench adjustment factor may be:

$$\text{Trench Adjustment Factor} = \frac{W + 2}{W + 1 + 2D}$$

— W = width of trench (in feet)

— D = depth of gravel below pipe (in feet)

**Table 4-3**  
**Horizontal Distance Separation (In Feet)**

	Building Sewer	Septic Tank	Leach Field or Seepage Bed	Seepage Pit
Buildings or structures, including porches, steps, breezeways, patios, and carports whether covered or not	2	5	8 <sup>(+)</sup>	8 <sup>(+)</sup>
Property line	Clear <sup>(2)</sup>	5	5	10
Water supply well in unconfined aquifer	50 <sup>(3)</sup>	50	100	150
Watercourse <sup>(6)</sup>	50	50	100	100
Swales <sup>(10)</sup>	50	50	50	50

	Building Sewer	Septic Tank	Leach Field or Seepage Bed	Seepage Pit
Native trees	*	10 <sup>(2)</sup>	*	10 <sup>(2)</sup>
Seepage pits	—	5	5	12
Leach field or seepage bed	—	5	6	5
On-site domestic water service line	1 <sup>(4)</sup>	5	5	5
Distribution box	—	—	5	5
Pressure public water main	10 <sup>(5)</sup>	10	10	10
Sloping ground, cuts, or other embankments	—	—	15 <sup>(6)</sup>	15 <sup>(6)</sup>
Reservoirs <sup>(9)</sup> , including ponds, lakes, tanks, basins, etc. for storage, regulation and control of water recreation, power, flood control or linking	200	200	200 <sup>(7)</sup>	200 <sup>(7)</sup>
Springs	100	100	100	100

Notes:

- <sup>(1)</sup>—Distance separation shall be increased to twenty (20) feet when building or structure is located on a downward slope below a leach field, seepage bed or seepage pit.
- <sup>(2)</sup>—See Section 315(c) of this code.
- <sup>(3)</sup>—Distance separation may be reduced to twenty-five (25) feet when the drainage piping is constructed of materials approved for use within a building.
- <sup>(4)</sup>—See Section 1108 of this code.
- <sup>(5)</sup>—For parallel construction or crossings, approval by the Health Department shall be required.
- <sup>(6)</sup>—Distance is measured as horizontal distance to daylight. This distance may be reduced where it is demonstrated that favorable geologic conditions and soil permeability exist based on a report and analysis prepared by a licensed geologist or soils engineer.
- <sup>(7)</sup>—Distance is measured at spillway elevation.
- <sup>(8)</sup>—A natural or artificial channel for passage of water, a running stream of water, or a natural stream fed from permanent or natural sources such as rivers, creeks, runs, and rivulets. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) in a definite channel, having a bed or banks and usually discharging into a stream or body of water.
- <sup>(9)</sup>—A pond, lake, tank, basin or other space either natural or created whole or in part by the building of engineering structures, which is used for storage, regulation, and control of water, recreation, power, flood control, or drinking.
- <sup>(10)</sup>—Topographic low point that conveys water to watercourses.
- (\*)—See tree protection guidelines.

**Table 4-4**  
**Vertical Distance Separation (In Feet)**

	Leach Field or Seepage Bed	Seepage Pit
Groundwater, where percolation rate (min/in) is		
<1	50 <sup>†</sup>	
1—4	20 <sup>†</sup>	
5—29	8	
>30	5	
Groundwater, where soil is		
Gravels <sup>2</sup>		50 <sup>†</sup>
Gravels with few fines <sup>3</sup>		20 <sup>†</sup>
Other		10
Bedrock	10	10

Note: Distance is measured from bottom of trench or pit.

<sup>†</sup>—Unless a setback distance of at least two hundred fifty (250) feet to any domestic water supply well or surface water is assured. In this case the minimum separation shall be ten (10) feet.

<sup>2</sup>—Gravels—Soils with over ninety-five percent (95%) by weight coarser than a No. 200 sieve and over one-half (1/2) of the coarse fraction larger than a No. 4 sieve.

<sup>3</sup>—Gravels with few fines—Soils with ninety percent (90%) to ninety-four percent (94%) coarse fraction larger than a No. 4 sieve.

**Table 4-5**  
**Hi-Capacity Infiltrator System Design**  
**Requirements**

Percolation Rate	Infiltrator Trench Length (feet) <sup>‡</sup>			
	High Capacity Chambers <sup>‡</sup>			
	1 bed	2 bed	3 bed	4 bed <sup>‡</sup>
<1—9	30	60	90	120
10	36	66	96	132
11—15	42	72	114	154
16—20	48	84	126	172
21—26	54	90	138	180
26—29	60	96	150	198
30+	Design by Engineer			

<sup>‡</sup>—Trench lengths good for up to three (3) bedrooms.

