



## CITY OF ATASCADERO PLANNING COMMISSION AGENDA

### **HYBRID MEETING INFORMATION:**

The Planning Commission meeting will be available via teleconference for those who wish to participate remotely. The meeting will also be held in the City Council Chambers and in-person attendance will be available at that location.

### **HOW TO OBSERVE THE MEETING REMOTELY:**

To participate remotely, residents can livestream the meeting on [Zoom](#). The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit:

<https://us02web.zoom.us/j/83250238111>

Planning Commission – Meeting ID: 832 5023 8111 (No Passcode Required)

### **HOW TO SUBMIT PUBLIC COMMENT:**

Public comment may be provided in-person or remotely. Call **(669) 900-6833** (Meeting ID: 832 5023 8111) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

Written public comments are accepted at [pc-comments@atascadero.org](mailto:pc-comments@atascadero.org). **Comments should identify the Agenda Item Number in the subject line of the email.** Such comments will be forwarded to the Planning Commission and made a part of the administrative record. ***To ensure distribution to the Planning Commission before consideration of an item, please submit comments not later than 12:00 p.m. the day of the meeting.*** All correspondence will be distributed to the Planning Commission, posted on the City's website, and be made part of the official public record of the meeting. ***Please note, comments will not be read into the record.*** Please be aware that communications sent to the Planning Commission are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under applicable law. Communications will not be edited for redactions and will be printed/posted as submitted.

### **AMERICAN DISABILITY ACT ACCOMMODATIONS:**

Any member of the public who needs accommodations should contact the City Clerk's Office at [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Planning Commission agendas and minutes may be viewed on the City's website:

[www.atascadero.org/agendas](http://www.atascadero.org/agendas).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the Community Development Department and are available for public inspection 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 Planning Commission. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Planning Commission meetings that are either read into the record or referred to in their statement will be noted in the Minutes and available for review by contacting the Community Development Department. All documents are available for public inspection during City Hall business hours by appointment.



# **CITY OF ATASCADERO PLANNING COMMISSION AGENDA**

---

**REGULAR MEETING**  
**Tuesday, February 6, 2024**  
**6:00 P.M.**

**City Hall Council Chambers**  
**6500 Palma Avenue, 4<sup>th</sup> Floor**  
**Atascadero, California 93422**

## **CALL TO ORDER**

Pledge of Allegiance

**ROLL CALL:** Chairperson Jeff van den Eikhof  
Vice Chairperson Tori Keen  
Commissioner Jason Anderson  
Commissioner Victoria Carranza  
Commissioner Greg Heath  
Commissioner Randy Hughes  
Commissioner Dennis Schmidt

## **APPROVAL OF AGENDA**

**PUBLIC COMMENT** (This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Commission may take action to direct the staff to place a matter of business on a future agenda.)

**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 Commission or public wishes to comment or ask questions.)

- 1. APPROVAL OF THE DRAFT MINUTES OF NOVEMBER 8, 2023**
  - Recommendation: Commission approve the November 8, 2023 Minutes.
- 2. APPROVAL OF THE 2024 MEETING SCHEDULE**
  - Recommendation: Commission approve the 2024 Meeting Schedule.

**WEBSITE:**



Find us on  
Facebook



Follow us on  
Twitter

[www.atascadero.org](http://www.atascadero.org)

<http://www.facebook.com/planningatascadero>

[@atownplanning](https://twitter.com/atownplanning)

Scan this QR Code  
with your smartphone  
to view the Planning  
Commission Website.



**PLANNING COMMISSION BUSINESS****PLANNING COMMISSION REORGANIZATION:****A. Election of Chairperson and Vice Chairperson**

The Commission will select a Chairperson and Vice Chairperson.

**COMMUNITY DEVELOPMENT STAFF REPORTS**

None

**PUBLIC HEARINGS**

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).

**DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Prior to a project hearing, Planning Commission Members must disclose any communications they have had on any quasi-judicial agenda items. This includes, but is not limited to, Tentative Subdivision Maps, Parcel Maps, Variances, Conditional Use Permits and Planned Development Permits. This does not disqualify the Planning Commission Member from participating and voting on the matter, but gives the public and applicant an opportunity to comment on the ex parte communication.

**3. 3675 MARICOPA ROAD**

The project is a request for Planning Commission to consider a request for a 3<sup>rd</sup> accessory structure on APN 054-032-041. (USE23-0105)

- **CEQA:** The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15303; Class 3: small structures, because it consists solely of the construction of a small, appurtenant U-occupancy structure.
- **Recommendation:** Staff's recommendation is for the Planning Commission to adopt the Draft Resolution approving a Conditional Use Permit for a third accessory structure at 3675 Maricopa Road, based on findings and subject to conditions of approval; and take such additional, related, action that may be desirable.

**WEBSITE:** [www.atascadero.org](http://www.atascadero.org)



<http://www.facebook.com/planningatascadero>



[@atownplanning](https://twitter.com/atownplanning)

Scan this QR Code  
with your smartphone  
to view the Planning  
Commission Website.



#### **4. ZONING CODE UPDATE**

Staff will provide a staff report on updates to Title 9 and Title 3 of the Atascadero Municipal Code (zoning and finance code) to clarify language and increase General Plan consistency. (ZCH22-0053)

- **CEQA:** This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).
- **Recommendation:** Staff's Recommends Planning Commission adopt the Draft Resolution recommending that City Council introduce an ordinance for first reading, by title only, to approve amendments to Titles 3 and 9 of the Atascadero Municipal Code, based on findings; and take such additional, related, action that may be desirable.

### **COMMISSIONER COMMENTS AND REPORTS**

### **DIRECTOR'S REPORT**

### **ADJOURNMENT**

The next regular meeting will be on February 20, 2024 at City Hall, Council Chambers, 6500 Palma Ave., Atascadero, CA.

*Please note: Should anyone challenge in court any proposed development entitlement listed on this Agenda, 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 Planning Commission at, or prior to, this public hearing.*

**WEBSITE:** [www.atascadero.org](http://www.atascadero.org)



<http://www.facebook.com/planningatascadero>



[@atownplanning](https://twitter.com/atownplanning)

Scan this QR Code  
with your smartphone  
to view the Planning  
Commission Website.



*City of Atascadero***WELCOME TO THE ATASCADERO PLANNING COMMISSION MEETING**

The Planning Commission meets in regular session on the first and third Tuesday of each month at 6:00 p.m. at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Commission in the order of the printed Agenda. 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 Community Development Department 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). All documents submitted by the public during Commission 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 Community Development Department. Commission meetings are audio recorded, and may be reviewed by the public. Copies of meeting recordings are available for a fee. Contact the City Clerk for more information at (805) 470-3400.

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

Under Agenda item, "PUBLIC COMMENT", the Chairperson will call for anyone from the audience having business with the Commission 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 Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.

This is when items not on the Agenda may be brought to the Commission's attention. A maximum of 30 minutes will be allowed for Public Comment Portion (unless changed by the Commission).

**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 Chairperson will identify the subject, staff will give their report, and the Commission will ask questions of staff. The Chairperson will announce when the public comment period is open and will request anyone interested to address the Commission 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 Chairperson.
2. Give your name (not required).
3. Make your statement.
4. All comments should be made to the Chairperson and Commission.
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.

If you wish to use a computer presentation to support your comments, you must notify the Community Development Department at (805) 461-5035 at least 24 hours prior to the meeting. Digital presentations brought to the meeting should be on a USB drive or CD. You are required to submit to the Recording Secretary a printed copy of your presentation for the record. Please check in with the Recording Secretary before the meeting begins to announce your presence and turn in the printed copy.

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

**HOW TO SUBMIT PUBLIC COMMENT:**

If you wish to comment, please email public comments to: [pc-comments@atascadero.org](mailto:pc-comments@atascadero.org) by 12:00 pm on the day of the meeting. Such email comments must identify the Agenda Item Number in the subject line of the email. The comments will be forwarded to the Planning Commission and made a part of the administrative record. If a comment is received after the deadline for submission but before the close of the meeting, the comment will still be included as a part of the administrative record of the meeting but will be forwarded to the Planning Commission the next business day. **Please note, email comments will not be read into the record.**

**AMERICAN DISABILITY ACT ACCOMMODATIONS:**

Any member of the public who needs accommodations should contact the City Clerk's Office at [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Planning Commission agendas and minutes may be viewed on the City's website: [www.atascadero.org](http://www.atascadero.org).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the Community Development Department and are available for public inspection 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 Planning Commission. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Planning Commission meetings that are either read into the record or referred to in their statement will be noted in the Minutes and available for review by contacting the Community Development Department. All documents are available for public inspection during City Hall business hours by appointment.

**WEBSITE:** [www.atascadero.org](http://www.atascadero.org)



Find us on  
Facebook

<http://www.facebook.com/planningatascadero>



Follow us on  
Twitter

[@atownplanning](https://twitter.com/atownplanning)

Scan this QR Code  
with your smartphone  
to view the Planning  
Commission Website.





## CITY OF ATASCADERO PLANNING COMMISSION

# DRAFT MINUTES

Special Meeting – Wednesday, November 8, 2023 – 6:00 P.M.

City Hall

6500 Palma Avenue, Atascadero, California

### **CALL TO ORDER - 6:00 p.m.**

Chairperson van den Eikhof called the meeting to order at 6:15 p.m. and Vice Chairperson Keen led the Pledge of Allegiance.

### **ROLL CALL**

Present: Commissioners Anderson, Heath, Schmidt, Vice Chairperson Keen and Chairperson van den Eikhof

Absent: Commissioner Carranza  
Commissioner Hughes

Vacant: None

Others Present: Annette Manier, Recording Secretary  
Ephraim (Eppi) Margolin, Deputy City Attorney (via Teleconference)

Staff Present: Community Development Director, Phil Dunsmore  
Planning Manager, Kelly Gleason  
Associate Planner, Erick Gomez  
Assistant Planner, Sam Mountain

### **APPROVAL OF AGENDA**

**MOTION: By Commissioner Anderson and seconded by  
Commissioner Heath to approve the Agenda.**

***Motion passed 5:0 by a roll-call vote.  
(Carranza, Hughes absent)***

### **PUBLIC COMMENT**

The following member of the public spoke: Max Zappas.

***Chairperson van den Eikhof closed the Public Comment period.***

**CONSENT CALENDAR****1. APPROVAL OF THE DRAFT MINUTES OF OCTOBER 17, 2023**

- Recommendation: Commission approve the October 17, 2023 Minutes.

**MOTION:** By Commissioner Schmidt and seconded by Commissioner Anderson to approve the Consent Calendar.

*Motion passed 5:0 by a roll-call vote.  
(Carranza, Hughes absent)*

**PLANNING COMMISSION BUSINESS**

None

**PUBLIC HEARINGS****2. 9590 EL CAMINO REAL ARCO SIGNAGE**

The project is a request for Planning Commission to review an Administrative Use Permit for canopy signage to be installed on APN 056-071-011 (USE23-0067)

- CEQA: The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15301; Class 1: existing facilities, because it consists solely of a minor alteration to an existing structure.
- Recommendation: Staff's recommendation is for the Planning Commission to deny the Use Permit for oversized signage, based on finding(s), and take such additional, related action that may be desirable.

**DISCLOSURE OF EX PARTE COMMUNICATIONS:**

None.

Planner Mountain presented the staff report, and he and Planner Gleason answered questions from the Commission. It was noted that there is a correction on page 18 of the staff report, and Condition 1 should state Administrative Use Permit rather than Conditional Use Permit.

**PUBLIC COMMENT**

The following members of the public: Dave Bartl and Max Zappas. Dave Bartle turned in exhibits for the Commission's review (Exhibit A).

***Chairperson van den Eikhof closed the Public Comment period.***

**MOTION:** By Commissioner Schmidt and seconded by Vice Chairperson Keen to adopt PC Resolution

B approving USE23-0067 an Administrative Use Permit (USE23-0067) for oversized signage at 9590 El Camino Real, based on the finding(s) that are written in the report on page 15 that has facts based each finding that needs to be made, but not including the recommendation of the condition to shield or redirect the light, and includes changing Conditional Use Permit to Administrative Use permit on page 18.

*Motion failed 3:2 by a roll-call vote.  
(Anderson, Heath, van den Eikhof voted no)*

**MOTION:** By Chairperson van den Eikhof and seconded by Commissioner Anderson to adopt PC Resolution B as outlined approving USE23-0067 to allow the increased banding for oversized signage at 9590 El Camino Real, based on findings and subject to Conditions of Approval, with removal of the light banding in its entirety, changing Conditional Use Permit to Administrative Use Permit on page 18, modifications to Condition 1 to remove the LED lighting strip, modifications to Condition 6 to remove the lighting as allowed, and specify that the lighting per the exhibits is not permitted as part of this approval.

*Motion passed 4:1 by a roll-call vote.  
(Schmidt voted no)*

The applicant is able to appeal this to the City Council within 14-days.

## **COMMUNITY DEVELOPMENT STAFF REPORTS**

### **3. OBJECTIVE DESIGN STANDARDS**

Staff will provide an overview of Objective Design Standards (CPP21-0053)

Director Dunsmore introduced the topic, and Planning Manager Gleason provided the staff report.

***Chairperson van den Eikhof recessed the meeting at 7:26 p.m. for a break.***



***Chairperson van den Eikhof reconvened the meeting at 7:36 p.m. with all present.***

Planning Manager Gleason, Planner Mountain and Director Dunsmore answered questions from the Commission and stated that staff will have a developer checklist that will help move a development through the process with a menu of options.

**PUBLIC COMMENT**

The following members of the public spoke: Bill Sima and Max Zappas.

***Chairperson van den Eikhof closed the Public Comment period.***

There was no action taken on this item. If the Commission wants specific direction, they are encouraged to reach out to staff. Staff wants to hear if the Commission needs more information to make a decision.

**COMMISSIONER COMMENTS AND REPORTS**

None

**DIRECTOR'S REPORT**

Director Dunsmore introduced new Associate Planner, Erick Gomez, and stated that Erick was our intern a few years ago. Erick introduced himself to the Commission.

Director Dunsmore stated that the meeting on November 21<sup>st</sup> has been cancelled, so on the December 5<sup>th</sup> meeting, the Commission will hear Objective Design Standards.



**ADJOURNMENT – 8:28 p.m.**

The next regular meeting will be on December 5, 2023, at City Hall, 6500 Palma Avenue, Atascadero, CA.

**MINUTES PREPARED BY:**

\_\_\_\_\_  
Annette Manier, Recording Secretary  
Administrative Assistant

The following Exhibit is available in the Community Development Department:  
Exhibit A – Arco submission

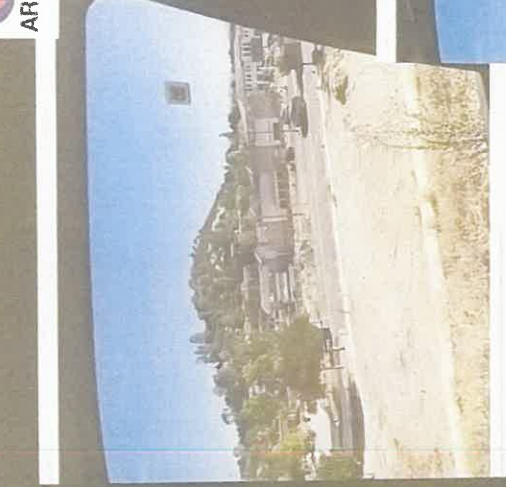
 **9590 EL CAMINO REAL** 



**DAYTIME**



**BRAND STANDARD**



**NIGHTTIME**



**BRAND STANDARD**



**ATASCADERO**





**6100 San Anselmo Road Atascadero, CA**



Google Maps 9850 E Front St

Atascadero, California

Google Street View

Jun 2023

See more dates



Image capture: Jun 2023 © 2023 Google



# Google Maps 8001 El Camino Real

Atascadero, California

Google Street View

Jun 2023 See more dates



Image capture: Jun 2023 © 2023 Google



# Google Maps 5125 El Camino Real

Atascadero, California

Google Street View

Jul 2023

See more dates



Google

Image capture: Jul 2023 © 2023 Google





Google Maps 6105 San Anselmo Rd



Image capture: Jul 2023 © 2023 Google



Google Maps 7998 Curbaril Ave

Atascadero, California

Google Street View

Jun 2023

See more dates



Image capture: Jun 2023 © 2023 Google





Google Maps 6435 CA-41

Atascadero, California

Google Street View

Jun 2023

See more dates



Image capture: Jun 2023 © 2023 Google





## Planning Commission

### 2024 Draft Meeting Schedule

### Community Development Department

MEETING DATE	TYPE OF MEETING
January 16	REGULAR
February 6	REGULAR
February 20	REGULAR
March 5	REGULAR
March 19	REGULAR
April 2	REGULAR
April 16	REGULAR
May 7	REGULAR
May 21	REGULAR
June 4	REGULAR
June 18	REGULAR
July 16	REGULAR
August 6	REGULAR
August 20	REGULAR
September 3	REGULAR
September 17	REGULAR
October 1	REGULAR
October 15	REGULAR
November 5	REGULAR
November 19	REGULAR
December 3	REGULAR
December 17	REGULAR

Meetings are held at 6:00 p.m. at 6500 Palma Ave., 4<sup>th</sup> Floor, Atascadero, CA 93422

Working together to **serve**, build **community** and enhance **quality of life**.



# **Atascadero Planning Commission**

## **Staff Report – Community Development Department**

### **USE 23-0105 Maricopa Third Accessory Structure**

#### **RECOMMENDATION(S):**

Planning Commission adopt Draft PC Resolution, approving USE23-0105 and allowing a third accessory structure at 3675 Maricopa Road, based on findings and subject to conditions of approval.

#### Project Info In-Brief:

<b>PROJECT ADDRESS:</b>	3675 Maricopa Road	Atascadero, CA	<b>APN</b>	054-032-041
<b>PROJECT PLANNER</b>	Sam Mountain Assistant Planner	(805) 470-3404	smountain@atascadero.org	
<b>APPLICANT</b>	Chad Woodrum			
<b>PROPERTY OWNER</b>	Ilan Funke-Bilu			
<b>GENERAL PLAN DESIGNATION:</b>	<b>ZONING DISTRICT:</b>	<b>SITE AREA</b>	<b>EXISTING USE</b>	<b>PROPOSED USE</b>
Rural Estate (RE)	Residential Suburban (RS)	4.2 acres	Residential	Third residential accessory structure
<b>ENVIRONMENTAL DETERMINATION</b>				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input type="checkbox"/> Negative / Mitigated Negative Declaration No. _____ <input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15303: New construction or conversion of small structures <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				

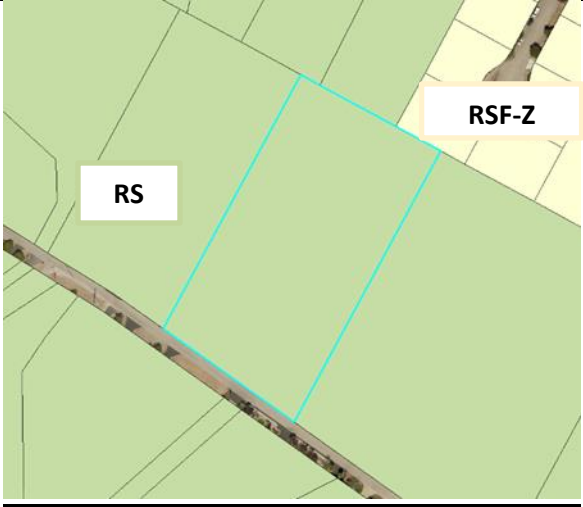

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>

6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**DISCUSSION:**

Existing Surrounding Uses / Parcel Configurations:

Existing Zoning		Existing Aerial / Surrounding	
			
<b>North:</b>	<b>South:</b>	<b>East:</b>	<b>West:</b>
RS, RSF-Z	RS	RS, RSF-Z	RS

*Project Description / Summary*

The proposed project consists of an application for a Minor Conditional Use Permit to allow the construction of a 924 square-foot pool cabana, the third non-exempt accessory structure on the property. This cabana structure includes a wet bar, a gathering area, a bathroom, a pool equipment room, and a changing room. The applicant also proposes a 296 square-foot covered porch attached to the structure.