<sup>‡</sup>—Homes larger than four (4) bedrooms shall be calculated as required by this chapter.

<sup>‡</sup>—Consult manufacturer design criteria for alternative product design criteria. This information shall be submitted to the City for review prior to system approval.

**Table 4-6**  
**Requirements for Gravel Standard System Trench Lengths**

Percolation Rate	Standard 3'x3' Trench Length (feet)*			
	Gravel Trench			
	1 bed	2 bed	3 bed	4 bed <sup>‡</sup>
<1—9	25	50	75	100
10	28	55	83	110
11—15	32	63	95	127
16—20	36	72	108	143
21—26	38	77	115	153
26—29	42	83	125	167
30+	Design by Engineer			

\*—Three (3) feet wide by three (3) feet deep trench, with 0.5 feet of gravel above pipe invert. Any alternative trench configuration shall be calculated according to the requirements of this chapter.

‡—Homes larger than four (4) bedrooms shall be calculated as required by this chapter.

**Table 4-7**  
**Required Size of Septic Tank for Single-Family Dwelling**

Number of Bedrooms	Minimum* Septic Tank Capacity in Gallons
1 or 2	750
3	1,000
4	1,200
5 or 6	1,500

\*—See California Plumbing Code for an expanded list of tank sizes.

(Ord. 576 § 1, 2013)

**Chapter 7**  
**MECHANICAL CODE**

**Section:**

**8-7.101 Modifications to the California Mechanical Code.**

**8-7.101 Modifications to the California Mechanical Code.**

(a) ~~Delete Chapter 1, Division II.~~ Administration of the mechanical code shall be as set forth in Chapter 1 Division II of the California ~~Building-Mechanical~~ Code.

(b) ~~Adopt select sections of Chapter 1, Division I and Chapter 1, Division II as outlined in the Maxrix Adoption Table of the California Mechanical Code.~~ ~~Adopt Appendices B, C and D.~~ Delete Appendices A, ~~B, C, D,~~ E, F and G.

**Chapter 8**  
**GREEN BUILDING CODE**

**Section:**

**8-8.101 Modifications to the California Green Building Code.**

- (a) Delete Appendices A4, A5.1-A5.6 and A6.1.
- (b) Amend Section 4.408 to read as follows:

**4.408.1 Construction waste management.**

**Add exception 4.** Projects less than \$25,000.00 valuation and/or less than 250 sq. ft. in area.

**Chapter 9**  
**UNSAFE BUILDINGS AND STRUCTURES**

**Section:**

**8-9.101 Modifications to the International Property Maintenance Code.**

(a) Amend Section 101.1 to read as follows:

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of Atascadero, hereinafter referred to as “this code.”

(b) Amend Section 102.3 to read as follows:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Standards Code and other applicable laws and ordinances.

(c) Amend Section 103.1 to read as follows:

**103.1 General.** The office of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

(d) Amend Section 103.5 to read as follows:

**103.5 Fees.** The fees for activities and services performed by the code official under this code shall be in accordance with the schedule as established by the applicable governing authority.



Chapter 10  
WATER EFFICIENT LANDSCAPE AND IRRIGATION

Sections:

- 8-10.101 Purpose.
- 8-10.102 Adoption of Codes~~Definitions.~~
- 8-10.103 Modification of Model Water Efficient Landscape Ordinance.

Applicability.

~~8-10.104 — Landscape standards and limitations for new construction and rehabilitated landscapes.~~

~~8-10.105 — Requirements for landscaped areas equal to or greater than one (1) acre.~~

**8-10.101 Purpose.**

— Consistent with California State law, it is the purpose of this chapter to:

(a) Promote the values and benefits of landscapes that integrate and go beyond~~while recognizing the conservation and efficient~~ need to use of water resources as efficiently as possible;

(b) ~~Prevent unreasonable water waste by limiting landscape water use to the amount reasonably required for beneficial use;~~

~~(c) — Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that required cross-sector collaboration of industry, government and property owners to achieve the many benefits possible.~~

(c) Establish provisions for water management practices and water wise prevention for existing landscapes.

(d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

**8-10.102 Adoption of Codes.**

The administration and enforcement of this title shall be in accordance with section 490 through 495 of Title 23, Division 2, Chapter 2.7 of the California Code of Regulations.

**8-10.103 Modification of Model Water Efficient Landscape Ordinance.**

(a) Amend Section 491 to read as follows:

(oo) “local agency” means the City of Atascadero, responsible for the approval of a permit, plan check, or design review of a project.

(pp) “local water purveyor” means the Atascadero Mutual Water Company (AMWC), that provides water retail services and implements this ordinance.

(b) Amend Section 492 to read as follows:

(a) The City of Atascadero designates through mutual agreement, the Atascadero Mutual Water Company (AMWC) to implement some or all of the requirements contained in this ordinance. The City of Atascadero will collaborate with the AMWC to define each entity’s specific responsibilities relating to this ordinance.

(c) Amend Section 492.5 to read as follows:

(a)(1)(C). In single family subdivisions for five (5) lots or more, a soil sampling rate of 15% of all lots will satisfy this requirements. Large landscape projects shall sample at an equivalent rate of 1 in 7 lots.

(a)(2)(B). Eliminate requirement.

(a)(4). The project applicant, or their designee, shall submit documentation verifying implementation of soil analysis report to the City of Atascadero prior to permit final of landscaping plan(s).

(d) Amend Section 492.7 to read as follows:

(a)(1)(A). Landscape meters, defined as a dedicated water service meter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq. ft (the level at which Water Code 535 applies), newly installed or rehabilitated residential irrigated landscapes of 5,000 sq. ft., any common area landscaping for residential subdivisions of two (2) or more lots, or any multi-family residential development, a landscape water meter shall be:

1. A customer service meter dedicated to landscape use provided by the Atascadero Mutual Water Company.

(e) Amend Section 492.12 to read as follows:

(c)(2). The local water purveyor shall administer programs that may include, but not limited to irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

#### **8-10.102 — Definitions.**

~~—“Certificate of completion” means the document required under Section 8-8.105(e).~~

~~—“Landscapeable area” means all the planting areas, turf areas, and water features in a landscape design plan. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, or patios.~~

~~—“Landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.~~

~~—“Landscape documentation package (LDP)” means the documents required under Section 8-8.105(b).~~

~~—“Landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this chapter.~~

~~—“Multifamily residential” means two (2) or more attached residential units. Landscape areas for multiple detached units on one (1) parcel will be considered single family units for the purposes of this chapter.~~

~~—“New construction” means, for the purposes of this chapter, a new building with a landscape or other new landscape, such as a park, playground or greenbelt without an associated building.~~

~~—“Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.~~

~~—“Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.~~

~~—“Project applicant” means the individual or entity requesting a permit, plan check, or design review from the local agency. A project applicant may be the property owner or designee water purveyor” means the Atascadero Mutual Water Company (AMWC), that provides water retail services and implements this ordinance.~~

- ~~\_\_\_\_\_ “Rehabilitated landscape” means any relandscaping project that requires a permit, plan check, or design review.~~
- ~~- \_\_\_\_\_ “Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.~~
- ~~- \_\_\_\_\_ “Single family residential” means one (1) home on one (1) lot, or multiple detached units on one (1) lot (not attached).~~
- ~~\_\_\_\_\_ “Soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.~~
- ~~\_\_\_\_\_ “Turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm season grasses.~~
- ~~\_\_\_\_\_ “Valve” means a device used to control the flow of water in the irrigation system.~~
- ~~\_\_\_\_\_ “Water conserving plant species” means a plant species identified as having a low plant factor.~~
- ~~\_\_\_\_\_ “Water waste runoff” means water flowing away from property and which is caused by excessive application(s) of water beyond reasonable or practical flow rates, water volumes or duration of application. (Ord. 576 § 1, 2013)~~

8-10.102

**8-10.103 — Applicability.**

- ~~- The information within this chapter applies to new construction and rehabilitated landscapes for commercial, industrial and residential projects that are subject to the development review process and/or a building permit with the exception of subsection (f), which applies to all properties within the City limits.~~
- ~~-(a) — Development Review Process. In conjunction with the submittal of a project for development review (tentative parcel map, tentative tract, development plan or conditional use permit), conceptual landscape and irrigation plans shall be provided that demonstrate that the design of the landscaping and irrigation complies with the standards within this chapter. These plans shall be reviewed by City staff during the development review process.~~
- ~~-(b) — Building Permit. In conjunction with the submittal of a project for building permit plan check, final landscape and irrigation plans, in compliance with this chapter, shall be submitted with the project. After a plan check review by the Planning and/or Building and/or Public Works Departments for compliance with this chapter, a building permit may be issued. Fees consistent with the fees established for building plan check will be applied for staff review of the landscape and irrigation plan.~~
- ~~-(1) — Residential Building Permits.~~
- ~~-(i) — Landscape plans in compliance with this chapter shall be required to be submitted with all new single-family residences and new second unit building permits.~~
- ~~-(ii) — Landscape plans shall be required in conjunction with residential remodels and additions only when new landscape is proposed to be installed. All new landscape and relandscaping shall be compliant with this chapter.~~
- ~~-(2) — Nonresidential Building Permits.~~
- ~~-(i) — Landscape plans in compliance with this chapter shall be required to be submitted with building permits for all new nonresidential construction.~~
- ~~-(ii) — When submitting a building permit for nonresidential remodels and additions, a landscape plan shall be submitted to bring the site into compliance with Section 8-8.104. Only alterations required for compliance with Section 8-8.104 shall be required to be shown on the landscape plan.~~