*Project Site*

The subject property is approximately 4.2 acres and is located on Maricopa Road. It is relatively flat, with approximately 90-foot setback between the front property line and the developed area of the property. There are no native trees near proposed construction activity. There are currently four structures on the property: a primary residence, a guest house, a detached garage, and a storage structure. The guest house is considered a second unit and is not an accessory structure for the purpose of assessing the number of non-exempt accessory structures allowed on the property.

*Analysis*

Atascadero Municipal Code (AMC) 9-6.106 “[r]esidential accessory uses” establishes standards for accessory structures on residential properties. Among these standards is AMC 9-6.106(b)(6), which limits the number of non-exempt accessory structures to two per property, subject to all other applicable standards in the title. AMC 9-6.106(d)(2) establishes a process to obtain an exception to this standard via minor Conditional Use Permit approval. The proposed pool cabana would result in three non-exempt accessory





structures and therefore, approval of a Conditional Use Permit is required.

AMC 9-6.106 also sets standards relating to the floor area of a proposed non-exempt accessory structure. Municipal Code standards require that the gross floor area of a detached accessory structure shall not exceed the floor area of the principal structure or 2,000 square feet, whichever is less, and establishes appearance and design criteria that must be adhered to if the structure exceeds 50% of the primary structure floor area. The primary residence on the property is 3,708 square-feet therefore the proposed 924 square-foot structure meets the size limitations of the code and no additional design standards are required.

The Municipal Code allows unconditioned accessory structures to have a utility bathroom with shower as well as a limited wet bar providing that a deed notification is recorded specifying the non-habitable nature of the building. Wet bars are limited to a sink and 4-foot of counter area. The submitted plans are consistent with these code requirements and a condition is included related to the recordation of the deed notification.

The proposed structure is broadly compatible with the neighborhood and adjacent uses, and staff do not have concerns about visual impact. The property includes wide setback areas with all development clustered towards the center of the lot, and the proposed structure will continue this pattern. The proposed structure not intended for residential occupancy and should not impact traffic patterns.

### Conclusion

The proposed Conditional Use Permit authorizes the construction of a third accessory structure at 3675 Maricopa Road. This 924 square-foot structure includes a wet bar, bathroom, and gathering area, and is proposed be used as a pool cabana. The project also includes an attached 296 square-foot covered porch. The structure has been designed to meet all requirements of the Atascadero Municipal Code.

### **ENVIRONMENTAL DETERMINATION:**

The proposed project qualifies for a Categorically Exempt (Class 3) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15303, because the project is limited to construction of a small structure appurtenant to the primary residence on the property.

### **FINDINGS:**

To approve USE23-0105, the Planning Commission must make the following findings. These findings and the facts to support these findings are included in the attached resolution.

1. The proposed project or use is consistent with the General Plan;



2. The proposed project or use satisfies all applicable provisions of this title;
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use;
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development;
5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element;
6. The proposed project is in compliance with any pertinent city policy or criteria adopted by ordinance or resolution of the city council; and

**ALTERNATIVES:**

1. The Planning Commission may include modifications to the project and/or conditions of approval for the project. Any proposed modifications, including conditions of approval, should be clearly re-stated in any vote on any of the attached resolutions.
2. The Planning Commission may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The Commission should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
3. The Planning Commission may deny the project. The Commission must specify what findings cannot be made, and provide a brief oral statement, based on the Staff Report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the Planning Commission.

**ATTACHMENTS:**

1. Draft Resolution
2. Site Photo



**ATTACHMENT 1: Draft Planning Commission Resolution**  
**USE 23-0105**

**DRAFT PC RESOLUTION**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A  
CONDITIONAL USE PERMIT (USE23-0105) TO ALLOW A THIRD  
ACCESSORY STRUCTURE AT  
APN 054-032-041**

**3675 MARICOPA ROAD  
Funke-Bilu**

**WHEREAS**, an application has been received from Chad Woodrum, Applicant and Ilan Funke-Bilu, Owner, to consider a Conditional Use Permit (USE23-0105) to allow a third accessory structure at 3675 Maricopa Road; and

**WHEREAS**, the site's General Plan Designation is Suburban Estates (SE); and

**WHEREAS**, the site's Zoning is Residential Suburban (RS); and

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Conditional Use Permit application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Conditional Use Permit.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Atascadero, California, makes the following findings, determinations and recommendations with respect to the proposed Conditional Use Permit:

**SECTION 1. Recitals.** The above recitals are true and correct.

**SECTION 2. Public Hearing.** The Planning Commission of the City of Atascadero, in a regular session assembled on February 6, 2024, considered testimony and reports from staff, the applicants, and the public.

---

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO  
COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>

6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**SECTION 3. CEQA.** The proposed project is Categorically Exempt (Class 3) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15303, because the project is limited to construction of a small structure appurtenant to the primary residence on the property.

**SECTION 4. Findings.** The Planning Commission makes the following findings and determinations :

1. The proposed use is consistent with the General Plan

**Fact:** Detached accessory structures are consistent with the Rural Estate land use designation of the General Plan. Land Use, Open Space, and Conservation Element Program 1.1.6 requires that the size, use, and appearance of accessory structures in residential zoning districts be compatible with the surrounding neighborhood. The subject property is 4.2 acres and the proposed accessory maintains the rural character envisioned by the General Plan and consistent with General Plan policies related to the Suburban Estates designation.

2. The proposed project satisfies all applicable provisions of the Title (Zoning Ordinance)

**Fact:** The project as conditioned satisfies the provisions of the Atascadero Municipal Code. AMC 9-6.106(d)(2) enables the construction of more than two residential accessory structures with the approval of a minor Conditional Use Permit. The project is in compliance with all Municipal Code site design requirements.

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use

**Fact:** The proposed use is not detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or detrimental or injurious to property or improvements in the vicinity of the use. The project proposes a structure accessory to the residential use of the property.

4. That the proposed project will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development

**Fact:** The proposed use follows the character of the immediate neighborhood given the large lot size and use of the structure as accessory to the single-family residence. The structure is clustered adjacent to existing development on the site and will retain the larger front setback on the property.





5. That the proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element

**Fact:** The proposed project is for a use accessory to the existing single-family residence and will not be occupied. No additional traffic will be generated as a result of this structure.

**SECTION 3. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on February 6, 2024, resolved to approve Conditional Use Permit Use USE23-0105, subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Site Plan
- EXHIBIT C: Elevations
- EXHIBIT D: Floor Plan

On motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ( )  
NOES: ( )  
ABSENT: ( )  
ABSTAINED: ( )  
ADOPTED:

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Jeff van den Eikhof  
Planning Commission Chairperson

ATTEST:

\_\_\_\_\_  
Phil Dunsmore  
Planning Commission Secretary



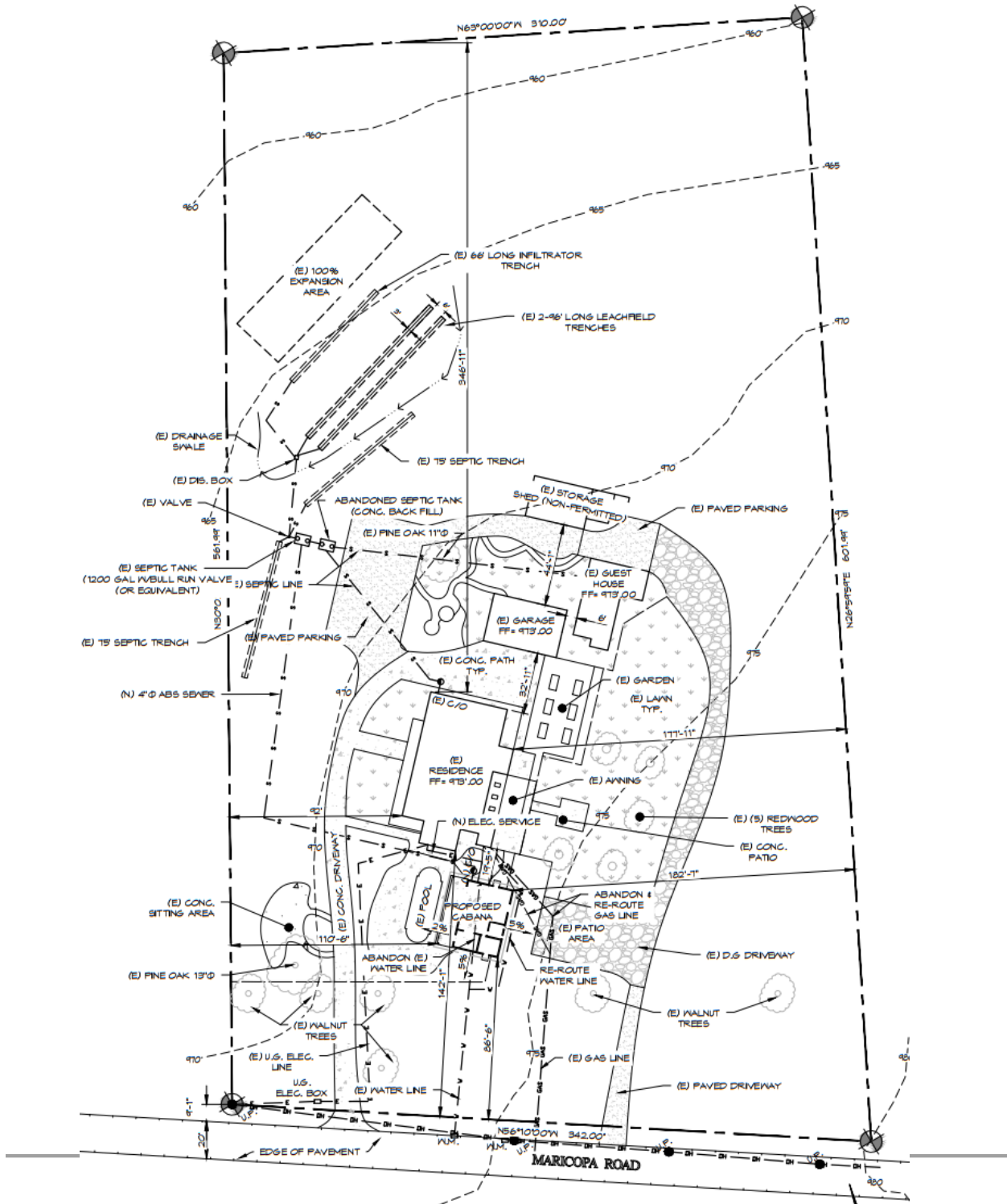
**ITEM 3**  
**Maricopa Road Third Accessory Structure**  
**USE23-0105 / Woodrum**

**Exhibit A: Conditions of Approval**  
**USE 23-0105**

<b>Conditions of Approval / Mitigation Monitoring Program</b>	<b>Timing</b>	<b>Responsibility /Monitoring</b>
<p><b>3675 Maricopa Road</b></p> <p><b>USE 23-0105</b></p>	<p>BL: Business License  GP: Grading Permit  BP: Building Permit  FI: Final Inspection  TO: Temporary Occupancy  FO: Final Occupancy</p>	<p>PS: Planning Services  BS: Building Services  FD: Fire Department  PD: Police Department  CE: City Engineer  WW: Wastewater  CA: City Attorney</p>
<p><b>Planning Services Conditions</b></p>		
<p>1. This Conditional Use Permit shall allow a 924 square-foot pool cabana at 3675 Maricopa Road, APN 054-032-041, as described in the attached Exhibits.</p>	<b>Ongoing</b>	<b>PS</b>
<p>2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the Planning Commission approval unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.</p>	<b>Ongoing</b>	<b>PS</b>
<p>3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, and/or (2) result in a superior site design or appearance.</p>	<b>BP</b>	<b>PS, BS</b>
<p>4. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit or a time extension has been granted.</p>	<b>BP</b>	<b>PS</b>
<p>5. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning this Conditional Use Permit.</p>	<b>Ongoing</b>	<b>CA</b>
<p>6. Prior to permit issuance, the owner(s) must sign and notarize a deed restriction prohibiting the use of this accessory structure for overnight stays and as a dwelling unit.</p>	<b>BP</b>	<b>PS</b>



Exhibit B: Site Plan  
USE 23-0105



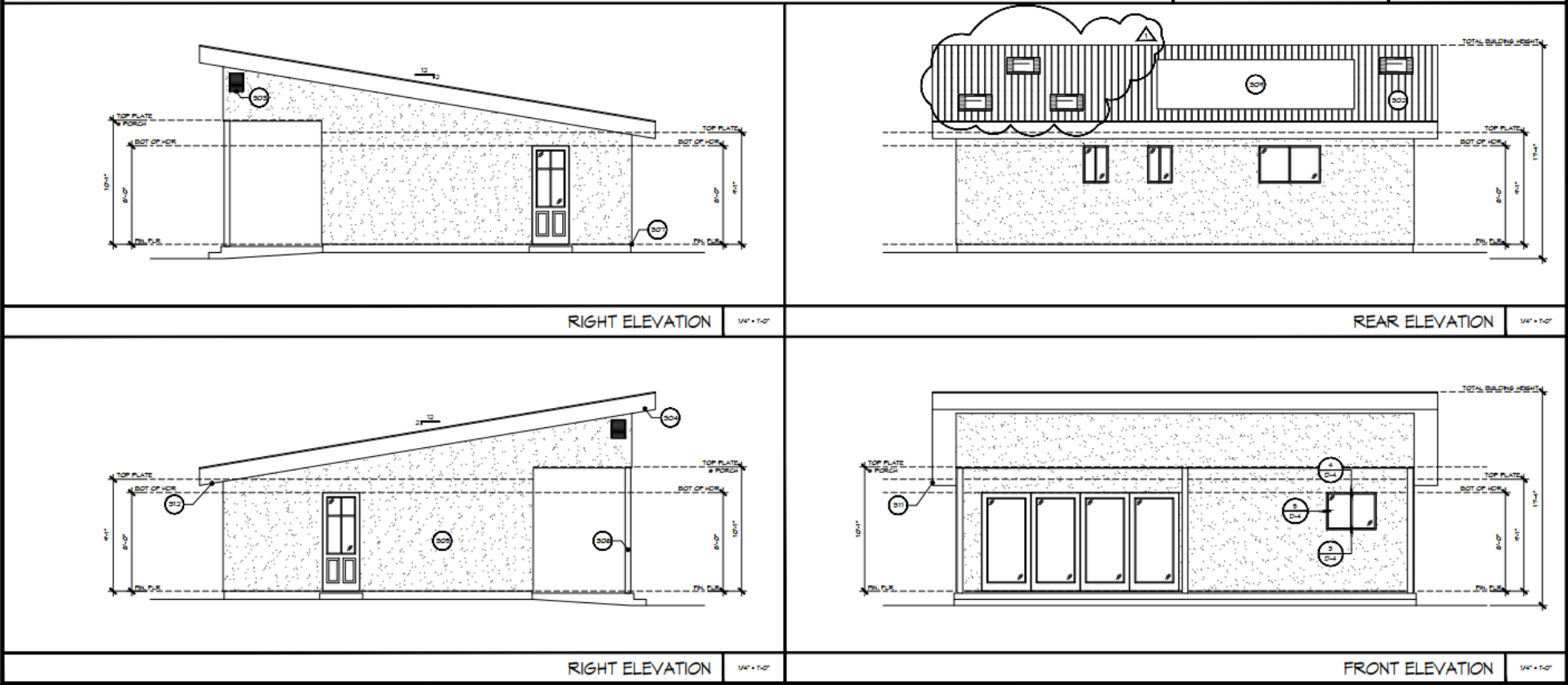
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>

6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**ITEM 3**  
**Maricopa Road Third Accessory Structure**  
**USE23-0105 / Woodrum**

**Exhibit C: Elevations**  
**USE 23-0105**



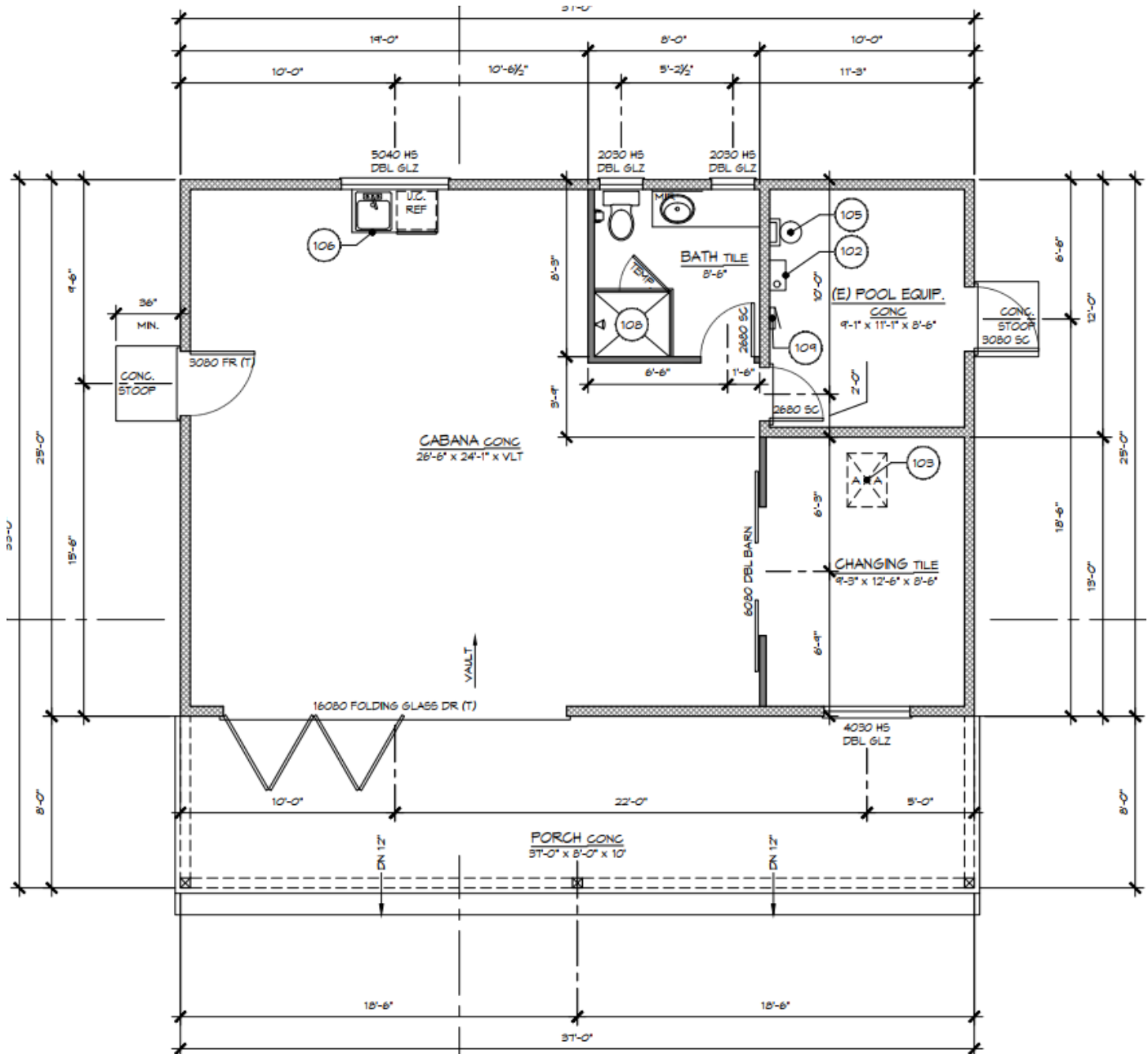
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>

6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**ITEM 3**  
**Maricopa Road Third Accessory Structure**  
**USE23-0105 / Woodrum**

**Exhibit D: Floor Plan**  
**USE 23-0105**



ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO  
 COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>

6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000



**ATTACHMENT 2: Site Photo**  
**USE 23-0105**

**Building Area**





# ***Atascadero Planning Commission***

---

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

### **Text Amendments to Title 3: Finance and Title 9: Planning and Zoning ZCH22-0053 (City of Atascadero)**

#### **SUBJECT:**

This action consists of proposed Zoning Ordinance Text Amendments to Titles 3 and 9 related to business licenses and zoning regulations of the City of Atascadero to further align the code with the General Plan, correct inconsistencies, and allow for process streamlining.