- ~~-(e) Certificate of Completion. Once the landscape and irrigation plans and necessary documentation has been provided in substantial compliance with the LDP, a certificate of completion may be issued. A certificate of completion shall be issued prior to the project receiving a certificate of occupancy by the Building Division.~~
- ~~-(d) Landscape and Irrigation Installation. For both projects less than or greater than one (1) acre, the landscape and irrigation shall be installed per the approved plans prior to the issuance of a certificate of occupancy or "final" of the building/project.~~
- ~~-(c) Landscape Bond.~~
  - ~~-(1) For projects that have a landscape area of one (1) acre or greater and require a LDP, a bond may be posted which would allow a building to be finalized and a certificate of occupancy to be issued prior to the site landscape and irrigation being completed. The bond shall be based on an estimate for labor and materials to complete the landscape and irrigation project per the approved plans, plus an additional twenty five (25) percent. The applicant shall fill out the landscape bond security bond agreement along with the necessary bonding information, to the Public Works Department for review and approval to determine the specific bond amount.~~
  - ~~-(2) For projects that have a landscape area of less than one (1) acre which does not require the LDP, the Community Development Director or designee may approve a bond to be posted which would allow a building to be finalized and a certificate of occupancy to be issued prior to the site landscape and irrigation being completed.~~
- ~~-(f) Water Waste Prevention. This provision applies to all properties with the City limits.~~
  - ~~-(1) Overhead irrigation of residential and commercial landscapes, including golf courses, parks, school grounds and recreation fields, shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m.~~
  - ~~-(i) Exceptions to the permitted watering timeframe are permitted for renovation or repair of the irrigation system with an operator present, landscape irrigation audits, the reseeding or planting of turf grass not to exceed an establishment period of twenty one (21) consecutive days, or the application of a landscape fertilizer that requires watering in.~~
  - ~~-(2) Water runoff shall be prohibited. Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, parking lot, street, alley, gutter, ditch, or adjacent property is prohibited. (Ord. 576 § 1, 2013)~~

8-10-103

**8-10.104** ~~—— Landscape standards and limitations for new construction and rehabilitated landscapes.~~

- ~~-(a) All project landscaping and irrigation plans/designs (residential, commercial, industrial) shall comply with the following standards and limitations:~~
  - ~~-(1) Turf areas less than eight (8) feet in width in any direction are prohibited;~~
  - ~~-(2) Turf shall be prohibited within the public right of way, including parkways;~~
  - ~~-(3) Turf shall be prohibited on slopes greater than twenty (20) percent where the toe of the slope is adjacent to an impermeable hardscape (where twenty (20) percent means one (1) foot of vertical elevation change for every five (5) feet of horizontal length rise divided by run X 100 = slope percent);~~
  - ~~-(4) Developments shall be graded to maximize the on-site distribution of runoff to planted areas;~~
  - ~~-(5) For nonturf areas, landscape shall utilize a planting palette of low water use plants designated by the Atascadero Mutual Water Company's list of water conserving plants;~~
  - ~~-(6) A minimum two (2) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated;~~

- ~~-(7) For nonturf areas, drip irrigation and nonoverhead spray methods shall be utilized;~~
- ~~-(8) Irrigation control systems shall utilize rain sensors, either integral or auxiliary, that suspend irrigation during and after rainfall events;~~
- ~~-(9) Irrigation systems shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto nontargeted areas, such as adjacent property, nonirrigated areas, hardscapes, roadways, or structures;~~
  - ~~-(10) Spray irrigation shall be prohibited within twenty four (24) inches of nonpermeable surfaces such as, but not limited to, concrete sidewalks and driveways. Allowable irrigation within the setback from nonpermeable surfaces may include drip, drip line, or other low flow nonspray type of systems. The setback area may be planted or nonplanted. The surfacing of the setback may be mulch, gravel, cobbles, or other porous material. These restrictions may be modified if the landscape area is adjacent to permeable surfacing, and no runoff occurs or the adjacent nonpermeable surface drains entirely to landscaped areas;~~
- ~~-(11) Water features shall use recirculating water systems;~~
- ~~-(12) The architectural guidelines and codes, covenants, and restrictions of common interest developments shall not have the effect of prohibiting the use of low water use plants or requiring turf grass in landscaped areas;~~
- ~~-(13) The Building Official shall have the authority to grant modifications to subsections (1) through (12) for individual cases provided that the Building Official first finds that the modification is in compliance with the intent and purpose of this chapter and that such modification does not create water waste or additional water use than would be created if subsections (1) through (12) were implemented.~~
- ~~-(b) Commercial and industrial projects shall comply with the following turf limitations:~~
  - ~~-(1) The area planted in turf grass and irrigated with spray irrigation shall be limited to ten (10) percent of the development's landscapable area or two thousand five hundred (2,500) square feet, whichever is less.~~
    - ~~-(i) Exceptions. This section does not apply to cemeteries, plant collections as part of botanical gardens and arboretums open to the public, City and public parks, and school sports fields.~~
  - ~~-(c) Single family residences shall comply with the following turf limitations:~~
    - ~~-(1) Turf grass installed with spray irrigation on residential lots shall be limited to twenty five (25) percent of the landscapable area or two thousand five hundred (2,500) square feet, whichever is less.~~
    - ~~-(d) Multifamily projects and residential subdivision tracts shall comply with the following turf limitations:~~
      - ~~-(1) Turf grass installed with spray irrigation on individual residential lots shall be limited to twenty five (25) percent of the landscapable area or two thousand five hundred (2,500) square feet, whichever is less.~~
      - ~~-(i) Landscape area for new residential subdivisions will be calculated on an individual lot basis as each lot develops, not a total of landscape areas prior to subdivision.~~
      - ~~-(2) Turf grass in common outdoor areas (including landscape and lighting district areas) shall be limited to ten (10) percent of the landscapable area.~~
        - ~~-(i) The ten (10) percent limitation shall be exclusive of areas designed as active play surfaces (e.g., ballfields, playgrounds, picnic areas). All other common landscape within the subdivision or multifamily project will be designed under one (1) permit subject to the maximum turf limitations.~~
        - ~~-(ii) Active play areas open to the public are exempt from this provision.~~
    - ~~-(e) Model homes shall comply with the following:~~
      - ~~-(1) Turf grass shall be prohibited in the front yards of model homes, and shall be limited to fifty (50) percent of the landscapable area in back and side yards, or two thousand five hundred (2,500) square feet, whichever is less.~~

- ~~-(2) Model homes shall be used to educate future home owners about water efficient landscape and irrigation techniques. Education features for model homes shall include:~~
- ~~-(i) The installation of interpretive landscape information signs that describe the principles of water efficient landscapes including features such as hydrozones, appropriate irrigation equipment and others techniques that contribute to the overall water efficient irrigation theme.~~
- ~~-(ii) Information shall be provided to new home owners that include techniques on designing, installing, managing, and maintaining water efficient landscapes.~~
- ~~-(f) Rehabilitated landscapes shall comply with the following:~~
- ~~-(1) Rehabilitated landscapes shall comply with the turf limitations and water use standards as outlined in subsections (a) through (e), as appropriate to the property type.~~
- ~~-(2) Landscape plans for rehabilitated landscapes shall be reviewed for compliance with the standards when proposed or required as part of a building or grading permit, discretionary review, and/or when required by Section 8-8.105. (Ord. 576 § 1, 2013)~~

~~**8-10.105 — Requirements for landscaped areas equal to or greater than one (1) acre.**~~

- ~~-(a) Projects that have a landscape area equal to or greater than one (1) acre shall meet the following requirements:~~
- ~~-(1) Project shall comply with all of the items identified in Section 8-8.104.~~
- ~~-(2) Weather based irrigation controllers, soil moisture based controllers, or other self adjusting irrigation controllers shall be required for irrigation scheduling.~~
- ~~-(b) The following documents and plans shall be submitted prior to the issuance of a building permit for the associated project (please refer to the Landscape and Irrigation Design [Guide for specific forms and criteria](#)):~~
- ~~-Compliance with landscape documentation package which includes completion of the following items:~~
- ~~-(1) Project information;~~
- ~~-(2) Water efficient landscape worksheet;~~

- ~~(3) Soil management report;~~
- ~~(4) Landscape design plan;~~
- ~~(5) Irrigation design plan;~~
- ~~(6) Grading design plan.~~

~~Note: the landscape area for new residential subdivisions will be calculated on an individual lot basis as each lot develops, not a total of landscape areas prior to subdivision. Therefore, generally a residential subdivision will not require an LDP for individual lot landscaping.~~