#### **RECOMMENDATION:**

Staff recommends the Planning Commission adopt the Draft Resolution recommending the City Council introduce an ordinance for first reading, by title only, to approve amendments to Titles 3 and 9 of the Atascadero Municipal Code, based on findings.

#### **DISCUSSION:**

##### Background:

A review and update to the City's zoning regulations is necessary to continue to keep pace with changing State laws and to refine the City's policies for General Plan consistency and permit streamlining. Continued "clean-up" is also needed to ensure clarity and consistency. Title 3 is included in this update as Planning staff processes business licenses requesting Cardrooms and modifications are needed to align with current practices.

Due to the large volume and scope of the text amendments that need to be completed, staff brought a draft list of amendments for preliminary review and prioritization to the City Council on May 23, 2023. The City Council provided recommendations and direction for staff to bring the discussed amendments forward through the process for final adoption. The following analysis summarizes the recommended zoning amendments for 2023.

Analysis:

### **A. Clarifying Zoning Requirements**

These amendments are intended to clarify the intent of the General Plan and implement slight changes to zoning to specify where certain land uses may be allowed. These clarifications will provide clear direction to staff and members of the public while ensuring consistency with the City's General Plan.

#### **1. Clarify where a towing service is allowed and develop standards for towing yards**

*Towing and impound yards (AMC 9-3.330, AMC 9-3.500, 9-6.167)*

The zoning code allows a vehicle towing service under the definition of "Service Stations". Impounding of vehicles is typically a component of towing and is only allowed within the Industrial Zone under the definition of Storage, Recycling and Dismantling of Vehicles and Material. The Service Stations land use designation historically applied to a gas station. Service stations are conditionally allowed uses within retail and other commercial zoning districts along El Camino Real and Morro Road. Modern fuel stations no longer service vehicles and no longer have a towing and vehicle repair component. Retail and tourist districts where fuel stations are located are no longer suitable for towing services. Therefore, towing services need to have their own classification, similar to auto repair and vehicle storage. These land uses are most suitable in a service commercial or industrial zone, subject to specific standards. At this time, there are few if any locations in the City that can accommodate a towing service with a small impound yard. This land use definition addition intends to increase the locations that a towing service may locate in the City while applying standards to how large the impound area can be.

- This amendment would create a new "Towing Services" land use definition. The updated code would allow towing services within the Industrial and Industrial Park zoning districts and within the Commercial Service district with a use permit.
- New development standards would limit total onsite outdoor storage of vehicles to 8,000 square-feet in conjunction with a towing service, without approval of a use permit.
- In conjunction with this change, automotive wrecking yards, which fall in the land use definition of Storage, Recycling and Dismantling of Vehicles and Material, would shift to a Conditionally allowed use instead of an Allowed use within the Industrial Zone to differentiate between the scope and scale of the uses.

The proposed new definition is as follows:

#### ***AMC 9-3.500 Definitions***

**Towing Services.** *An establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows, which shall only include: (1)*



mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked Motor Vehicles awaiting insurance adjustments and transport to repair shops. This term excludes: Auto Repair and Services that have a tow truck on-site; Recycling and Scrap Services; Service Stations; Impound Yards; Storage, Recycling and Dismantling of Vehicles and Material; and Vehicle and Equipment Storage.

AMC 9-6.167: Proposed development standards for Towing Services

Establishments defined as towing services would be subject to the following standards:

- (a) Location Criteria. The location shall be as follows:
  - 1. Street Characteristics. A towing service shall be approved only on an arterial or collector road.
- (b) Site Design Criteria. In addition to the other applicable standards of this title, the following are applicable to towing services:
  - (1) A minimum 10-foot wide landscape setback shall be provided along all street and/or alley frontages. If the towing service and vehicle storage yard is utilizing an existing building with less than 10 feet between the building and any right-of-way, the provided setback shall be landscaped.
  - (2) All outdoor storage areas shall be screened from the right of way and adjacent properties by a minimum six-foot high solid metal fence or masonry wall around the entire perimeter of the outdoor storage area.
  - (3) Outdoor storage areas that abut a residential zone shall be separated from such property by a landscaping strip with a minimum width of ten (10) feet.
  - (4) All parking areas are to be surfaced with an asphalt, concrete, or crushed rock surface.
  - (5) Outdoor vehicle storage shall be limited to 8,000 square feet. A larger outdoor storage area shall be subject to the review and approval of a conditional use permit and shall be at least than 300 feet from a residential zoning district.

**2. Re-define coworking from “Business Support Services” to “Offices” definition**  
*Definitions (AMC 9-3.500)*

Business Support Services are generally intended to be a retail or business service-oriented use that is open to customer visitation with limited or no storage. This land use is currently allowed within most commercial districts, including the Downtown Commercial district. It is essentially an office use but may include:

- a. Blueprinting and reprographics, copying and quick printing services;
- b. Computer related services, repair and rental;
- c. Private mail and mailbox service not affiliated with federal mailing agency;
- d. Co-working spaces, incubator-type services that provide office-type working spaces for a fee.

In order to ensure consistency with the General Plan and intent of the Downtown zoning district, this land use will be placed under the definition of Office uses..

This would not impact the existing coworking space or Chamber of Commerce office in Colony Square because offices are allowed on the ground floor when they're located south of Atascadero Creek and outside of the downtown "core". The City wants to continue to support the expansion of coworking offices around the downtown or within the core when they are above the ground floor and this shift will not alter that goal. Offices are allowed within the downtown district north of Atascadero Creek with the approval of a minor use permit.

**3. Clarify permitting requirements for temporary events on private and public property**

*Temporary Events (AMC 9-6.177, 9-3.500)*

The City wants to encourage small-scale temporary events on established commercial properties as an economic development tool. This code amendment is intended to reduce the permitting requirements for small-scale temporary events on established commercial properties and provide a threshold for larger events that need review by the City's Fire, Planning, Building, and/or Public Works team when they could impact public safety. The current code lacks a sufficient definition of when a temporary event permit shall be required or whether the event is a typical part of an existing business. The City does not want to stifle business from offering outdoor seating, outdoor sales events, or promotions when they are on private property.

The zoning code currently defines Temporary Events as:

*"any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities"*

Examples include circuses, art shows, festivals, concerts, etc. The listed examples allude to larger-scale events and, thus, standards are not specifically designed for smaller-scale events associated with pop-up events or sales events accessory to existing commercial businesses. Temporary events are allowed in all zoning districts and require a conditional use permit when more than three days for onsite setup and teardown is needed. Specific standards for temporary events are listed in Atascadero Municipal Code (AMC 9-6.177).

Other types of temporary events may include the use of a vacant lot for a temporary or mobile business such as a food truck court, skating rink, or other longer term temporary land uses. These uses are often welcome in the City but are different than a pop-up event at an existing business and represent a different class of temporary events. This amendment intends to differentiate temporary events on publicly owned property that are endorsed or sponsored by the City.

The code would be amended as follows:

**AMC 9-6.177: Temporary events.**

Where allowed, temporary events are subject to the standards of this section; except when such events occur in theaters, convention centers, meeting halls, or as part of a City sponsored public event on public property ~~other public assembly facilities~~. Swap meets are subject to the standards of Section 9-6.139.

(a) *General Requirements.*

(1) *Public Events.* ~~No entitlement permit is required for admission for free events held at a public park or on other land in public ownership when conducted under the management of a public agency, or organization, school or church provided that the event is conducted in accordance with all applicable provisions of this title.~~

(2) *Commercial Entertainment Events.* ~~Temporary Commercial outdoor entertainment activities events require approval of a temporary event permit and are subject to the provisions of this section and regulations governing business licenses.~~

(3) *Parades.* ~~Parades and other temporary events within the public right-of-way are not subject to these Temporary Event standards requirements, provided that all requirements of the City Engineer and Police Department are met.~~

(b) *Time Limit.* ~~A temporary event may is to be held in a single location for a period no longer than twelve twenty (12) (20) consecutive cumulative days per year, or four (4) successive weekends (Saturday and Sunday). unless a longer time period is approved through an Administrative Use Permit.~~

(c) *Site Design Standards.*

(1) *Access.* ~~Outdoor temporary events shall be provided with a minimum of two (2) unobstructed access points, each a minimum of eighteen (18) feet wide, from the event site to a publicly maintained road and must provide adequate access to emergency services throughout the event site, subject to review and approval of the City Fire Marshal.~~

(2) *Parking.* ~~Off-street parking is to be provided for private events as follows, with such parking consisting at minimum of an open area at a ratio of four hundred (400) square feet per car, on a lot free of flammable material. Adequate off-street parking shall be provided for the proposed event, except that temporary events in the Downtown Commercial zoning district shall not require off-street parking. All parking areas shall be on a non-flammable surface.~~

(3) *Restrooms.* ~~Establishment of temporary food services associated with a temporary event (food trucks) shall have access to approved restrooms on site. Restroom facilities~~

located off-site within 200 feet of the food service may be approved, subject to the approval of the Building Official.

(4) Installation of electrical service or fixtures governed by the building code for a temporary event site shall be subject to a construction permit, unless otherwise exempted by the City Building Official.

(5) Tents or related structures that are greater than 400 square feet shall require a construction permit, subject to the approval of the Fire Marshal.

~~(i) Seated Spectator Events. One parking space for each twelve (12) square feet of seating area.~~

~~(ii) Exhibit Event. One parking space for each seventy-five (75) square feet of exhibit area.~~

(d) **Guarantee of Site Restoration.** A bond or cash deposit is **may be** required for approval of a temporary event to guarantee site restoration after use, and operation in accordance with the standards of this title. The guarantee shall cover both operation and restoration and is subject to the provisions of Section 9-2.121.

#### **AMC 9-3.500: Land Use Definition**

**Temporary Event.** Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include, but are not limited to: art shows; rodeos; ~~religious revivals; tent camps;~~ outdoor festivals, circuses, and concerts, pop-up events, or similar activities. This does not include the temporary staging of food trucks, live music, pop-up events, or similar supplemental activities associated with an existing, permitted use, where activities occur on the same site as the associated use, circulation and access are not impacted, and where required parking is maintained.

#### **4. Restrict Oversized Equipment for Home Occupations:**

*Home Occupations (AMC 9-6.105)*

The zoning code allows for a Home Occupation as an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services. Home occupations are limited to office, personal services with limited clients, small-scale Ag, off-site sales, and handicraft or artwork production. The code requires that a home occupation not change the residential character of the residence and that, on sites of less than one acre, the business must be conducted entirely indoors while properties over one acre may occur outside as long as storage of materials and equipment is screened from adjacent properties and the street. In some cases, home businesses may appear more like a commercial business when there are larger trucks, heavy equipment, or other

significant storage, which can be inconsistent with the residential character of the neighborhood.

To ensure compatibility with the neighborhood, this code amendment would:

1. Limit the storage of oversized equipment to one item that may be stored onsite when it's entirely screened from the public right-of-way and adjacent parcels.
2. Require storage of equipment to be approved the by City Engineer to review adequate access and ensure that the equipment will not unreasonably impact surrounding public streets.
3. Define heavy equipment as "self-propelled, self-powered or pull-type equipment and machinery, weighing 5,000 pounds or more, primarily employed for construction, industrial, and forestry uses (e.g., water tender, backhoe, mini-excavator, and SWECO tractor)."

Proposed language to be added to AMC section 9-6.105 (Home Occupations) regarding oversized equipment is as follows:

(i) Oversized/ Heavy Equipment Storage. Storage of oversized equipment is limited to one item that may be stored onsite. Heavy equipment includes, but is not limited to self-propelled, self-powered or pull-type equipment and machinery, weighing 5,000 pounds or more, primarily employed for construction, industrial, and forestry uses (e.g., water tender, backhoe, mini-excavator, and SWECO tractor). Any on-site storage of heavy equipment associated with a home occupation may only be approved if the following condition are met:

- (1) Equipment must be entirely screened from the public right-of-way and adjacent parcels.
- (2) The City Engineer must determine there is adequate access and that the equipment will not unreasonably impact surrounding public streets.

## **5. Revise the land use definition for Personal Service – Restricted**

*Definitions (AMC 9-3.500)*

The current definition for "personal service – restricted" contains outdated language that can be seen as discriminatory toward certain types of businesses. This modification will remove the first sentence and leave the remaining list of businesses that fall under this category. The definition will be modified as follows:

### **AMC 9-3.500: Land Use Definitions**

***Personal Services—Restricted.*** Establishments providing nonmedical services to individuals that, based on the characteristics or intensity of use may not be compatible with other established or planned uses. Service establishments that may have a blighting and/or deteriorating effect upon the surrounding area which may need to be dispersed in order to minimize their adverse impact. Examples of these uses include, but are not limited to, the following: check cashing and/or payday/same day loans; fortunetellers,

*psychics; palm, tarot and card readers; card rooms, billiard and pool halls as a primary use; and tattoo and body piercing services; ~~and hot tubs and saunas that are not an accessory to a permitted use.~~*

**6. Clarify residential density in the Downtown zoning district**

*DC/DO Zone (AMC 9-3.347)*

Standards for development within the downtown core are established in a separate zoning code section than standards for other commercial zoning districts. During the 2021 zoning code update, residential density was established for commercial zoning districts that allow for mixed-use development. This density was established by the General Plan and was consistent with the 2020 Housing Element which called for establishing 24du/acre as the residential density in mixed-use zones. The code was amended to read as follows:

***9-3.331 Mixed-use residential density.***

*Mixed-use developments within commercial zoning districts that allow for multifamily uses shall have a maximum base density of twenty-four (24) dwelling units per acre.*

This code section established residential density for all commercial zoning districts that allow for mixed-use development. As the Downtown standards are located in a separate code section, updates to the downtown district were inadvertently omitted from this update, creating an inconsistency. The proposed code amendment would modify the downtown specific standards changing the residential density from 20 du/acre to 24 du/acre consistent with the above code section. It is important to note that mixed-use density is being analyzed as part of the General Plan Update effort. This amendment establishes consistency within existing code and is independent from modifications being considered as part of the Citywide General Plan Update process.

**B. Development Standards for Streamlining**

**7. Reduce the required minimum lot size for Residential Care homes with over six clients**

*Residential Care facilities development standards (AMC 9-6.135)*

The zoning code defines Residential Care as “a single-family or multiple-family dwelling unit that is licensed or supervised by a Federal, State, or local health/welfare agency that provides nonmedical care of unrelated persons who are in need of personal service, supervision, or assistance essential for sustaining activities of daily living or for the protection of the individual.” Consistent with State Law, Residential Care Facilities are allowed in all agricultural and residential zoning districts when they have six or fewer clients. Facilities with seven or more clients require a Conditional Use Permit. All Residential Care facilities must meet the minimum standards listed below:

- a) *Minimum Site Area. Twenty thousand (20,000) square feet is the minimum site area for more than six (6) boarders.*
- b) *Fencing. Any play areas for children are to be fenced to prevent uncontrolled access to and from the site.*
- c) *Parking. For facilities with more than six (6) boarders, parking is to be provided as set forth in Section 9-6.134(b).*

The minimum site area (item a) limits the ability of some property owners to operate these types of facilities. Since Residential Care Facilities operate similarly to a single-family or multi-family residence, the proposed code amendment would reduce the minimum lot size requirement to 10,000 square feet to allow these facilities within multi-family areas closer to services and transportation. Additionally, the section is also amended to clarify that parking shall meet multi-family standards, rather than a per bed ratio for a more medical type residential care facility use.

**8. Expand the types of equipment that must be screened or incorporated into the design of buildings**

*Fencing and Screening (AMC 9-4.128)*

The zoning code contains standards for screening mechanical equipment including air conditioning and heating devices but when projects and permits are submitted to the City, there is no guidance on how to screen all other equipment such as utility meters, cable equipment, backflow prevention assemblies, electrical transformers, etc. Since there are currently no codes requiring screening for these equipment types, they often get installed in visible places. Staff proposes to amend the code to expand the types of equipment that must be screened or incorporated into the design of buildings to include backflow preventers and electrical transformers so they are less apparent from the public right-of-way or adjacent residential zones. Staff also included an exception that must be approved by the Design Review Committee (DRC) if the screening or incorporation is infeasible.

The code would be amended with the following changes:

***AMC 9-4.128: Fencing and Screening***

(1) *Utility and Mechanical Equipment. When located outside of a building, support equipment, including all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems* ~~*air conditioning and heating devices*~~, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

(i) *Roof-Mounted Equipment. To be screened by architectural features from the view of abutting streets.*

*(ii) Equipment at Grade. All exterior support equipment shall be screened or incorporated into the design of buildings so as not to be visible from the public right-of-way or adjacent residential zones. When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties. Screening materials shall be consistent with the exterior colors and materials of the building or shall include evergreen landscaping that will grow to fully screen the equipment within 6 months of installation. This subsection does not apply to single-family residential uses.*

*(a) The Design Review Committee (DRC) may grant an exemption to these requirements. In granting a request for an exception, the Design Review Committee (DRC) shall find screening is infeasible due to health and safety or utility requirements.*

**9. Allow certain security fencing in industrial zones with DRC approval; restrict in commercial**

*Fencing and Screening (AMC 9-4.128)*

The code does not currently address the use of barbed or Concertina wire fencing on any property, regardless of zoning. When projects are subject to design review, the Design Review Committee (DRC) may make suggestions regarding the wire. If the property does not require design review, such as a single-family residence, they are currently allowed to install these types of wire anywhere on their property, including within the setbacks.

This amendment would:

- Prohibit barbed, concertina, or razor wire topped fencing within a Downtown or commercial zoning district including Commercial Park (CPK).
- Allow these types of fencing in industrial zones when approved by the Design Review Committee if they can find that the fencing is consistent with the surrounding area and will not cause a health and safety hazard.
- **Not apply** to agricultural fencing utilized in a low height (4 feet or less) rural setting to enclose livestock. See example of this type of fencing below.

Agricultural style barbed wire fencing:





The code would be amended as follows:

**AMC 9-4.128: fencing and Screening**

(v) CN/CP/CR/CS/CT/CPK/DC/DO.

a. Barbed wire/ razor wire/ concertina wire shall not be located in commercial zones. This does not apply to agricultural fencing utilized in a low height four (4) feet in height or less within a rural setting to enclose livestock.