~~However, if the common landscape areas within the subdivision, multifamily project, or landscape and lighting district total one (1) acre or greater, an LDP for those areas shall be completed under a single permit.~~

~~(c) The following documents and plans need to be completed and the landscape and irrigation project shall be installed prior to the issuance of a certificate of occupancy or building permit final for the associated project (please refer to the Landscape and Irrigation Design Guide for specific forms and criteria).~~

~~Certificate of completion which includes documentation of the following items:~~

- ~~(1) Irrigation scheduling;~~
- ~~(2) Landscape and irrigation maintenance schedule;~~
- ~~(3) Irrigation audit, irrigation survey and irrigation water use analysis;~~
- ~~(4) Irrigation efficiency;~~
- ~~(5) Stormwater management. (Ord. 576 § 1, 2013)~~

**Chapter 11**  
**UNREINFORCED MASONRY**

**Section:**

**8-11.101 Modifications to the California Existing Building Code.**

**8-11.101 Modifications to the California Existing Building Code.**

- (a) Adopt Appendix A1.
- (b) Add Appendix Section 102.3 to read as follows:

**102.3 Compliance with other codes.** All conforming and legal nonconforming buildings that are required to be strengthened by alteration as a result of this chapter shall not be required to comply with current site improvement standards of the City zoning ordinance, including parking and landscaping.

- (c) Add definitions to Section A103 to read as follows:

**ESSENTIAL BUILDING.** A building of unreinforced masonry construction that contains a hospital or other medical facility having surgery or emergency treatment areas, fire and police stations or a municipal government disaster operation and communication center.

**HIGH-RISK BUILDING.** A building of unreinforced masonry construction that is not an essential building. A high-risk building shall not include a building having exterior walls braced with masonry crosswalls or wood frame crosswalls spaced less than forty (40) feet apart in each story; crosswalls shall be full story height with a minimum length of one and one-half (1 1/2) times the story height.

- (d) Add Appendix Section A115 entitled “Administrative Provisions” to read as follows:



**SECTION A115 ADMINISTRATIVE PROVISIONS**

**A115.1 Rating classifications.** The rating classifications shown in Table A115.1 of this section are established and each building within the scope of this chapter shall be placed in one such rating classification by the building official.

**Exception:** Portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

**TABLE A115.1 RATING CLASSIFICATIONS**

Type of Building	Class
Essential Building	I
High Risk Building	II

**A115.1.1 General requirements.** The owner of each building within the scope of this chapter shall cause a structural analysis of the building to be made by a civil or structural engineer or architect licensed by the State of California. If the building does not meet the minimum earthquake standards specified in this chapter, the owner shall either cause it to be structurally altered to conform to such standards or cause the building to be demolished.

The owner of each building within the scope of this chapter shall comply with the requirements set forth above by submitting to the building official for review within the stated time limits:

On or before January 1, 2005, a structural analysis, which is subject to approval by the building official, and which shall demonstrate that the building meets the minimum requirements of this chapter;

or

On or before January 1, 2005, a structural analysis and plans for the proposed structural alterations of the building necessary to comply with the minimum requirements of this chapter; or

On or before January 1, 2005, plans for the demolition of the building.

After plans are submitted and approved by the building official, the owner shall obtain a building permit, commence and complete the required construction within the time limits set forth in Table A115.1.1.

**TABLE A115.1.1**

**TIME LIMITS FOR COMPLIANCE**

Rating Classification	Occupant Load	Deadline for Submission of Rehabilitation Plans	Building Permit Issuance Deadline for Strengthening or Demolition	From Date of Permit Issuance	
				Commence Within	Complete Within
I	Any	January 1, 2005	January 1, 2005	180 days	3 years
II	Any	January 1, 2005	January 1, 2005	180 days	3 years

**A115.2 Notice and Order.**

**A115.2.1 General.** The building official shall, within 30 days of the determination that a building is of unreinforced masonry construction issue a notice and order as provided in this section to the owner of a building within the scope of this chapter.

**A115.2.2 Service of notice and order.** A notice or order issued pursuant to this section shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The failure of any such person to receive such notice or order shall not affect the validity of any proceedings taken under this chapter or relieve any such person from any duty or obligation imposed on him by the provisions of this chapter.

**A115.2.3 Content of notice and order.** The notice shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is subject to the minimum seismic standards of this chapter. The order shall direct the owner to obtain a building or demolition permit as required by this chapter and cause the building to be structurally altered to conform to the provisions of this chapter, or cause the building to be demolished. The notice or order shall be accompanied by a copy of Section A115.1, which sets forth the owner's responsibilities.