(vi) IP/I zones.

a. Barbed wire/ razor wire/ concertina wire is subject to approval of the Design Review Committee (section 9-2.107) if findings can be made that it will not negatively impact the health and welfare of the surrounding area and its appearance is consistent with the adjacent properties and land uses.

**10. Clarify language regarding oversized accessory structures and change the conforming lot size requirement to a minimum one-acre lot size**

*Accessory Structures Regulations and Lot size (AMC 9-6.106)*

In the most recent zoning code update, a change was made to streamline the process for oversized accessory structures if certain size, location, and design standards are met. The code amendment was intended to allow accessory structures up to half the size of the primary residence without restriction or up to 100% of the size of the residence to a maximum of 2,000 square feet with approval of an administrative use permit providing certain criteria can be met. A larger accessory structure, or one that does not meet specified criteria would require review of a conditional use permit by the Planning Commission. However, the code language is confusing and does not read as intended.

Proposed Code Text Amendments are as follows:

**AMC 9-6.106: Residential Accessory Uses**

(2) *Floor Area.* The maximum gross floor area of a detached accessory structure is not to exceed one hundred percent (100%) of the gross floor area of the principal structure, up to two thousand (2,000) square feet, whichever is greater.

~~(i) The floor area may be increased by approval of an administrative use permit (Section 9-1.112) to allow additional floor area over the specified limits, when consistent with the appearance and design criteria in subsection (b)(3) and when additional findings can be made to support an increased size.~~

(3) *Appearance and Design.* An accessory structure that exceeds fifty percent (50%) of the gross floor area of the ~~principle~~ principal structure shall adhere to the following criteria:

(i) *Accessory structure shall not be located between the primary structure and the public roadway, unless no purpose of the location limitation is served based on the size, topography, or unique situation of the property;*

(ii) *Accessory structure shall be compatible with the pattern of development in the neighborhood (there are similar structures on adjacent properties, and properties are of a size, nature and topography so as to not create a significant aesthetic impact);*

(iii) *Accessory structure is compatible or complementary with the architectural style of the primary structure;*

~~(iv) The floor area of the accessory structure is equal or lesser than the floor area of the primary structure;~~

(iv) *The accessory structure is located on a conforming lot or a lot that is one (1) acre (net) or greater;*

(vi) *The accessory structure can be built to avoid substantial grading and the removal of significant native trees;*

(vii) *The accessory structure does not block sunlight for adjacent properties, alter site distance for roads or driveways, nor substantially alter the visual quality of the property;*

(viii) *The accessory structure shall be located no closer than ten (10) feet to the side property line as measured from the nearest roof eave; and*

~~(ixviii)~~ *The accessory structure shall be located no closer than forty (40) feet to the nearest residential dwelling on an adjacent property.*

(4) Exceptions. The following exceptions shall apply to the size and/or design criteria limitations:

(i) The size of an accessory structure may be increased above the size limitations with an approval of an Administrative Use Permit

(ii) If a structure cannot meet the design criteria for an accessory structure exceeding 50% of the gross floor area of the primary structure, exceptions may be granted through the approval of an Administrative Use Permit.

## **11. Refine recreation land uses in the CPK Zone**

*Nonresidential district allowable uses (AMC 9-3.330)*

The Commercial Park zoning district, generally located along El Camino Real on the northern end of Atascadero, is intended for light industrial uses as well as uses requiring larger areas of land that support employment, recreational, resident, and tourist activities. The existing General Plan land use description is as follows:

*Commercial Park (CPK) This designation applies to areas along the northern portion of El Camino Real to accommodate uses that require large parcels, such as automobile and mobile home sales, factory outlet centers, traveler destination and recreation complexes, craft uses, nurseries and planned commercial developments. Certain types of light industrial uses, including research and development facilities and clean manufacturing facilities, along with office parks and business uses may also be appropriate in this area.*

Based on this definition, the CPK zone allows for uses such as Amusement services and Indoor recreation but omits Outdoor recreation as a possible land use. Based on the above General Plan guidance, Outdoor Recreation uses may be appropriate in the CPK zone. Staff is recommending adding Outdoor Recreation as an AUP in the CPK zoning district to allow for expanded recreational opportunities. As an AUP, the planning Director would have discretion to determine compatibility with the surrounding area and provide conditions for operation as needed.

### **C. Fix Inconsistencies and Other Cleanup**

## **12. Clarify and simplify process for approving Cardrooms**

*Cardroom Approval Process (AMC 3-5.105)*

The City of Atascadero's Municipal Code chapter 3-5.105 (Cardrooms) sets forth an approval process that is outdated. Many of the requirements created in the past are now duplicative due to state gambling license requirements. Staff recently assisted Outlaws Cardroom with a new business license due to a change of ownership and discovered that the process includes substantial City staff time on items that are already accommodated at the state level.

Most of the listed requirements are repetitive of the State of California's requirements to license a cardroom. Based on this, the following amendments are proposed to Title 3:

- a. Allow for applicants to submit a \$500 surety in lieu of a bond. The amount is too low to warrant an authorized surety company to issue.
- b. Allow for applicants to submit State-issued gambling license from the California Gambling Control Commission In lieu of City issued work permit. This is duplicative as the state has covered this task.
- c. Allow for ministerial business license approval by staff once all of the above steps are complete, rather than going to City Council.
- d. Remove requirement for City issued work permits for all cardroom employees.
- e. Other changes to streamline the process and remove redundant work.

### **13. Clarify Definition for Uninhabitable Space Additions**

*General Definitions (AMC 9-9.102)*

Atascadero Municipal Code 9-9.102 defines how "habitable" residential additions need to be connected to a primary structure in order to be considered an addition. This code was intended to help alleviate the construction of unpermitted accessory dwelling units that are often included with a residential "addition". The code includes provisions for a "logical internal connection". This same code section has been mis-interpreted to require a logical internal connection to non-habitable addition such as a garage, storage, or workshop building. In many cases, applicants attach these structures to their primary residence in order to avoid being subject to the maximum size limits of an accessory structure.

Another part of the municipal code regulates the size of a **detached** accessory structure, Atascadero Municipal Code 9-6.106. It states that size may not exceed 100% of the size of the principal structure, or 2,000 square feet, whichever is less. This code section does not limit the size of an **attached** accessory structure. However, the municipal code does not contain a clear definition of attached vs detached accessory structures that are not habitable floor area. Therefore, residential property owners are inclined to find creative ways to "attach" these structures to avoid an inconsistency with zoning standards. Amendments are suggested to 9-9.102 to clarify code requirements.

Proposed text amendment is as follows:

#### **AMC 9-9.102: General Definitions**

***Residential additions.*** *Residential additions (additions) are defined as an increase of floor area to a residential unit, including attached uninhabitable space. Habitable residential additions shall have a continuous, logical internal connection of conditioned space that provides for access to all portions of the unit and addition. Doors or other partitions may not be used to create two (2) separate living spaces.*

*The addition shall not have a secondary kitchen; however, a wet bar is permissible as defined herein. Habitable additions must have a minimum ten (10) feet of shared common wall ~~and a logical internal connection of conditioned space that provides access to all portions of the unit and addition.~~ ~~A breezeway or similar roof connection of unenclosed or unconditioned space, regardless of length, shall not be considered a residential addition.~~ Uninhabitable additions must have a minimum of ten (10) feet of shared common wall. Structures connected by a breezeway or other open sided elements are considered detached structures.*

**14. Modify zoning code for consistency with State law specifying that Large Family Day Care is an allowed use in residential zones**

*Day Care Regulations (AMC 9-3.230, AMC 9-3.330, AMC 9-6.125, AMC 9-6.500)*

The zoning code separates the Day Care land use definition into four separate categories:

1. Child Care Centers approved to accommodate day time care for fifteen or more children,
2. Large Family Day Care Home providing supervision for seven to twelve children,
3. Small Family Day Care Home providing day care for six or fewer children; and
4. Adult Day Care Facility providing supervision for adult clients.

Adopted in September 2019 and enacted in January 2020, Senate Bill 234 directs municipalities to treat Large Family Day Care homes the same as Small Family Day Care homes. This means a jurisdiction cannot require a Use Permit or business license for a large or small family child care home. This State law also increases the number of children that can be accommodated in a large family day care from 12 to 14.

The current zoning code requires that a Large Family Day Care obtain a conditional use permit in all residential zones before operating and limits them to a maximum of twelve children. In order to comply with State law, the City cannot enforce this requirement for Large Family Day Cares. Therefore, the zoning code must be updated to reflect this change in state law.

The code will be amended to:

1. Revise the definition of Large Family Day Cares to allow for up to fourteen children.
2. Change Large Family Day Cares to an allowed use in the Residential Suburban (RS), Residential Single-Family (RSF), Limited Single-Family (LSF) and Residential Multi-Family (RMF) zones where they were previously allowed only by approval through a conditional use permit. Child Care Centers with 15 children or more will still require conditional use permit approval in all of these zoning districts.

This amendment will also revise section 9-6.125 which outlines design requirements for these types of facilities. The code will be updated to require day care facilities with 7 to

14 children to have at least one parking space per employee, two guest parking spaces, and an off-street loading area that can accommodate at least two cars. Parking requirements for facilities with more than fourteen children will be determined through a conditional use permit.

**15. Resolve code inconsistencies for side and rear setback exceptions**

*Side and Rear setbacks (AMC 9-4.107, AMC 9-4.108)*

The zoning code allows for enclosed structures to project into the side and rear setbacks in two different sections:

**AMC 9-4.107** allows a side yard to be used for an accessory building that is no greater than twelve feet in height, provided that it is not used for human habitation or the keeping of animals. The code restricts these from being located closer than three (3) feet to the side property line and requires that they be located in the rear half of the lot. There is no restriction on the size limit of the structure as long as is less than twelve feet tall. Five feet is the standard side setback.

**AMC 9-4.108** also allows for an accessory structure with all of the previous qualifications to be as close as three feet to a side or rear property line, regardless of size.

**AMC 9-6.106** allows residential accessory structures one hundred-twenty square feet or less as close as three feet to the side and rear property lines as long as the structure:

1. Does not create a nuisance;
2. The use of the structure is permitted under its zoning;
3. The structure is less than 12 feet in height;
4. The structure is outside the required front setback.

Having different references in separate code sections causes confusion for staff and members of the public. The proposed code amendment removes references of a setback exception from code sections 9-4.107 and 9-4.108 and leaves the remaining language in section 9-6.106.

**16. Correct typo in AMC 9-4.118**

*Required number of parking spaces (AMC 9-4.118)*

Atascadero Municipal Code Section 9-4.118 list the minimum number of parking spaces required according to different land uses. One of the land uses listed is “Eating and Drinking Places”. This use includes restaurants, bars, coffee shops and similar establishments where food is served and consumed on-site. The code incorrectly states that for customer spaces, the use requires “1 table per patron” when it should say “1 per table”. Staff proposes to amend this small typo for clarity in the future. This change does not affect the number of parking spaces that are currently required.

**17. Remove chip seal surfacing as a non-skid option for residential driveways with a slope greater than 12% to be consistent with the City’s adopted Fire Code**

*Driveway standards for single-family residential use (AMC 9-4.123)*

The zoning code currently requires driveways with a slope of 12% or greater to be surfaced with asphalt, concrete, or chip seal. Driveways with lesser slopes are allowed to use any kind of all-weather surfacing. The City’s adopted fire standards do not allow chip seal to be used as an alternative to achieve a non-skid surface. Therefore, the City’s development requirements are inconsistent. In order to fix this, staff is proposing to remove the option to use chip seal on driveways of 12% or greater as a non-skid option.

**18. Revise language for consistency with code intent**

*Appeal (AMC 9-1.111)*

AMC section 9-1.111 currently states “*Decisions of the Planning Department or Planning Commission may be appealed by an applicant or any aggrieved person, including the Planning Commission and the City Council, and individual members thereof.*” This language may be misunderstood as implying that a member of the Planning Commission or City Council could be considered an aggrieved person. The intent of the code is not to combine these into one. Therefore, this sentence needs to be revised as follows:

*Decisions of the Planning Department or Planning Commission may be appealed by an applicant, ~~or~~ any aggrieved person, ~~including the Planning Commission, or and the City Council, and/or~~ individual members thereof of the Planning Commission or City Council. An appeal shall be filed in ~~the form of a letter~~ writing, setting forth the reasons for the appeal. An appeal shall be accompanied by any fees required. Appeal fees shall not be required for appeals initiated by the Planning Commission or ~~the~~ City Council, or any individual members thereof.*

In addition, the language related to the timing for scheduling an appeal is unclear. The language is proposed to be modified to clarify that the hearing dates needs to be determined within 30-days of receipt of the appeal rather than the hearing occurring within 30-days. Based on legal noticing and staff report requirements, it is rarely possible to hold a hearing on an item within 30-days of application. This code section also needs to be updated to clarify that fees required for an appeal must accompany the letter appealing the project. Therefore, in sections (a) and (b), sentences will be added including language that states this.

*When an appeal has been filed, accompanied by required fees, the Planning Director will prepare a report on the matter and ~~schedule~~ determine a hearing date for the appeal for consideration by the appropriate body within thirty (30) days of receipt of the appeal...*

- (a) *Planning Department Actions. Determinations on the meaning or applicability of the provisions of this title which are believed to be in error, and cannot be*

*resolved with staff, and any decision of the Planning Department to approve or deny an application may be appealed to the Planning Commission. The Planning Department shall provide the Planning Commission and City Council with notification of its actions. Appeals, accompanied by required fees, shall be filed with the Secretary of the Planning Commission within fourteen (14) days after the decision of the Planning Department. The appeal will be decided by the Planning Commission following a public hearing conducted in accordance with Section 9-1.110.*

- (b) Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the City Council by filing a letter of appeal accompanied by required fees with the City Clerk within fourteen (14) days of the action of the Planning Commission. The Planning Department shall provide the City Council with notification of Planning Commission actions. Appeals will be decided by the City Council following a public hearing conducted pursuant to Section 9-1.110.*

#### **19. Update Public Hearing requirements to include DRC**

*Public Hearings (AMC 9-1.110)*

Current code governing public noticing requirements was adopted before the Design Review Committee was established. As such, this code section needs to be updated to include Design Review Committee for consistency with standard Planning Commission and City Council procedures.

#### **CONCLUSION:**

Each year, a series of zoning amendments is identified in order to keep the Zoning Ordinance a “living document” that can be responsive to economic development and the latest changes to state and local policies. The proposed text amendments are intended to provide a general update of code sections that lack clarity, respond to changing development trends, or need greater specificity to achieve the City’s development goals. The proposed amendments are consistent with the General Plan and further the City’s goals of streamlining development and providing consistency and clarity to developers and property owners.

#### **ENVIRONMENTAL DETERMINATION:**

The California Environmental Quality Act (CEQA) (Section 15061.(3), (b)) exempts activities which are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed text amendment will not have any significant adverse environmental impacts.

#### **ALTERNATIVES:**



1. The Commission may recommend modifications of the text amendments to the City Council.
2. The Commission may determine that more information is needed on some proposed revisions and may refer the item back to staff to develop the additional information. The Commission should clearly state the type of information that is required and move to continue the item to a future date.
3. The Commission may recommend the City Council deny some or all of the proposed text amendments. The Commission should specify the reasons for denial of the project and recommend an associated finding with such action.

**ATTACHMENTS:**

Attachment 1: Draft PC Resolution

<b>ATTACHMENT 1: PC Resolution</b> <b>ZCH22-0053</b>
---

**PC RESOLUTION**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL AMEND TITLES 3: FINANCE, AND TITLE 9: PLANNING & ZONING: TO PROVIDE UPDATES FOR GENERAL PLAN AND PROCESSING CONSISTENCY AND PROVIDING CLARITY RELATED TO DEVELOPMENT STANDARDS AND LAND USE DEFINITIONS, AND DETERMING THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**TITLE 3: FINANCE AND TITLE 9: PLANNING AND ZONING CODE UPDATES  
(ZCH22-0053)**

**WHEREAS**, an application has been received from the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), to consider Zone Change Text Amendments to Title 3 and Title 9; and

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to enact these amendments to Title 3 Finance and Title 9 Planning and Zoning of the Municipal Code for consistency with the General Plan and State Law and to maintain a clear and legible set of Zoning Regulations that is easily interpreted by the public and staff; and,

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Planning and Zoning Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Planning and Zoning Text Amendments; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Atascadero, California makes the following findings, determinations and recommendations with respect to the proposed Code Text Amendments:

**SECTION 1. Findings for Approval of a Zone Text Change.** The Planning Commission finds as follows:

1. **FINDING:** The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zoning code text amendments update existing chapters for clarity and consistency with the General Plan and State law.

2. FINDING: This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed text contains provisions that address the unique characteristics of Atascadero and provide for safe and orderly development of structures and land uses consistent with State law.

3. FINDING: The Text Change will not, in itself, result in significant environmental impacts.

FACT: The proposed code texts amendments align with what was intended in the City's current General Plan. Therefore, the amendments are consistent with the previous General Plan Environmental Impact Report (EIR).

**SECTION 2. CEQA.** This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

**SECTION 3. Recommendation of Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on February 6, 2024, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would amend the City Finance and Planning and Zoning Code Text with the following:

- EXHIBIT A: Zone Text Change – Title 3 Finance Ordinance
- EXHIBIT B: Zone Text Change – Title 9 Planning and Zoning Ordinance

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

On motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

- AYES: ( )
- NOES: ( )
- ABSTAIN: ( )
- ABSENT: ( )
- ADOPTED:

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Jeff van den Eikhof  
Planning Commission Chairperson

Attest:

\_\_\_\_\_  
Phil Dunsmore  
Planning Commission Secretary

**Exhibit A: Zone Text Change – Title 3 Finance Ordinance**

**3-5.105 Cardrooms.**

(a) License Required. It shall be unlawful for any person for him or herself, or for any other person, to engage in or carry on, maintain or conduct, or cause to be engaged in, carried on, maintained, or conducted, any cardroom in the City without first having secured a license from the City to do so according to each and every requirement of this section or without complying with each and every regulation set forth in this section pertaining to such cardroom. Each licensee and operator of a cardroom shall employ only those persons who have obtained a work permit as defined and set forth herein.

(b) Definitions.

(1) Act. “Act” shall mean the Gambling Control Act as codified in Division 8, Chapter 5 of the California Business and Professions Code (commencing with Section 19800).

(2) Applicant. “Applicant” means every person who applies for a license to operate a cardroom and every individual who requests a permit as provided for by this chapter.

(3) Billiard Parlor. For the purpose of this chapter, a “billiard parlor” or “pool room” includes a fixed place of business of any kind where billiards, pool, snooker or eight-ball or other similar games tables are maintained on the premises, whether or not coin-operated.

(4) Card Games. “Card games” as used in this chapter means all forms of card games authorized by the State of California.

(5) Cardroom. “Cardroom” as used in this chapter means any building or structure, or any portion of a building or structure, or any premises or place where any person or persons are allowed to play a card game as defined in this section.

(6) Card Table. “Card table” as used in this chapter means a card table within a business premises where there is carried on any card game for compensation, which game is not unlawful under the provisions of California Penal Code Section 330, or any other provision of law.

(7) Chief of Police. “Chief of Police” means the Chief of Police and designee.

(8) Director of Administrative Services. “Director of Administrative Services” shall be the Director and designee.