**A115.3 Appeal.** The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the Board of Appeals established by Appendix Section 112 of the California Building Code, as adopted. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A115.2. Any appeal shall be decided by the Board no later than 90 days after filing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the building official pursuant to this chapter shall be made in accordance with the procedures established in Appendix Section 104.10 of the California Building Code.

**A115.4 Recordation.** At the time that the building official serves the aforementioned notice, the building official shall also file and record with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof will be ordered to structurally analyze the building to determine compliance with this chapter.

If the building is either demolished, found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file and record with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

**A115.5 Enforcement.** If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within the time limit set forth in Section A115.1, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the following provisions apply:

1. The building official may order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional

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**DATE: 03/14/17**  
**ATTACHMENT: 2**

time as may have been granted by the Board of Appeals, the building official may order its demolition in accordance with the provisions of Sections 107, 108, and 109 of the International Property Maintenance Code.

2. Any person who violates any provision of this chapter is guilty of a misdemeanor, and is subject to the penalty as provided for in Chapter 1 of the City of Atascadero Municipal Code.

**Chapter 12**  
**POST-DISASTER REGULATIONS**

**Sections:**

- 8-12.101 Intent.**
- 8-12.102 Application of provisions.**
- 8-12.103 Definitions.**
- 8-12.104 Placards.**

**8-12.101 Intent.**

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy following an earthquake or other destructive event. The chapter further authorizes the Building Official and representatives to post the appropriate placard at each entry to a building or structure upon completion of a safety assessment.

**8-12.102 Application of provisions.**

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Atascadero following each destructive event. The City Council may extend the provisions as necessary.

**8-12.103 Definitions.**

Safety Assessment. A visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued use.

**8-12.104 Placards.**

(a) The following official placards shall be used to designate the condition for occupancy of buildings or structures:

(1) Green: “Inspected—Lawful Occupancy Permitted” is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

(2) Yellow: “Restricted Use” is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restriction on continued occupancy.

(3) Red: “Unsafe—Do Not Enter or Occupy” is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the Building Official or authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damaged encountered.

(b) The placard shall display the number of the ordinance codified in this chapter, and the name, address and phone number of the jurisdiction.

(c) Once the placard has been attached to the building or structure, it shall not be removed, altered or covered until authorized representative by the Building Official. It is unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

**SECTION 2.** A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s Office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on \_\_\_\_\_, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: \_\_\_\_\_  
Tom O’Malley, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Pierik, City Attorney



# Atascadero City Council

## Staff Report – Public Works Department

### 2017 Community Development Block Grants Funding Recommendations

#### RECOMMENDATION:

Council review and approve funding recommendations for the 2017 Community Development Block Grant (CDBG) program as shown below and authorize staff to adjust final award amounts proportionately upon receipt of the final funding amount.

	Draft Recommendations November 2016	Final Funding Staff Recommendations
<b>Public Facilities</b>		
City of Atascadero – <i>Handicapped Accessibility - Barrier Removal Project at Traffic Way and El Camino Real</i>	\$166,352*	\$166,352*
<b>Public Services – Limited to 15% of 2017 Allocation (Estimated at \$23,218)</b>		
Atascadero Loaves and Fishes – <i>Operation of Food Pantry</i>	6,632.60	8,000
City of Atascadero – <i>Youth Activity Scholarships</i>	8,800	8,000
El Camino Homeless Organization – <i>Operation of Homeless Shelter</i>	7,785.40	7,218
Lifesteps Foundation– <i>Senior Homemaker Program</i>	0	0
<b>Administration – Limited to 20% of 2017 Allocation (Estimated at \$30,958)</b>		
City Program Administration Costs	10,835	10,835
County Program Administration Costs	20,123	29,946*
<b>Total 2017 Grant Funds Available*</b>	<b>\$220,528</b>	<b>\$230,351*</b>
<b>Public Facilities Reallocation</b>		
City of Atascadero - <i>2015 South El Camino Real Sidewalk Reallocation to 2016 Atascadero Mall Sidewalk Infill</i>		\$40,000

\*Includes reallocation payment of \$75,563 less (-\$9,823) in County Administration Costs resulting in a total of \$65,740 from Morro Bay.

## DISCUSSION:

The 2017 CDBG award process began in the fall of 2016. Workshops were held throughout the County to solicit public comment on community needs. The County published a request for CDBG proposals and the City received four applications for public service projects and one application for a public facility project.

On December 13, 2016, after reviewing the Public Service and Public Facilities applications received, Council approved the draft funding recommendations for the 2017 Allocation cycle. The recommendations were then published for the required minimum of 30 days during which the second of the two workshops to solicit public comment on community needs was held.