(9) Employee. “Employee” means every individual, employed either as an agent, employee, or otherwise, of the licensee, as defined in this section, or under the direction and control of the licensee of any cardroom, with or without compensation. Anyone who is required to routinely enter into the card playing area during the course of his or her duties is considered an employee. The term “employee” does not include a bartender, culinary worker or other person not directly connected with the cardroom operation.

(10) License. “License” as used in this chapter means a grant from the City Council authorizing a person as defined in this section to operate a cardroom within the City of Atascadero.

(11) Licensee. “Licensee” means the person, as defined in this chapter, to whom a cardroom license has been issued pursuant to this chapter.

(12) Person. “Person” means and includes any individual, partnership, corporation or combination, business entity or combination thereof.

(13) Work Permit. “Work permit” means a grant of permission from the Director of Administrative Services to an individual allowed by this chapter to work as an employee in a cardroom within the City of Atascadero.

(c) License—Application—Bond. To apply for a cardroom license, a person shall take the following steps:

(1) Every applicant for a license shall first obtain a State gambling license as required by the Gambling Control Act and the implementing regulations (California Code of Regulations, Title 11, Division 3, Chapter 1, Article 1, Section 2000 et seq.). Every applicant shall fully comply with the Act and the implementing regulations including, but not limited to, Section 2050 of Title 11 of the California Code of Regulations that requires an owner or a key employee, as defined by the Act, to be on the premises, at all times that the establishment is open to the public unless the Division of Gambling Control authorizes availability by telephone. Key employees must obtain a key employee license as required by the Act;

(2) File with the City Clerk a written application, signed by the applicant, setting forth the nature of the business that he or she wishes to engage in and the place where he or she proposes to establish such business, including the particular building, and room or rooms;

(3) The true and correct name and address of each applicant of the building or structure within which the cardroom is proposed to be maintained shall be included with the license application. Written consent from the owner of the building or structure is required on the application;

(4) Submit a ~~bond surety in a form approved by by an authorized surety company~~ to ~~be approved by the City Council~~ Director of Administrative Services in the ~~penal sum amount~~ of five hundred dollars (\$500.00) payable to the City. The following condition shall be added to a cardroom license regarding the surety, when approved by the City:

(i) Neither the applicant nor anyone in his or her employ in such business will violate any ordinance of this City or any law of this State, or of the United States of America, or any political subdivision or agency thereof, during the time for which such license is granted. That upon a violation of the condition of such surety, the same shall be and become due and payable to such City and the penalty thereof may be recovered in a civil action. The conviction of, or plea of guilty by, the person to whom such license is issued, or anyone in his or her employ in such business for the violation of any such ordinance or law, shall ipso facto work a forfeiture of such surety, and any such conviction or plea of guilty shall be conclusive evidence of such forfeiture, and in the event of such conviction or plea of guilty the license shall be canceled;

(5) That the applicant verify with the Director of Community Development, that the subject property zoning permits the proposed cardroom use;

(6) A statement that the applicant understands and agrees that the application shall be considered by the ~~City Council~~ Director of Administrative Services after evidence has been presented to the City that provides clear indication of a clean criminal record a full investigation and reports, including any available criminal and arrest and conviction offender information, have been made by the Chief of Police, other City officials or their authorized representatives. A statement that the applicant authorizes the City or its authorized agents to update the investigation and background information on an annual basis if the application is approved.

(d) Standards for Issuance. The ~~City Council~~ Administrative Services Director shall consider and determine whether to issue a license to operate a cardroom subject to the following conditions:

(1) No more than a total of six (6) card tables shall be licensed to operate within the City under the provisions of this chapter.

(2) No one (1) permittee shall be authorized to operate more than a total of six (6) card tables within the City.

(3) No more than six (6) card tables shall be operated and maintained within any single business premises within the City.

(4) No card table license shall be issued unless the location for the cardroom(s) is in compliance with all applicable zoning and building regulations of the City. The Community Development Department shall review all applications to verify compliance with the Zoning Code. The ~~Council~~ Community Development Director shall consider the effect of the operation of a cardroom on other sensitive uses located in the vicinity of the cardroom, including but not limited to schools, public parks or recreational areas, public buildings with programs for minors, and religious institutions.

(5) No cardroom license shall be transferable to another location or permittee without the approval of the ~~City Council~~ Administrative Services Director. Playing of all games shall be confined to those designated areas of the cardroom premises as may be set forth in the cardroom license. No playing of any games shall be permitted at any other location within or upon the cardroom premises.

(6) No cardroom license shall be issued to any person who has been convicted of any felony, nor to any association, partnership or corporation of which any owner thereof has been convicted of a felony.

(7) In addition to any other restrictions provided by law, no card table license shall be issued to anyone who is disqualified from holding a State gambling license for any of the reasons specified in California Business and Professions Code Section 19859.

(8) Applicant shall provide to the City copies of all written reports filed with the Division of Gambling Control pursuant to the Act or Title 11 of the California Code of Regulations.

~~(e) Cardroom Work Permit Application and Denial.~~

~~— (1) Cardroom employees must obtain a cardroom work permit from the Director of Administrative Services or designee of the City of Atascadero. For the purposes of this chapter, “cardroom enterprise employees” are defined as any natural person employed in the operation of a gambling enterprise, including without limitation, dealers, floor personnel, security employees, courtroom personnel, cage personnel, collection personnel, surveillance personnel, data processing personnel, appropriate maintenance personnel, waiters and waitresses, and secretaries, or any other natural person whose employment duties require or authorize access to restricted gambling establishment areas. Applications for cardroom work permits shall be submitted under oath and contain the past criminal record, if any, of the applicant, and such information as may be deemed necessary by the Chief to determine whether the applicant is a proper person to be issued a cardroom work permit. The application also shall be accompanied by fingerprints, a recent photograph of the applicant and an amount equal to any fingerprint processing fee required by the City.~~

~~— (2) A cardroom work permit shall not be issued to any person who would be disqualified from holding a State gambling license for the reasons specified in paragraphs (a) through (g), inclusive of subdivision (a) of Section 19859 of the Act, or regarding whom the Division of Gambling Control of the State of California has filed an objection to the City.~~

~~— (3) The Director of Administrative Services or designee may deny issuance of cardroom work permit for any further cause deemed reasonable by the Director. The action of the Director denying a cardroom work permit on the basis of this section shall be subject to appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the notice of denial of the permit. Upon failure to file notice of appeal within the ten (10) day period, the action of the Director denying the permit shall be final and conclusive.~~

~~— (4) Cardroom work permits shall be prominently displayed in the cardrooms by any cardroom employees when they are working.~~

~~— (5) Each application for a cardroom work permit shall be accompanied by a fee as established by City Council resolution. The fee shall not be returned in the event that the permit is refused, revoked, or suspended, as provided in this chapter. The permit shall be valid for one (1) year from the date of issue; however, it may be prorated quarterly. The date of expiration shall be prominently displayed on the face of the permit.~~

~~— (6) The holder of a cardroom work permit shall not be restricted as to place of employment.~~

~~— (7) A statement shall be signed by the applicant stating that the applicant understands and agrees that the application shall be considered by the Director of Administrative Services after a full investigation and reports, including any available criminal and arrest and conviction offender information, have been made by the Chief of Police and other City officials or authorized representatives. A statement shall be signed by the applicant stating that the applicant authorizes the City or authorized agents to update the investigation and background information on an annual basis if the application is approved.~~

~~— (f) Permit Revocation or Suspension. The Director may revoke or suspend, and take possession of any cardroom work permit issued under this chapter, upon any violation of the provisions of this chapter. The action of the Director shall be subject to appeal to the Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after notice of the revocation or suspension action. Upon failure to file notice of appeal within the ten (10) day period, the revocation or suspension of the cardroom work permit shall be final and conclusive.~~



(ge) **Revocation of Licenses.** The City Council shall have the right to revoke any cardroom license when the possessor thereof has violated, or permitted the violation of, any of the terms of this chapter. The City Council may also revoke any cardroom license when the business being operated is not being conducted in accordance with the public health, safety or welfare or when, in the discretion of the City Council, it is found that the continued operation of such business will create or is creating a policy problem for the City. Prior to revoking any cardroom license, the City Council shall cause to be served on the applicant a notice of its intention to do so at least five (5) days prior to the date upon which it intends to consider the matter of such revocation, and also stating the right of the licensee to appear before the City Council and to show cause why such license should not be revoked. The decision of the City Council with respect to such revocation shall be final.

(hf) **Attendance by Minors.** No person under the age of twenty-one (21) shall be employed in or allowed to frequent, remain in or visit any room or premises wherein is conducted or operated any card table licensed under the provisions of this chapter.

(ig) **Patron Security and Safety in and Around a Cardroom Establishment.**

(1) Each applicant for a cardroom license, at the time of application, and annually thereafter, at the time of cardroom license renewal, shall present a plan for security and safety of patrons of the cardroom in and around the cardroom establishment. The plan shall set forth such provisions as are necessary to ensure the safety and security of patrons, including measures taken or instituted to avoid follow-home robberies. The holder of a cardroom license shall be liable for the safety and security of patrons to the fullest extent under the law. Any effort on the part of a cardroom licensee to limit such liability shall be clearly posted in such a manner as to give adequate notice to patrons. The plan shall include a detailed summary of all known incidents involving or affecting patron security and safety in and around the cardroom establishment for the preceding year.

(2) The Chief of Police or designee may require, in his or her discretion, all cardroom licensees to implement reasonable security measures to insure the safety of patrons including, but not limited to, hiring private uniformed security guards. If security guards are required, the Chief of Police shall determine the number and hours of coverage.

(3) During all hours of operation, doors at the cardroom establishment shall be unlocked and accessible to the general public and open to police inspection. Cardrooms shall be located and so arranged that card tables and the players at the tables are plainly visible from the door opening of the cardroom when the door is opened. No wall, partition, screen, or similar structure between the front door opening and any card table located in the cardroom shall be permitted if it interferes with such visibility.

(jh) **Transfer and Assignment.** Any transfer or assignment of any license shall be considered for all purposes in the same manner as a new application for a cardroom license in the City, and all the provisions of this chapter applicable to new and original applications shall apply.

(ki) **Annual Fee.** Licenses shall be issued on an annual basis. The annual license fee, payable each fiscal year beginning July 1, 2006, shall be established by resolution of the City Council. The fees shall be payable to the City after the Council has approved the issuance of the license but prior to the issuance of the license. The operator of a cardroom shall pay the license fee set forth in this section regardless of the license fees he or she might pay for other businesses. If the same person operates two (2) or more cardrooms, he or she shall pay on each cardroom the license fee set forth in this section and shall have a separate license for each cardroom.

(~~h~~) Police Access to Premises. The City Council finds that it is necessary and in the public interest that law enforcement officers have access to any premises in which a card table is being operated under the terms of this chapter. Any premises for which a license has been issued under the provision of this chapter shall be deemed to constitute a public place, and all police officers and peace officers shall at all times have access thereto during business hours.

(~~m~~) Hours of Operation. Unless the hours of operation for a cardroom are restricted in the cardroom permit, a cardroom may operate twenty-four (24) hours per day. Each permittee shall clearly post the hours of operation of the cardroom so as to provide law enforcement and cardroom patrons adequate notice of the hours of operation. If alcohol is served on the premises (with the proper licenses from the Department of Alcohol Beverage Control), all alcoholic beverages shall cease being served between the hours of 2:00 a.m. and 6:00 a.m. each day.

(~~n~~) Bets or Wagers. There is no limit on the amount of a single bet or wager unless the cardroom posts notice of a limit. Cardrooms shall establish wagering limits in accordance with such limitations as may be set from time to time by the State of California and the City of Atascadero. The City of Atascadero may set wagering limits by resolution adopted by the eCity eCouncil. Wagering limits, or a notice of no limit, shall be clearly posted to give patrons adequate notice of the rules related to wagering.

(1) No cardroom owner, operator, or employee shall permit any of the following:

(i) Bets made by any owner, operator, or employee while on duty when any member of the general public is waiting to play in an approved game.

(ii) Bets made by a skill or dummy player.

(2) Wagering at any table shall be limited to table stakes. No side bets shall be permitted. Table limits shall be posted in a location observable from the table. The cardroom shall set individual table stake limits, not to exceed the wagering limit. Table limits may be changed with not less than thirty (30) minutes notice to the patrons.

(~~o~~) Penalties for Violations. Any violation of this chapter shall constitute a misdemeanor, and any person found guilty thereof shall, upon conviction or plea of guilty, be punished by a fine pursuant to Chapter 3 of Title 1 of the Municipal Code or by imprisonment in the jail of the City, or in the jail of the County of San Luis Obispo, for not more than three (3) months, or by both such fine and imprisonment, and when a fine is imposed the judgment may direct that the defendant be imprisoned in the county jail until such fine is satisfied at the rate established by the county.

(~~p~~) Severability. If any section, subsection, sentence, clause, phrase or portion of this section is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this section. The City Council of the City of Atascadero hereby declares that it would have adopted this section and each subsection, sentence, clause, phrase or portion thereof, irrespective of the fact any one (1) or more subsections, sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional.

**Exhibit B: Zone Text Change – Title 9 Planning and Zoning Ordinance**

**9-1.110 Public Hearings**

When a public hearing before the Design Review Committee, Planning Commission, or the City Council is required by this title, such hearing shall be conducted as follows:

(a) Notice of Hearing. Notice of a public hearing shall include the time and place of the hearing, a general description of the request, the location of the site, and any additional information which the Planning Director deems appropriate. Such notice shall be given at least ten (10) days before the hearing by first class mail with postage prepaid to all persons whose names and addresses appear on the last equalized assessment roll as owning property within three hundred (300) feet from the exterior boundaries of the parcel which is the subject of the hearing, except for projects in the RS zoning district which shall require that notices be sent to all such properties within a one thousand feet (1000) from the exterior boundaries of the project site. Such notice shall also be published at least once at least ten (10) days before the hearing in a newspaper of general circulation, published and circulated in the City, or if there is none, it shall be posted in at least three (3) public places in the City.

(1) If the number of notices required is greater than one thousand (1,000), as an alternative to the notice required by Section 9-1.110(a), such notice shall be given at least ten (10) days prior to hearing by placing a display advertisement of at least one-fourth (1/4) page in a newspaper of general circulation in the City or by placing an insert with any generalized mailing by the City, such as billing for City services, to property owners in the area required to be notified.

(2) Persons filing a written request to receive any such notice shall be given notice by first class mail. A fee may be charged to recover the cost of such mailing.

(b) Scheduling of Hearing. When an application has been accepted as complete for processing, received staff review, and a recommendation on the Environmental Determination or Environmental Impact Report has been completed, it shall be scheduled for public hearing on the next available Planning Commission agenda reserved for such matters. Appeals shall be scheduled on the Planning Commission or City Council agenda, as applicable, within thirty (30) days of receipt of the appeal. A public hearing on an application or appeal may be continued to a date specific without providing additional notice.

**9-1.111 Appeal.**

Decisions of the Planning Department or Planning Commission may be appealed by an applicant, ~~or~~ any aggrieved person, ~~including~~ the Planning Commission, ~~or and~~ the City Council, and ~~or~~ individual members ~~thereof the Planning Commission or City Council~~. An appeal shall be filed in ~~the form of a letter writing~~, setting forth the reasons for the appeal. An appeal shall be accompanied by any fees required. Appeal fees shall not be required for appeals initiated by the Planning Commission, ~~or the~~ City Council, ~~or any individual members thereof~~.

When an appeal has been filed, ~~accompanied by required fees~~, the Planning Director will prepare a report on the matter and ~~schedule~~ determine a hearing date for the appeal for consideration by the appropriate

body within thirty (30) days of receipt of the appeal. The hearing body may affirm, affirm in part, or reverse the action, decision or determination which is the subject of the appeal, based upon findings of fact regarding the particular case. Such findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this title.

Appeals relating to matters which are resolvable through adjustment, variance or amendment of this title shall be processed according to the procedures of Sections 9-1.112, 9-1.113, 9-1.114 and 9-1.115, respectively.

(a) Planning Department Actions. Determinations on the meaning or applicability of the provisions of this title which are believed to be in error, and cannot be resolved with staff, and any decision of the Planning Department to approve or deny an application may be appealed to the Planning Commission. The Planning Department shall provide the Planning Commission and City Council with notification of its actions. Appeals, accompanied by required fees, shall be filed with the Secretary of the Planning Commission within fourteen (14) days after the decision of the Planning Department. The appeal will be decided by the Planning Commission following a public hearing conducted in accordance with Section 9-1.110.

(b) Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the City Council by filing a letter of appeal accompanied by required fees with the City Clerk within fourteen (14) days of the action of the Planning Commission. The Planning Department shall provide the City Council with notification of Planning Commission actions. Appeals will be decided by the City Council following a public hearing conducted pursuant to Section 9-1.110.

**9-3.230 Agriculture and residential district allowable land uses.**

Table 3-1 identifies the uses of land allowed this Zoning Code in each agriculture and residential district, and the planning permit required to establish each use, in compliance with Section 9-1 and Section 9-2 of this code. Where the last column in the tables (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this article may also apply.

**Table 3-1 – Agriculture and Residential Land Uses**

**Allowed Land Uses and Permit Requirements**

Agriculture/Residential Zones	<u>A</u> Allowed Use, Zoning Clearance Required <u>AUP</u> Administrative Use Permit <u>CUP</u> Conditional Use Permit Required <input type="checkbox"/> Not Permitted					
	Permitted Uses By Zone					Special Use Regulation(s)
	A	RS	RSF	LSF	RMF	
<b>Natural Resources and Processing</b>						
Resource Extraction	CUP	CUP				9-6.147— 9.6-161
<b>Residential Uses</b>						
Multifamily Housing					A	9-3.175
Manufactured Home/Mobile Home	A	A	A	A	A	9-6.143

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

<b>Agriculture/Residential Zones</b>	A Allowed Use, Zoning Clearance Required					
	AUP Administrative Use Permit					
	CUP Conditional Use Permit Required					
	☐ Not Permitted					
<b>Permitted Uses By Zone</b>						<b>Special Use Regulation(s)</b>
<b>A</b>	<b>RS</b>	<b>RSF</b>	<b>LSF</b>	<b>RMF</b>		
Mobile Home Parks		CUP	CUP	CUP	CUP	9-6.142, 9-6.143
Organizational Houses		CUP	CUP	CUP	CUP	9-3.175
Residential Accessory Uses		A	A	A	A	9-6.106
Single-Family Dwelling		A	A	A	A	9-6.143, 9-6.184
Secondary Residential Units		A	A	A		9.5
Temporary Dwelling		A	A	A	A	9-6.175
<b>Recreation, Education, and Public Assembly</b>						
Churches and Related Activities		CUP	CUP	CUP	CUP	9-6.121
Parks and Playgrounds		AUP	AUP	AUP	AUP	
Schools		CUP	CUP	CUP	CUP	9-6.125
Schools – Business and Vocational		CUP	CUP	CUP	CUP	9-6.125
Temporary Events	A	A	A	A	A	9-6.177
<b>Tourism, Lodging, and Dining</b>						
Bed and Breakfast		CUP	CUP	CUP	CUP	
<b>Services-Professional</b>						
Day Care – Small Family Day Care Home		A	A	A	A	9-6.125
Day Care – Large Family Day Care/ <del>Child Care Center</del>		<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	9-6.125
<del>Child Care Center</del>		<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	<del>9-6.125</del>
Kennels		CUP	CUP			9-6.111
Medical Extended Care Services, 6 Clients or Less		A	A	A	CUP	9-6.134
Medical Extended Care Services, 7 Clients or More		CUP	CUP	CUP	CUP	9-6.134
Residential Care, 6 Clients or Less		A	A	A	A	9-6.135
Residential Care, 7 Clients or More		CUP	CUP	CUP	CUP	9-6.135
RCFE – Assisted Living, 6 Clients or Less		A	A	A	A	9-6.135
RCFE – Assisted Living, 7 Clients or More		CUP	CUP	CUP	CUP	9-6.135
RCFE – Independent Living Center/Senior Apartments					CUP	
RCFE – Retirement Hotel					CUP	
<b>Transportation, Infrastructure and Communication</b>						
Pipelines Utility Infrastructure	CUP	CUP	CUP	CUP	CUP	
Utility Transmission Facilities	A	A	A	A	A	

<b>Agriculture/Residential Zones</b>	A Allowed Use, Zoning Clearance Required					
	AUP Administrative Use Permit					
	CUP Conditional Use Permit Required					
	☐ Not Permitted					
	<b>Permitted Uses By Zone</b>					<b>Special Use Regulation(s)</b>
	<b>A</b>	<b>RS</b>	<b>RSF</b>	<b>LSF</b>	<b>RMF</b>	
Wireless Communication Facilities	CUP	CUP	CUP	CUP	CUP	

**Zoning Districts Abbreviations**

A – Agriculture  
 RS – Residential Suburban  
 RSF – Residential Single-Family Residential  
 LSF – Limited Single-Family Residential  
 RMF – Residential Multifamily

**9-3.330 Nonresidential district allowable land uses.**

Table 3-2 identifies the uses of land allowed by this Zoning Code in each nonresidential district, and the planning permit required to establish each use, in compliance with Chapters 9-1 and 9-2 of this code. Where the last column in the tables (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this article may also apply.

**Table 3-2 – Nonresidential Use Table**

**Allowed Land Uses and Permit Requirements**

<b>Nonresidential Zones</b>	A Allowed Use, Zoning Clearance Required										
	CUP Conditional Use Permit Required										
	AUP Administrative Use Permit Required										
	☐ Not Permitted										
	<b>Permitted Uses By Zones</b>										<b>Special Regulation(s)</b>
	<b>CN</b>	<b>CP</b>	<b>CR</b>	<b>CS</b>	<b>CT</b>	<b>CPK</b>	<b>DC</b>	<b>DO</b>	<b>IP</b>	<b>I</b>	
Accessory Storage		A <sup>4</sup>	CUP <sup>4</sup>	A <sup>4</sup>	CUP <sup>4</sup>	CUP <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.103
Adult Day Care Facility	A	A	A					CUP			
Adult Oriented Business			A	A					A	A	9-16
Age Restricted Housing							CUP				
Agricultural Produce Stands	A	A			A	A					9-6.117
Amusement Services		A	A	A		A	A			A	
Animal Hospitals		CUP <sup>7</sup>	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A <sup>5</sup>		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Brewery – Production				CUP		CUP			A	A	
Broadcast Studios			A	A							
Building Materials and Hardware w/ outdoor sales or storage area 10,000 sf or greater		CUP	CUP	CUP		CUP			CUP	CUP	9-6.165
Building Materials and Hardware w/ outdoor sales or storage area less than 10,000 sf		A	A	A		A			A	A	9-6.165
Business Support Services		A	A	A		A	A	A	A	A	
Caretaker’s Residence/ Employee Unit		CUP	CUP	CUP							
Childcare Center	A	A	A					CUP			9-6.125
Churches and Related Activities		CUP	CUP								9-6.121
Collection Stations	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.130
Contract Construction Services (Indoor)				A		A			A	A	
Contract Construction Services (Outdoor)				CUP					CUP	CUP	
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Day Care											
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Farm Equipment and Supplies w/ outdoor storage or			CUP	CUP		CUP			CUP	CUP	



**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
sales area 10,000 sf or greater											
Farm Equipment and Supplies w/ outdoor storage or sales area less than 10,000 sf			A	A		A			A	A	
Farmers' Market	CUP	CUP	CUP		CUP	CUP	A	A			
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Fuel Dealer				A <sup>4</sup>		CUP			A <sup>4</sup>	A <sup>4</sup>	9-6.129
General Retail	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Government Offices and Facilities	A	A	A	A	A	A	CUP <sup>9</sup>	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP <sup>9</sup>	A			
Horticultural Specialties w/ outdoor storage or sales area 10,000 sf or greater		CUP	CUP	CUP	CUP	CUP			CUP	CUP	9-6.116
Horticultural Specialties w/ outdoor sales or storage area less than 10,000 sf		A	A	A	A	A					9-6.116
Hotels, Motels		CUP	A	A	A		CUP				
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Kennels			CUP	A							9-6.111
Large Family Day Care		CUP <sup>8</sup>	CUP <sup>8</sup>								9-6.125
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Laundries and Dry Cleaning Plants				A		A			A	A	
Laundromat/Coin-Operated Laundry	CUP	CUP	CUP	CUP	CUP	CUP			A	A	
Libraries, Museums		A	A	A	A		A	A			
Live/Work Unit							A <sup>1</sup>				

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										Special Regulation(s)
	Permitted Uses By Zones										
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Manufacturing and Processing – High Intensity <sup>4</sup>				CUP		CUP			AUP	AUP	
Manufacturing and Processing – Low Intensity		CUP	CUP	A		A			A	A	
Medical Extended Care Services: 6 Residents or Less	CUP	CUP	CUP	CUP	CUP	CUP					9-6.134
Medical Extended Care Services: 7 Residents or More			CUP								9-6.134
Medical Research		CUP		A		A		CUP	A	A	
Membership Organizations			A	A		CUP	CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Mini-Storage				CUP		CUP			A	A	
Mobile Eating and Drinking Vendors <sup>6</sup>	A	A	A	A		A	A		A	A	
Mixed-Use Development	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>			A <sup>1</sup>	A <sup>1</sup>			
Mortuary Services			A	A					A	A	
Multifamily Dwelling	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>			A <sup>1</sup>	A <sup>1</sup>			
Offices	A	A	A	A	A	A	CUP <sup>9</sup>	A			
Outdoor Recreation Services			CUP	CUP	A	<u>AUP</u>					9-6.123
Parking Lots	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Parks and Playgrounds							A	A			
Personal Service Restricted				A	CUP	CUP					
Personal Services	A	A	A	A	A	CUP	A				
Printing and Publishing		CUP	CUP			A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Recreational Vehicle Parks					A						9-6.180
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	
Residential Care: 6 Residents or Less							A <sup>2</sup>	A <sup>2</sup>			9-6.135
Retail Sales – Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Schools		A	A	A			CUP	CUP			9-6.125
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A <sup>1</sup>	A <sup>1</sup>			
Single-Room Occupancy Units			CUP								9-6.184
Small Family Day Care		A <sup>8</sup>	A <sup>8</sup>	A <sup>8</sup>		A <sup>8</sup>	A <sup>8</sup>				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					<del>ACUP</del>	<del>ACUP</del>	9-6.131
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Temporary Events	A/ CUP <sup>3</sup>	CUP	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A	A	9-6.177
Temporary Offices		A	A	A							9-6.176
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
<u>Towing Services<sup>10</sup></u>				<del>CUP</del>					<del>A<sup>10</sup></del>	<del>A<sup>10</sup></del>	<del>9-6.167</del>
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	
Vehicle and Equipment Storage (Indoor) <sup>4</sup>				A		CUP			A <sup>4</sup>	A <sup>4</sup>	9-6.183

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Vehicle and Equipment Storage (Outdoor) <sup>4</sup>				CUP <sup>4</sup>					CUP <sup>4</sup>	CUP <sup>4</sup>	9-6.183
Vehicle and Freight Terminals				CUP					CUP	CUP	
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center <sup>4</sup>		AUP	AUP	A <sup>4</sup>		A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	
Winery – Boutique			A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>		A <sup>4</sup>	A <sup>4</sup>	
Winery – Production				CUP		CUP			A <sup>4</sup>	A <sup>4</sup>	

**Notes:** (These notes apply only to Table 3-2).

- 1 Residential uses allowed only on second and third floors. If a project is required to comply with the Americans with Disabilities Act and does not have an elevator, one accessible unit may be located on the ground floor in conjunction with commercial space and shall not exceed the greater of:
  - 500 sf; or
  - 10% of the size of the ground floor commercial space not to exceed 1,000 sf.
- 2 Multifamily dwellings permitted when located on the second floor or above, or within an existing residential structure of historical significance.
- 3 Temporary events requiring more than 3 days for onsite setup and teardown require the approval of a conditional use permit (Section 9-2.110).
- 4 Outdoor commercial and industrial sales and storage developments (as defined by Section 9-9.102) of 10,000 square feet or more require the approval of a conditional use permit (Section 9-2.110), even if such a development is listed as an allowable use in a particular zoning district.
- 5 Handcrafted and artisan food production shall be ancillary to the retail component.
- 6 Mobile food vending permitted on private property with owner’s permission and City review of parking and access on-site. Mobile food trucks used as part of an event may be permitted in the right-of-way with the issuance of an Event Permit.
- 7 When no overnight stays of animals are included.
- 8 Permitted when in association with conforming and legal nonconforming residences.

9 Allowed on ground floor south of Atascadero Creek. Conditional use permit required on ground floor on Palma, East Mall, West Mall Entrada, Traffic Way and on El Camino Real north of Atascadero Creek as designated in Figure 3-1, subject to all of the following findings:

- a. The location and setting of the existing building is not ideal for pedestrian uses such as restaurants, retail or related uses.
- b. The existing building and site improvements are designed exclusively for office uses and could not accommodate other uses.
- c. The proposed new office use will be a significant contribution to economic development by providing new jobs, pedestrian traffic, and active uses in the downtown.
- d. The proposed new office will meet parking, accessibility, and property development standards and will not result in new parking along Atascadero Creek, East Mall or West Mall.
- e. The proposed new office building will provide a storefront and other architectural features that complement the pedestrian scale and retail environment desired within the downtown.

10 Outdoor storage of towing related vehicles, towed vehicles, or accessory storage (other than an approved parking lot for employees or fleet vehicles) over eight thousand (8,000) square feet shall require approval of a conditional use permit. (Section 9-2.110), even if such a development is listed as an allowable use in a particular zoning district.

### **Zoning District Abbreviations**

**CN** – Commercial Neighborhood  
**CP** – Commercial Professional  
**CR** – Commercial Retail  
**CS** – Commercial Service  
**CT** – Commercial Tourist  
**CPK** – Commercial Park  
**DC** – Downtown Commercial  
**DO** – Downtown Office  
**IP** – Industrial Park  
**I** – Industrial

**Figure 3-1**



**9-3.347 DC/DO Zone.**

The following are property development standards for both the DC and DO zoning districts, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

Development Feature	Requirement by Zoning District	
	DC	DO
	Downtown Commercial	Downtown Office
Minimum lot size	No minimum	
Setbacks	<i>Minimum and maximum setbacks required. See Section 9-4.103 for setback requirement, allowed projections into setbacks, and exceptions to setbacks.</i>	
Front	None allowed, except for building insets designed to accommodate outdoor eating and seating areas, and except for East Mall between El Camino Real and Palma Avenue, where a minimum of 20 feet is required.	As required by Section 9-4.106 when adjacent to a residential zone, none required otherwise.
Sides (each)	None required	
Rear	None required	
Creek	To be determined through Design Review	
Height limit	45 feet not to exceed 3 stories; 18 feet on the west side of El Camino Real between Atascadero Creek and the lot line common to Lots 19 and 20, Block H-B, Atascadero Colony Map.	35 feet
Landscaping	As required by Section 9-4.124 et seq. (Landscaping, screening and fencing)	
Off-street parking	None required, except as required by Section 9-4.114 for hotels, motels, residential uses, offices, government offices and facilities, and health care services, and for all development east of Atascadero Creek.	As required by Section 9-4.114 et seq.
Signs	See Chapter 9-15	
Density	<del>20</del> 24 dwelling units/acre maximum	<del>20</del> 24 dwelling units/acre maximum

Development Feature	Requirement by Zoning District	
	DC	DO
	Downtown Commercial	Downtown Office
Minimum lot size	No minimum	
Fire backflow devices	<p>(a) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.</p> <p>(b) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.</p>	

**9-3.500 Definitions.**

As used in Title 9, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise.

**A. Definitions “A”**

**Accessory Storage.** The indoor or outdoor storage of various materials on the same site as a principal building or land use which is other than storage, which supports the activities or conduct of the principal use. Outdoor accessory storage is limited to ten percent (10%) of the floor area of the principal building in accordance Section 9-6.103.

**Adult-Oriented Business.** Any business defined by Chapter 9 of Title 9 in the Atascadero Municipal Code, or subsequent code section, as an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor (excluding State-licensed massage therapy), sexual encounter establishment, or nude model studio is an adult-oriented business.

**Age Restricted Housing.** Residential multifamily or single-family units that restrict occupancy based on age. This use typically consists of senior housing which restricts age for fifty-five (55) and older.

**Agricultural Accessory Uses.** Residential accessory uses that are part of small-scale and/or hobby agricultural activities incidental to the primary residential use of the property, including structures that are designed to house farm implements, hay, grain, poultry, livestock, or other horticulture products. This does not include garages, workshops, or other similar residential accessory structures for nonagricultural uses.

**Agricultural Produce Stands.** Open structures for the retail sale of agricultural products (except hay, grain and feed sales which are included under “farm equipment and supplies”) which are grown on the site in residential or agriculture zones. This does not include farmers’ markets or “seasonal sales” located in nonresidential zoning districts, defined under “temporary sales.”

**Agriculture Employee Housing.** Includes single-family dwellings, or other lodging accommodations provided as a part of farming operations, as regulated under the California Health and Safety Code, employees on land owned by the owner of the building site on which the lodging is located.

**Amusement Services.** Establishments providing indoor amusement, entertainment, or personal enrichment services on payment of a fee or admission charge, such as: arcades and coin-operated amusements; dance halls, and ballrooms which are principal uses rather than being subordinate to an eating or drinking place; health and exercise facilities including yoga, dance, martial arts and similar small studios that do not include courts or similar facilities; and music and arts and crafts instruction. Athletic facilities with basketball, racquetball or similar indoor participation sports are classified as “indoor recreation services.” Card rooms, billiard and pool halls as a primary use are classified as “Personal services—restricted.”

**Animal Hospitals.** Establishments primarily engaged in performing services for animals, including veterinary services and animal hospitals. Does not include kennels, which are listed as a separate category.

**Artisan Foods and Products.** An establishment that specializes in artisan food production, art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes a retail component.

**Auto Dealers (New and Used) and Supplies.** Retail and wholesale trade establishments selling new and used automobiles, including, but not limited to, light trucks (US DOT Class 1, 2, and 3), boats (FBSA Class A and Class 1 boats (under twenty-six (26) feet in length)), recreational vehicles, recreational/utility trailers, motorcycles and mopeds. Also includes establishments selling new parts and accessories within a building for the above. Does not include establishments dealing exclusively in used parts. Includes automobile repair shops only when maintained by establishment engaged in the sale of vehicles on the same site. Does not include “service stations,” which are separately defined.

**Auto Repair and Services.** Service establishments primarily engaged in the repair, alteration, painting, washing or waxing of automobiles, and lube services. May also include rental of cars, trucks or trailers; leasing of cars and trucks. Does not include repair shops which are subordinate to and maintained by a vehicle dealership.

**Automated Teller Machine (ATM).** Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institutions personnel. The machines may be located at or within banks, or in other locations.

## **B. Definitions “B”**

**Bar/Tavern.** Establishments where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, night clubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Does not include adult entertainment businesses or uses defined under microbreweries or tasting rooms.

**Bed and Breakfast.** Transient lodging establishments primarily engaged in providing overnight or otherwise temporary lodging for the general public. Such establishments provide limited meal service, generally breakfast, for lodgers.



**Brewery—Production.** An establishment which produces ales, beers, meads, hard ciders, and/or similar beverages on site. Production breweries are classified as a use which requires a Class 01 type licensure from Alcohol Beverage Control (ABC). Breweries may also serve beverages on site, and sell beverages for off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF).

**Broadcasting Studios.** Commercial and public communications uses including radio, television broadcasting and receiving stations and studios with facilities entirely within buildings. Does not include antennas and towers, which are defined under “telecommunications facilities.”

**Building Materials and Hardware.** Retail trade establishments primarily engaged in the sale of lumber and other building materials, including paint, wallpaper, glass, hardware, nursery stock, lawn and garden supplies. Includes all such stores selling to the general public, even if sales to contractors account for a larger proportion of total sales. Establishments primarily selling plumbing, heating, and air conditioning equipment and electrical supplies are classified in “wholesaling and distribution centers.”

**Business Support Services.** An establishment or business located entirely within a building that is open to customer visitation and with limited or no storage, which provides services to other businesses including, but not limited to:

- Blueprinting and reprographics, copying and quick printing services;
- Computer related services, repair and rental;
- Private mail and mailbox service not affiliated with Federal mailing agency;

~~• Co-working spaces, incubator type services that provide office type working spaces for a fee.~~

### **C. Definitions “C”**

**Caretaker Residence/Employee Unit.** A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any nonresidential use where a caretaker is needed for security purposes or to provide twenty-four (24) hour care or monitoring of plants, animals, equipment, or other conditions on the site. Does not include housing for caretaker-type employees in the Agriculture Zone which is defined as “agriculture employee housing.”

**Cemeteries.** Interment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries and cemetery, mausoleum and columbarium operations. Excludes funeral parlor and related facilities which are listed under “mortuary services.”

**Churches and Related Activities.** Religious organization facilities operated for worship or for promotion of religious activities, including churches and religious Sunday-type schools. Other establishments maintained by religious organizations, such as educational institutions, hospitals and other operations that may be considered commercial in nature if not run by the religious organization (such as a recreational camp) are classified according to their respective activities.

**Collection Stations.** Facilities for the temporary accumulation and storage of recyclable discarded materials, which are subsequently transported to recycling centers or solid waste disposal sites for further processing. Does not include automobile wrecking yards or any recycling processing facilities, which are listed under “recycling and scrap.” Does not include temporary storage of toxic, mutagenic or radioactive waste materials.

**Common Interest Development.** A common interest development is a real property development where property owners share a common set of financial obligations, property and easement rights established in a set of recorded restrictions (commonly referred to as “CC&Rs”). Common interest developments may include, but are not limited to, condominiums, planned developments, stock cooperatives, and small lot single-family and multifamily developments along with commercial or mixed-use developments.

**Contract Construction Services (Indoor).** Office uses with or without indoor storage facilities operated by, or on behalf of, a building contractor, exterminator, janitorial service or similar. Can include the indoor storage of materials used for repair and maintenance of contractor’s own equipment and for use by the contractor. All uses must be located within an approved, permitted building. Outdoor storage of construction related vehicles, fleet, or accessory storage (other than an approved parking lot for employees or fleet vehicles) is limited to ten percent (10%) of the floor area of the fully enclosed building utilized for the business.

**Contract Construction Services (Outdoor).** Office uses with outdoor facilities operated by, or on behalf of, a building contractor, exterminator, janitorial service, or similar. Outdoor uses may include storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor’s type of business and can include the storage of materials used for repair and maintenance of contractor’s own equipment. May also include accessory buildings or structures for uses by the contractor. An on-site office building is required. All applicable development standards listed in the code as well as standards for outdoor storage uses must be met.