Total 2017 CDBG annual funding, based on previous levels, is anticipated to be approximately \$154,788. The City will receive an additional \$75,563 repayment from prior unexpended fiscal years allocations that was loaned to Morro Bay for a public facilities project they were undertaking. This repayment amount of \$75,563 can only be used for public facilities projects. Of this \$75,563 repayment, \$9,823 will go toward County Administration costs, resulting in a net amount of \$65,740 to be used for the Barrier Removal Project. With the inclusion of this repayment, the total funding amount for 2017 will be \$230,351.

Unlike previous funding cycles, final funding amounts have not yet been released by the Department of Housing and Community Development (HUD), but are anticipated to be determined in the first quarter of 2017. However, the County is requesting a final recommendation to meet milestone schedules. Final funding amounts are typically more than the estimated amounts used for draft recommendations.

CDBG funds are available for community development activities, which meet at least one of the three national objectives:

1. A benefit to low and moderate-income persons;
2. Aid in the prevention or elimination of blight;
3. Address urgent needs that pose a serious and immediate threat to the health or welfare of the community.

In order for a program to qualify under the low and moderate income objective, at least 51% of the persons benefiting from the project or program must earn no more than 80% of the area median. Additionally, at least 70% of the CDBG funds spent must be toward this objective.

As part of the CDBG process tonight, Council must develop final recommendations for the 2017 grant year that meets the funding criteria while adhering to the categorical limits. There are several ways in which the national objectives can be accomplished and these have been categorized into different eligible activities. Public Service is one eligible activity.

Only 15% or \$23,218 of the 2017 grant can be allocated to Public Service projects. Public Service applications received exceeded the 15% anticipated funding amount. The additional monies received from Morro Bay do not factor into the Public Service allocation. HUD has established a minimum required allocation of \$8,000 per project. The City of Atascadero can only program an amount less than \$8,000 for a particular Public Service activity if another agency in the County commits to programming the remainder to equal a Countywide cumulative total of at least \$8,000.

The 2017 CDBG funding will continue to be subject to the changes implemented by the County in the 2015 Grant Year cycle:

1. Required County Program Administration

HUD now recommends that the County provide monitoring and oversight for all CDBG grants. The County will receive 13% (estimated at \$20,123) of the total 2017 Allocation for this administration. The maximum budget for administration is 20% of the 2017 Allocation. Since 13% will now be directed to the County, the City's maximum administrative reimbursement cannot exceed 7% of the 2017 Allocation (estimated at \$10,835).

2. Minimum Countywide Funding Threshold of \$8,000 for Public Service Activities

Due to recent changes in program oversight, HUD is requiring a higher level of monitoring of all grant activities. These new regulations will require significantly more administrative staff time for each awarded activity than previously required. Due to the stringent monitoring and oversight requirements mandated by HUD, CDBG awards must now meet a minimum threshold of \$8,000 for Public Service activities on a Countywide cumulative basis.

In regard to the Public Service funding, Paso Robles' draft recommendation included \$9,189 funding for ECHO and San Luis Obispo County's draft recommendation included \$50,704 for ECHO. The Countywide recommendations for the funding of ECHO would allow Atascadero to provide the required minimum \$8,000 allocation to Loaves and Fishes and the Youth Activity Scholarship programs and the \$7,218 balance to ECHO to meet the HUD minimum award requirements.

The amount of funding shown for 2017 is an estimate provided by the County based on available information from the HUD. If the amount awarded to the City is more than the amounts shown, the additional amount may be first applied to ECHO to equal the \$8,000 recommended for all Public Services, and any remaining funds will be dispersed equally among the awarded applicants.

In addition to the annual entitlement, the City has \$40,000 in unexpended carryover funds from prior years due to unspent Public Facilities funds. The funds can only be allocated to the Public Facility project, Handicapped Accessibility Barrier Removal at Traffic Way and El Camino Real.

Upon approval, the funding recommendations will be forwarded to the County for submittal to and approval by the County Board of Supervisors and inclusion in the Countywide Consolidated Plan.



## **FISCAL IMPACT:**

The 2017 CDBG Allocation is estimated to be \$154,788, with an additional \$75,563 reallocated from Morro Bay for a total of \$230,351 and \$40,000 reallocated from a prior year's unexpended funds.

## **ALTERNATIVES:**

Council may modify the grant recommendations prior to approval. However, awards must meet program requirements; a minimum award of \$8,000 for public service activities on a Countywide cumulative basis, providing a minimum of 70% of funding for benefit to low and moderate-income persons, and no more than 15% of the current year allocation can be awarded in the public service category.