#### **D. Definitions “D”**

**Data and Computer Services/Center.** A use where the majority of the space is occupied by computers and/or related equipment and where information is processed, transferred, and/or stored (also commonly referred to as “server farms.”) Data and computer services/centers may contain data technology centers, internet service providers (ISPs), network operation centers, web hosting facilities and other similar establishments primarily engaged in providing direct access through telecommunication networks to computer-held information.

**Day Care.** Facilities that provide nonmedical care and supervision of individuals for periods of less than twenty-four (24) hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services or successor agency. Day care uses include the following:

- **Child Care Center.** Child day care facilities designed and approved to accommodate fifteen (15) or more children. Includes infant centers, nursery schools, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

- **Large Family Day Care Home.** As provided by Health and Safety Code Section 1596.78 or successor provision, a home that regularly provides care, protection, and supervision for seven (7) to ~~twelve (12)~~ fourteen (14) children, including ~~up to two (2)~~ children under the age of ten (10) years who reside in the home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away.

- **Small Family Day Care Home.** As provided by Health and Safety Code Section 1596.78 or successor provision, a home that provides family day care for six (6) or fewer children, including two (2) children under the age of ten (10) years who reside in the home.

- **Adult Day Care Facility.** A day care facility providing care and supervision for adult clients.

**Drive-Through Sales or Services.** A facility where food or other products may be purchased or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo-stores, pharmacies, etc. Examples of drive-through service facilities include drive-through bank teller windows, automated teller machines (ATMs), dry cleaners/laundromats, etc., but do not include service stations or other vehicle services, which are separately defined.

#### **E. Definitions “E”**

**Eating and Drinking Places.** Restaurants and other establishments selling prepared foods and drinks for consumption on the premises, as well as facilities for dancing and other entertainment which are secondary and subordinate to the principal use of the establishment as an eating and drinking place. Also includes lunch counters and refreshment stands selling prepared goods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators. Does not include establishments with drive-through facilities or uses defined under “adult-oriented business.”

**EV Charging Site.** Electric vehicle (EV) charging site includes level one, level two, and level three charging sites that are an accessory use to a primary use, such as a parking lot, building, or multifamily residence. These charging sites are incidental uses and may or may not charge a fee for use. Does not include stand-alone EV charging station as defined in “service stations.”

#### **F. Definitions “F”**

**Farm Animal Raising.** The keeping, feeding or grazing of animals as an avocation, hobby, or school project, subordinate to the principal residential use of a property, includes species commonly considered as farm animals as well as exotic species, but does not include household pets. This includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include uses defined as “livestock specialties.”

**Farm Equipment and Supplies.** Establishments primarily engaged in the sale or rental of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm; also dairy and other livestock equipment including trailers. Includes agricultural machinery, dairy farm machinery and equipment, irrigation equipment, poultry equipment and frost protection equipment; hay, grain and feed sales.

**Farmers' Market.** The temporary and intermittent use of a public or private property for the outdoor sales of food and farm produce in compliance with California Food and Agriculture Code Section 1392 et seq., and artisan products or similar farmers' markets products that include multiple sales vendors.

**Financial Services.** Service establishments primarily engaged in the field of finance, including: banks and trust companies; credit agencies other than banks; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies.

**Fuel Dealers.** Retail trade establishments primarily engaged in the sale to consumers of liquefied petroleum gas (LPG), propane, bottled or other fuels in bulk. Does not include accessory uses as part of a service station.

#### **G. Definitions "G"**

**General Retail.** Stores and shops selling either many lines of merchandise, or specialized type of merchandise, where the retail sales are conducted primarily within a building. Examples include, but are not limited to:

- Antique stores, second hand stores, jewelry stores, hobby materials, specialty stores;
- Art galleries, art supplies, collectibles, hobby materials;
- Bicycles, toys, games, sporting goods and equipment;
- Department stores, drug stores, pharmacies, supermarkets, groceries stores, specialty food markets, membership warehouse clubs;
- Florists, house plant stores (indoor sales), small house wares;
- Home furniture stores, consumer electronic/audio visual goods, bookstores, home and/or office appliance stores (excludes wholesale sales not open to the general public);
- New clothing, shoes, and accessory retail stores;
- Stationery, dry goods, fabric stores and sewing supplies, and variety stores;
- Stand-alone convenience markets (excludes fuel sales), warehouse retail stores, building supply hardware stores where outdoor sales are limited to under ten thousand (10,000) square feet.

Pawn shops and retail stores that sell smoking, tobacco and vaping products as the primary use are included in "retail sales–restricted."

**Government Offices and Facilities.** Administrative, clerical, or public contact and/or service offices of recognized local, State, or Federal agencies. Includes post offices, City Hall, municipal corporation yards, etc.

**H. Definitions “H”**

**Health Care Services.** Service establishments primarily engaged in furnishing medical, mental health, surgical and other personal health services including: medical, dental, and psychiatric offices (mental health) related services, including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists, medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Also includes hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. Nursing homes and similar long-term personal care facilities are classified in “residential care.”

**Home Occupations.** The gainful employment of the occupant of a dwelling, with such employment activity being subordinate to the residential use of the property.

**Horticultural Specialties.** Businesses engaged in the production of ornamental plants, tree farms, and other products, grown under cover or outdoors. Also includes establishments engaged in the sale or on-site production of such product.

**Hotels, Motels.** Commercial transient lodging establishments, including hotels, motor hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight or otherwise temporary lodging for less than thirty (30) days, with or without meals, for the general public. Such establishments shall not provide kitchen facilities in more than twenty-five percent (25%) of the units.

**I. Definitions “I”**

**Indoor Recreation Services.** Facilities for various indoor sports and recreation, including: bowling alleys; ice skating and roller skating; gymnasiums, health and athletic clubs; tennis, handball, racquetball and similar indoor sports; shooting and archery ranges; recreation and community centers. Smaller fitness studios without courts are classified as “amusement services.”

**J. Definitions “J”**

**K. Definitions “K”**

**Kennels.** A lot, building, structure, enclosure or premises where four (4) or more dogs or cats (four (4) months of age or older) are kept or maintained, including the keeping of such animals for sale, for commercial breeding or for lodging and care. Does not include dogs and cats kept for noncommercial purposes.

**L. Definitions “L”**

**Large Scale Ag Manufacturing.** The large scale processing of agriculture products subsequent to their harvest, with the intent of preparing them for market or further processing including: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packaging of fruits and vegetables; tree nut hulling and shelling; cotton ginning; and wineries in excess of one thousand (1,000) square feet in total use area. This does not include the growing, harvesting, and

production of medical marijuana, or legally approved uses of marijuana by either the State of California or Federal Government.

**Laundries and Dry Cleaning Plants.** Service establishments primarily engaged in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pickup stores without dry cleaning equipment, which are classified in “personal services.”

**Laundromat/Coin-Operated Laundry.** Facilities providing washing and drying machines for use by customers for a fee as a primary use. Dry cleaning pick-up stores are classified as “personal services.”

**Libraries, Museums.** Permanent public or quasi-public facilities generally of a noncommercial nature such as libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, arboretums and zoos. Also includes historic sites and exhibits.

**Livestock Specialties.** Agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use which, because of operational characteristics, may generate dust, odors or visual impacts which could have an adverse effect upon adjacent properties. Such uses include dairies; chicken, turkey and other poultry farms; animal specialties (such as rabbit farms and other fur-bearing animals); other specialties such as bee farms, aviaries, worm farms, etc.

**Live/Work Units.** An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- Complete kitchen space and sanitary facilities in compliance with the Building Code;
- Working space reserved for and regularly used by one (1) or more occupants of the unit;
- Working space includes uses that are permitted within the zoning district.

**M. Definitions “M”**

**Manufacturing, Repair, and Processing—High Intensity.** A facility or establishment that accommodates manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and other similar manufacturing uses, where the intensity or scale of operations is determined to be greater than those classified under “manufacturing and processing—low intensity,” but where impacts to surrounding neighborhoods, businesses, and the community may cause a significant impact. Uses may have an indoor setting, however uses may also be conducted outdoors. Examples of manufacturing and processing uses that are considered high-intensity include the following, but are not limited to:

- Machinery manufacturing that makes or process raw materials into products;
- Metal fabrication and welding shops engaged in the production and/or assembly of metal, and other similar metal shops;

- Manufacturing that cuts, shapes, and/or finishes building materials used in home or nonresidential construction;
- Chemical product manufacturing that produces or uses basic chemicals and other establishments creating products predominantly by chemical processes;
  - Product manufacturing that produces bulk concrete, asphalt, and other paving materials;
  - Paving and roof materials manufacturing of various common paving and petroleum-based roofing materials including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar;
- Plastics, other synthetics and rubber manufacturing;
- Primary metal industries engaged in smelting, refining of ferrous and nonferrous metals;
- Other similar heavy intensive uses.

**Manufacturing, Repair, and Processing—Low Intensity.** A facility or business that engages in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing process and the materials used are unlikely to cause significant impacts to the existing surrounding neighborhood or businesses in a indoor setting. Examples of manufacturing and processing uses that are considered low intensity include the following, but are not limited to:

- Artisan manufacturing and production where no retail component exists;
- Production, assembly, and/or repair where no raw materials are manufactured;
- Production and assembly of precision electronics and scientific instruments, including on-site offices;
- Producing or processing of foods and beverages for human consumption where no retail component exists and does not include noxious odors or excessive noise and no slaughter occurs on site;
- Repair and service of small consumer products;
- Small scale manufacturing where assembling and/or manufacturing is completed by hand or precision tools;
- Small product manufacturing not classified in another major manufacturing group.

**Medical Extended Care Services.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “residential care.”



**Medical Research.** Establishment related to medical and/or dental research, testing and analysis, including, but not limited to, trial and clinical research. Biomedical and pharmaceutical research and development facilities are not included in this definition. Medical research does not include the storage or use of quantities of hazardous materials nor any toxic gas. Additionally, medical research may include storage and use of etiological (biological) agents up to and including Risk Group 2 or Bio Safety Level 2 (Center for Disease Control). Typically uses are a part of a campus-like setting such as a business park or stand-alone building.

**Membership Organizations.** Organizations operating on a membership basis for the promotion of the interests of the members, including: business associations; professional membership organizations; labor unions and similar labor organizations; civic, social and fraternal organizations (not lodging); political organizations and other membership organizations.

**Micro-Brewery/Brewpub.** An establishment that produces ales, beers, meads, hard ciders/and or similar beverages to serve on site. Sale of beverages for off-site consumption is also permitted consistent with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Food service for on-site consumption is allowed as an ancillary use. Brewpubs and microbreweries are considered small operations consistent with ABC license Type 23, 40, or 42 or State similar licensures.

**Mini-Storage.** Buildings containing individual storage areas rented or leased to the general public. Does not include warehousing or exterior storage facilities.

**Mixed-Use Development.** A development that has a vertical separation of commercial and residential land uses in a building. Residential units within a commercial district are subject to compliance with allowed density and shall not be located on the ground floor.

**Mobile Eating and Drinking Vendors.** Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk, on which food is displayed, prepared, or processed for the purpose of selling food or drinks to a consumer.

**Mobile Home/Manufactured Home.** A modular structure that is transportable in one (1) or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, is tied down to a permanent foundation with wheels removed and skirted. A mobile home on a permanent foundation is considered a single-family dwelling.

**Mobile Home Park.** Any site that is planned and improved to accommodate two (2) or more mobile homes used for residential purposes, or on which two (2) or more mobile homes, as the term “mobile home” is defined in California Civil Code Section 798.3 or successor provision of the California Mobilehome Residency Law, for nontransient use, are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

**Mortuary Services.** Establishments with facilities for the preparation of the dead for burial, cremation and for the holding of funeral observances and services. Accessory facilities may include a cemetery, columbarium or mausoleum. Includes: funeral homes and parlors, mortuaries and related facilities.

**Multiple-Family Dwelling.** Two (2) or more primary attached dwelling units located on a single lot within a residential zoning district, each occupied by a single housekeeping unit; includes buildings or groups of buildings designated as apartments, duplexes, triplexes and condominiums, but not including motels, hotels, dormitories, or RV parks as herein defined. Also includes transitional housing and, supportive housing where people live as independently as possible with the assistance of social services tailored to each person’s needs as defined in Section 9-9.102 of the Zoning Ordinance. This also does not include accessory dwelling units or urban dwelling units.

**N. Definitions “N”**

**O. Definitions “O”**

**Offices.** Establishments engaged in performing a service in a professional office including: engineering, architectural and surveying services; real estate agencies; noncommercial educational, scientific and research organizations; accounting, auditing, and bookkeeping services; authors, writers, artists, etc.; advertising agencies; photography studios and small commercial art studios; employment agencies and stenographic services; reporting services; data processing and computer services; management, public relations, and consulting services; detective agencies and other similar professional services; attorneys; **co-working spaces, incubator-type services that provide office-type working spaces for a fee**, and counseling services provided by individuals other than licensed psychiatrists, which are included under “health care services.”

**Organization Houses.** Residential lodging houses operated by membership organizations for the benefit of their constituents and not open to the general public. Also includes fraternity and sorority residential houses and religious residential retreats.

**Outdoor Recreation Services.** Facilities for various outdoor sports and recreation, including: amusement and kiddie parks; golf courses, golf driving ranges and miniature golf courses; skateboard parks; go-cart and miniature auto race tracks; tennis courts, swim and tennis clubs and facilities; play lots, playgrounds and athletic fields; recreation and community centers.

**P. Definitions “P”**

**Parking Lot.** An open area, excluding a street or other public right-of-way, for the exclusive use of parking as a primary use for automobiles and available to either the public or patrons of adjacent buildings or structures. Parking lots can either be free for use, or may charge a fee for compensation. Long-term parking and storage of inoperable vehicles is classified in “vehicle and equipment storage.”

**Parks and Playgrounds.** A public outdoor recreational facility that may provide a variety of recreational activities including playground equipment, open space areas for passive recreation including hiking and biking trails, zoos, picnicking, and sport and active recreation facilities dedicated for use to the public.

**Personal Cannabis Cultivation.** As defined by Chapter 9-17.

**Personal Services.** Service establishments primarily engaged in providing nonmedical services as a primary use and may include accessory retail sales of products related to the services provided. These uses include the following: beauty shops (includes permanent makeup when less than ten percent (10%) of overall sales), barber shops, day spas and massage therapy where each massage therapist is

certified/licensed by a State-recognized organization, shoe repair shops, dry cleaning pickup stores, clothing rental, tailors, tanning salons, pet grooming services, nail salons, and other similar uses.

**Personal Services—Restricted.** ~~Service establishments that may have a blighting and/or deteriorating effect upon the surrounding area which may need to be dispersed in order to minimize their adverse impact. Establishments providing nonmedical services to individuals that, based on the characteristics or intensity of use may not be compatible with other established or planned uses.~~ Examples of these uses include, but are not limited to, the following: check cashing and/or payday/same day loans; fortunetellers, psychics; palm, tarot and card readers; card rooms, billiard and pool halls as a primary use; and tattoo and body piercing services; ~~and hot tubs and saunas that are not an accessory to a permitted use.~~

**Printing and Publishing.** An establishment engaged in printing letter press, lithography gravure, screen offset or electrostatic copying and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, and electrotyping. The use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices. “Quick printing” services are included in the definition “business support services.”

**Public Assembly and Entertainment.** Facilities for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters and meeting halls; motion picture theaters; legitimate theater facilities for live theatrical presentations or concerts by bands and orchestras; amphitheaters; meeting halls for rent and similar public assembly uses.

**Q. Definitions “Q”**

**R. Definitions “R”**

**Recreational Vehicle Parks.** Transient lodging establishments primarily engaged in renting, leasing or otherwise providing overnight or short-term sites for trailers, campers, or tents, with or without individual utility hookups, but with other facilities such as public restrooms. Does not include incidental camping areas, which are included under “rural sports and group facilities.”

**Recycling and Scrap.** Establishments primarily engaged in assembling, breaking up, sorting, temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Does not include waste disposal sites, which are separately defined. Does not include temporary storage of toxic or radioactive waste materials.

**Recycling Centers.** An establishment, which is larger than a “collection station,” that serves as a community-wide center for the collection and/or processing of recyclable materials such as glass, paper, plastic, aluminum and metal cans.

**Research and Development.** Research and development offices, devoted to scientific and engineering research and the design, development and testing of new technology and products; usually includes laboratory space or small-scale manufacturing operations.

**Residential Accessory Uses.** Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use.

Residential accessory uses include the storage of vehicles and other personal property and accessory structures including garages, studios and workshops.

**Residential Care.** A single-family or multiple-family dwelling unit that is licensed or supervised by a Federal, State, or local health/welfare agency that provides nonmedical care of unrelated persons who are in need of personal service, supervision, or assistance essential for sustaining activities of daily living or for the protection of the individual. Use includes the following: children’s homes; halfway houses; rehabilitation centers; self-help group homes.

**Residential Care Facility for the Elderly (RCFE).** A housing arrangement chosen voluntarily by the residents or the residents’ guardians, conservators or other responsible person(s) where the following occurs: where seventy-five percent (75%) of the residents are at least sixty-two (62) years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary. RCFE uses may include basic services and community space. RCFE uses include the following:

- **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted living facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted living facilities are required to be licensed by the California Department of Social Services, and do not include medical extended care services.
- **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments are multifamily residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
- **Retirement Hotel.** Establishments primarily engaged in providing lodging facilities limited to the aged where no medical care is provided. Such establishments may provide housekeeping and meals to the residents.

**Resource Extraction.** Uses primarily engaged in resource extraction, including, but not limited to, mining, developing mines or exploring for metallic minerals (ores), coal and nonmetallic minerals, or surface mines extracting crushed and broken stone, dimension stone or sand and gravel.

**Retail Sales–Restricted.** Stores and shops selling products that may have a blighting and/or deteriorating effect upon the surrounding area and may need to be dispersed in order to minimize their adverse impact. Examples of these uses include, but are not limited to, the following: selling smoking, tobacco and vaping products as a primary use; and pawn shops, in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges is done.

**Rural Sports and Group Facilities.** Establishments supporting special group activities such as: archery, pistol, rifle, and skeet clubs and facilities; dude ranches; health resorts including outdoor hot spring, spa or hot tub facilities; hunting and fishing clubs; recreational camps; group or organized camps; incidental, seasonal camping areas without facilities; equestrian facilities, including riding academies, schools, stables and exhibition facilities.

**S. Definitions “S”**

**Sales Lots.** Sales lots consist of any outdoor sales area for permanent display of motorized farm equipment, boats (FBSA Class 3 and 4 boats (over twenty-six (26) feet in length)), heavy commercial trucks (US DOT Class 4 through 8), mobilehomes, construction equipment, or other heavy equipment; outdoor equipment rental yards.

**Schools.** An institution or establishment that provides a program of instruction and teaching services. Includes: preschools, elementary and secondary schools serving grades K through 12 (or portions thereof); junior colleges, colleges and universities; and similar education institutions. Does not include Sunday schools which are permitted under “churches and related facilities.”

**Schools—Business and Vocational.** Business and secretarial schools; vocational schools offering specialized trade and commercial courses; specialized nondegree granting schools, such as: music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; and establishments furnishing educational courses by mail.

**Secondary Residential Unit.** Second residential units are defined as residential occupancy constructions (R) with a kitchen and full bathroom that is accessory to the primary unit and intended for permanent occupancy by a second housekeeping unit.

**Service Stations.** Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services incidental to gasoline sales. ~~May also include~~ Does not include a towing service ~~but does not include or~~ storage of wrecked or abandoned vehicles. Does not include uses defined as auto repair and service, or vehicle equipment storage.

**Single-Family Dwelling.** An attached or detached building not to contain more than one (1) kitchen wherein the occupants of the dwelling unit are living and functioning together as a single housekeeping unit, meaning that they have established ties and familiarity with each other, jointly use common areas, interact with each other, membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit. Also includes factory-built, manufactured housing units and mobile homes constructed in compliance with Title 25 of the California Health and Safety Code, or successor provision as defined in Section 9-9.102 of the Zoning Ordinance; transitional housing and supportive housing serving six (6) or fewer persons as defined in Section 9-9.102 of the Zoning Ordinance.

**Single Room Occupancy Unit (SRO).** A structure that provides separate, single room, residential living units with no on-premises residential medical care. Units within the structure may have individual bathroom facilities, shared bath or toilet facilities for the residents, or any combination thereof. SRO may include structures commonly called rooming houses or boarding houses. SRO facilities shall not be age restricted. Age restricted SRO facilities shall be considered a residential care facility for the elderly (RCFE).

**Small Scale Ag Processing.** The small scale processing of agriculture products grown or produced on site, bottling, canning, or storage of agriculture products grown and processed on site, where the processing or storage shall not exceed one thousand (1,000) square feet (sf) in total use areas. This does not include tasting rooms.

**Social and Service Organizations.** Public or quasi-public establishments providing social services and rehabilitation services to such as counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, persons with social or personal problems requiring special

services and to the handicapped and the disadvantaged. Also included are organizations soliciting funds to be used directly for these related services. Also includes establishments engaged in community improvement and neighborhood development. Does not include child day care services which are classified under “schools.”

**Sports Assembly.** Facilities for spectator-oriented specialized group sports assembly that includes: stadiums and coliseums; arenas and field houses; race tracks (auto and animals); motorcycle racing and drag strips; and other sports that are considered commercial.

**Storage, Recycling and Dismantling of Vehicles and Material.** Establishments primarily engaged in the storage, assembling, dismantling, sorting, and distribution of materials, equipment and vehicles. This use may be located either outdoors or indoors and includes, but is not limited to, auto wrecking yards, vehicle storage areas, vehicle impound lots, recyclable/waste material storage and transfer facilities. This does not include waste disposal sites, which are separately defined, or temporary storage of toxic or radioactive waste materials.

#### **T. Definitions “T”**

**Tasting Room.** Establishment that allows for beer, wine, or spirit tasting on site with off-site sales directly to the public. Tasting rooms must meet the requirements of the Alcoholic Beverage Control (ABC) license type (Type 02, Type 23, Type 40, Type 42 or Type 74 license, or similar). Tasting rooms may operate within a large scale brewing, winery, or distillery facility as an ancillary.

**Telecommunication Facility.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular data network, and wireless communication towers (cellular phones), including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph, and cable television transmission facilities utilizing hard-wired or direct cable connections. Does not include data processing centers.

**Temporary Dwelling.** Includes the temporary use of a mobilehome or recreational vehicle as a dwelling unit, following the issuance of a building permit for a permanent residence while the permanent residence is under construction.

**Temporary Events.** Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include, but are not limited to: art shows; rodeos; ~~religious revivals; tent camps;~~ outdoor festivals, and concerts. Does not include the temporary staging of food trucks or outdoor sales associated with existing, permitted businesses, where circulation and access is not impacted.

**Temporary Offices.** The utilization of a mobilehome or recreational vehicle as a temporary office during the period of a construction of a permanent office facility on the same site.

**Temporary or Seasonal Retail Sales.** Retail trade establishments primarily engaged in the sale of Christmas trees or other seasonal items; or semiannual sales of art or handcrafted items in conjunction with community festivals or art shows. Does not include farmers’ markets or agricultural roadside stands.

**Towing Services.** An establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows, which shall only include: (1) mechanically operable/drivable,

licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked Motor Vehicles awaiting insurance adjustments and transport to repair shops. This term excludes: Auto Repair and Services that have a tow truck on-site; Recycling and Scrap Services; Service Stations; Impound Yards; Storage, Recycling and Dismantling of Vehicles and Material; and Vehicle and Equipment Storage.

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months (Health and Safety Code Section 50675.2(h)). This definition excludes housing for halfway houses intended for occupancy by parolees or convicted persons, children’s homes, halfway houses, rehabilitation centers, and self-help group homes.

**Transit Stations.** Passenger stations for vehicular, bus, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system.

**U. Definitions “U”**

**Utility Facilities.** A fixed-base structure or facility serving as a junction point for transferring electric utility services from one (1) transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply, natural gas distribution, wastewater pump station, fiber optics junction box, or other similar facilities that are not exempted from land use permit requirements by California Government Code Section 53091 or successor code.

**Utility Infrastructure.** Pipelines for water, natural gas, sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also include telephone, cable television, and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service center as defined under “offices” or distribution substations (“utility facilities”).

**V. Definitions “V”**

**Vehicle and Equipment Storage (Indoor).** Service establishments primarily engaged in the business of storing cars, buses and other motor vehicles; recreational vehicles (such as campers, motor homes, boats); construction equipment; and farm equipment. Does not include wrecking yards, which are classified in “recycling and scrap.” All uses of the site must be located within an approved, permitted building and outdoor storage shall be limited to ten percent (10%) of the floor area of the building utilized for the business.

**Vehicle and Equipment Storage (Outdoor).** Service establishments primarily engaged in the business of storing cars, buses and other motor vehicles; recreational vehicles (such as campers, motor homes, boats); construction equipment; and farm equipment. Does not include wrecking yards, which are classified in “recycling and scrap.” Storage of oversized commercial vehicles is also subject to Section 9-6.103.

**Vehicle and Freight Terminals.** Transportation establishments furnishing services incidental to transportation, including: freight forwarding services; transportation arrangement services; parking, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; public warehousing and storage. Includes both railroad transportation and motor freight transportation.



**W. Definitions “W”**

**Warehousing.** Uses engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards, or conditions commonly recognizable as offensive. Does not include personal storage as defined as “mini-storage.”

**Wholesaling and Distribution Centers.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

**Winery—Boutique.** Winery or distillery production for no more than three thousand (3,000) cases of wine per year. Uses include fruit processing, fermentation pressing, barrel and bottle storage, bottling, wine tasting, and direct retail sale of wine. Does not include winery production in residential zones, which is defined as small scale agriculture.

**Winery—Production.** Winery or distillery production of more than three thousand one (3,001) cases of wine per year. Uses include fruit processing, fermentation pressing, barrel and bottle storage, bottling, wine tasting, and direct retail sale of wine. This also includes uses that produce three thousand one (3,001) cases of beverages or less, but do not meet the requirements for “winery—boutique,” “winery—production,” or “brewery—production.”

**X. Definitions “X”**

**Y. Definitions “Y”**

**Z. Definitions “Z”**

**9-4.107 Side setbacks.**

The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas, or primary street and secondary street setback areas for double frontage lots. The minimum side setback is to be as follows:

(a) A, RS, RSF, LSF and RMF Zones and Residential Uses in Commercial and Industrial Zones. All residential uses except for second story dwellings over commercial and industrial uses shall have a minimum side setback of five (5) feet, except as follows:

~~— (1) Accessory Structures. A side yard may be used for an accessory building no greater than twelve (12) feet in height, provided that it is not used for human habitation or the keeping of animals and is either:~~

~~— (i) Located no closer than three (3) feet to any property line;~~

~~— (ii) Located on the rear half of the lot; or~~

~~— (iii) Established on the property line as a common wall structure pursuant to subsection (a)(4) of this section, or as a zero lot line structure, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall.~~

(21) Common Wall Development. Any two (2) dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:

- (i) The setback has been eliminated through subdivision map or conditional use permit approval;
- (ii) A common wall or party wall agreement, deed restriction, or other enforceable restriction has been recorded;
- (iii) The side setbacks opposite the common wall property line are not less than two (2) times the minimum width required by this section; and
- (iv) Common wall construction is in compliance with the Uniform Building Code.

(32) Zero Lot Line Development. A group of dwelling units on adjoining lots may be established so that all units abut one (1) side property line, provided that:

- (i) The setback has been eliminated for an entire block through subdivision map or conditional use permit approval;
- (ii) The modified setback requirements for the block are recorded as part of a land division map, deed restriction, or other enforceable restriction;
- (iii) The side setback shall not be eliminated or reduced on the street side of a corner lot; and
- (iv) Side setbacks opposite the zero setback property line are not less than twice the minimum required by this section.

(43) Access Easements. All access easements shall have a minimum setback of five (5) feet, measured from the edge of the easement.

(54) Additional Height for Buildings in RMF. Multifamily dwellings exceeding twenty-five (25) feet in height shall have a ten (10) foot setback for all portions of the building over twenty-five (25) feet in height.

(b) CN, CP, CR, CS, CT, CPK, IP, I and P Zones. No side setbacks are required. Ground floor residential uses are subject to the setback requirements of subsection (a) of this section.

(c) L and LS Zones. A minimum five (5) foot side setback is required.

#### **9-4.108 Rear setbacks.**

The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line.

(a) A, RS, RSF, LSF, and RMF Zones and Permitted Ground Floor Residential Uses in Commercial and Industrial Zones. All residential uses except for second story dwellings over commercial and industrial uses shall have a minimum rear setback of ten (10) feet, except as follows:

~~—(1) Accessory Structures. A rear setback except for the portion of the rear yard adjacent to the street of a corner lot, may be used for an accessory building no greater than twelve (12) feet in height and four hundred (400) square feet or less, provided the accessory building is not used for human habitation or the keeping of animals, and is not closer than three five (35) feet to a side or rear property line or alley..~~

(b) CN, CP, CR, CS, CT, CPK, IP and I Zones. No rear setback is required in commercial or industrial zones, except as follows:

(1) Adjacent to an Alley. The secondary frontage setback shall be a minimum of five (5) feet, except where the alley provides vehicular access to the interior of the building, in which case the setback shall be ten (10) feet.

(2) Adjacent to Residential Use Zone. Where the rear property line abuts a residential zone or use, no rear setback is required for buildings or portions of buildings which do not exceed twelve (12) feet in height within ten (10) feet of the rear property line. The rear setback shall be a minimum of ten (10) feet for buildings or portions of buildings which exceed twelve (12) feet in height.

(c) L, LS and P Zones. A minimum of ten (10) foot rear setback is required.

#### **9-4.118 Required number of parking spaces.**

All land uses requiring approval under this title shall provide off-street parking spaces as specified in subsections (b) and (c) of this section:

(a) Use of Charts. The charts in subsection (c) of this section determine the number of parking spaces required for each use of land, as follows:

(1) Uses Not Listed. For uses not specifically listed in this subsection that do not have parking requirements set by Chapter 9-6, the same parking and loading space is required as for the most similar use of equivalent intensity; except where a use not listed requires conditional use permit approval, in which case the amount of parking and loading space required shall be as determined by the Planning Commission.

(2) Parking and Loading Intensity. Parking lot and loading bay intensity describes the rate of vehicle turnover in parking and loading areas. Turnover factors are assigned to each use by the charts in subsection (c) of this section. High intensity areas have rapid turnover; medium intensity areas are those where vehicles are parked from two (2) to four (4) hours; low intensity areas have minimum turnover and few repeat users, such as long-term and employee parking lots. Loading bay intensity is used in Section 9-4.121.

(3) Mixed Use Sites. Where a site contains more than one principal land use (such as a shopping center), the amount of parking required shall be the total of that required for each individual use, except as otherwise provided by Section 9-4.115.

(4) **Mixed Function Buildings.** Where a building occupied by a single use contains several functions, such as sales, office and storage areas, parking shall be as required for the principal use for the gross floor area (total area of all internal functions); except that when storage areas are larger than two thousand (2,000) square feet, the parking requirement is to be determined separately for those areas, as specified for warehousing.

(5) **Assigned parking.** For projects where a parking reduction is granted, assigned parking spaces are prohibited.

(6) **Terms Used in Charts.**

(i) **Active Use Area.** All developed areas of a site and buildings except storage, parking and landscaping.

(ii) **Floor Area.** Gross floor area within buildings.

(iii) **Site Area.** Gross site area.

(iv) **Use Area.** All developed areas of a site and buildings, except parking and landscaping.

(v) **Number of Spaces.** Where subsection (c) sets parking requirements based on building area (square footage), site or use area, the number of spaces is to be as set forth for each footage increment specified or fraction thereof.

(b) **Company Vehicles.** Commercial or industrial uses shall provide one parking space for each company vehicle which is parked on the site during normal business hours. Such space may be located within a building.

(c) **Parking Requirements by Land Uses.**

(1) **Agricultural Uses.** Except for the specific uses listed in this subsection, improved off-street parking and loading spaces are not required for an agricultural use, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors and loading activities entirely on the site of the use.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Ag. processing: packing and processing	1 per 1,000 s.f. of use area	Low	High
Wineries	1 per 1,000 s.f. of active use area and 1 per 3,000 s.f. of storage, and 1 per 100 s.f. of tasting room	Low / Medium	High
Animal husbandry, farm equipment and supplies	1 per 500 s.f. of floor area, and 1 per 1,000 s.f. of outdoor use	Low	Low

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

(2) Communication Uses. Broadcasting studios are to provide parking as required for offices (see subdivision (8) of this subsection). Transmission facilities are not required to have identified spaces, as long as sufficient usable area is provided to meet the parking needs of all employees entirely on the site of the use.

(3) Cultural, Educational, and Recreation Uses.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
<b>Active Recreation Facilities</b>			
Amusement parks/fairgrounds	1 per 75 s.f. of use area	Medium	Medium
Arcades (games) and billiards	1 per 100 s.f. of floor area	Medium	N.A.
Bowling alleys	4 per lane	Medium	Low
Dance clubs	1 per 25 s.f. of dance floor	Medium	N.A.
Dance studios	1 per 200 s.f. of floor area	Low	N.A.
Golf courses	5 per hole plus any required for clubhouse uses	Low	N.A.
Golf driving ranges (separate from golf courses)	2 per tee	Low	N.A.
Miniature golf	2 per hole	Medium	N.A.
Skateboard parks	1 per 500 s.f. of use area	Medium	N.A.
Skating rinks	1 per 400 s.f. of use area	Medium	N.A.
Swimming pools (public or member)	1 per 100 s.f. of pool area, and 1 per 300 s.f. of deck area	Medium	N.A.
Tennis courts, racquetball	2 per court	Medium	N.A.
Libraries	1 per 500 s.f.	Medium	N.A.
<b>Public Assembly</b>			
Exhibit facilities (including museums)	1 per 150 s.f. of exhibit floor	High	Low
Seated spectator facilities (including a church, theater, other auditoriums and meeting halls, sports assembly)	1 per 4 fixed seats, or 1 per 40 s.f. of spectator area if seats not fixed	High	Low
<b>Schools</b>			
Preschools, day care	As required by Section 9-6.125.		
Elementary and high school	As required by Section 9-6.125.		
Business and vocational	As required by Section 9-6.125.		
College and University	As determined by Planning Commission		

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

(4) Manufacturing and Processing Uses. Parking lot turnover is low; loading by intensity is medium. Parking spaces are required as follows:

- (i) One (1) space per five hundred (500) square feet of active use area within a building; and
- (ii) One (1) space per one thousand (1,000) square feet of storage area within a building; and
- (iii) One (1) space per two thousand (2,000) square feet of outdoor active use area; and
- (iv) One (1) space per five thousand (5,000) square feet of outdoor storage area.

(5) Residential Uses.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Single-family dwellings (including mobilehomes)	2 per dwelling, except 1 per dwelling is required where the site is less than 4,000 s.f. in area	N.A.	N.A.
Multifamily dwellings (including condominiums and other attached ownership dwellings)	<b>Residential Parking</b> 1 b.r. unit: 1.5 spaces 2 b.r. unit: 2.0 spaces  each additional bedroom: 0.5 space	Low	N.A.
	<b>Guest Parking</b> 1 space per 5 units, or fraction thereof		
Group quarters (including boarding houses, rooming houses, dormitories, and organizational houses)	1 per bed, plus	Low	N.A.
	1 per eight beds		

(6) Resource Extraction. No improved parking is required, provided that sufficient usable area is available to accommodate all employee and visitor vehicles entirely on the site.

(7) Retail Trade Uses. Parking required for a retail use shall be a minimum of two (2) spaces for each use or separate tenancy, except where more spaces are required as follows:

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Auto and vehicle dealers	1 per 400 s.f. of showroom, 2 per service bay, 1 per 3,000 s.f. of outdoor use area	Medium	Medium

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Building materials and hardware, nurseries	1 per 500 s.f. of floor space, 1 per 3,000 s.f. of outdoor use area	Medium	Medium
<b>Eating and Drinking Places</b>			
Restaurants and bars (on-site consumption. With dancing facilities, are also to meet dance club parking requirements)	<b>Customer Spaces</b> 1 <del>table per patron per table</del> , 1 per 2 counter stools, plus	High	Medium
	<b>Employee Spaces</b> 1 per 6 tables, 1 per 100 s.f. of kitchen		
Fast food (includes drive-ins. If patron tables provided, use must also meet restaurant customer space requirement)	1 per 25 s.f. of kitchen	High	Medium
Food and beverage retail sales	1 per 200 s.f. of floor area, 1 per checkstand	High	Medium
Furniture, home furnishings and equipment	1 per 500 s.f. of sales area, 1 per 1,000 s.f. of storage area	Low	Medium
General merchandise stores	1 per 300 s.f. of sales area, 1 per 600 s.f. of storage area	Medium	Low
Mail order and vending	1 per 1,000 s.f. of use area	Low	Low

(8) Service Uses. Parking required for a service use is to be a minimum of two (2) spaces for each use or separate tenancy, except where more spaces are required as follows:

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Auto repair and service	4 per service bay, 1 per 1,000 s.f. of outdoor active use area	Medium	Low
Equipment rental	1 per 500 s.f. of floor area, 1 per 2,000 s.f. of outdoor use area	Medium	Low
Copying and reproduction	1 per 400 s.f. of floor area	Medium	Low
Contract construction services	1 per 500 s.f. of floor area	Low	Low
Correctional institutions	As determined by Planning Commission		
Financial services	5 per teller window, 3 per service desk	High	Low
Health care	1 space per 200 s.f. of floor area	High	Low



**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Hospitals	1 per bed, 1 per office space	High	Low
Laundries and Dry Cleaning Plants	1 per 1,000 s.f. of floor area, plus 2 per office space	Low	High
Pick-up	2 per check stand	High	Low
<b>Offices</b>			
Accounting, advertising, agencies, architecture, government, insurance, law, offices, real estate	1 per 400 s.f.	Medium	N.A.
Other offices	1 per 500 s.f. of floor area	Low	N.A.
Photography studios, commercial art studios	1 per 400 s.f. of floor area	Low	N.A.
Post offices	5 per service window, 1 per 500 s.f. of floor area other than customer area	High	High
<b>Personal Services</b>			
Barbershops	2 per chair	Medium	N.A.
Beauty shops	3 per chair	Medium	N.A.
Dry cleaners	1 per 500 s.f. of floor area	Medium	Low
Funeral and crematory services	1 per 4 seats in each assembly room, 2 per office or 1 per 40 s.f. of floor area in assembly rooms, whichever is greater	Medium	Medium
Health spas	1 per 300 s.f. of floor area	Medium	N.A.
Laundromats	1 per 2 washers	High	N.A.
Other personal services	1 per 500 s.f. of floor area	Medium	N.A.
Public safety facilities	As determined by Planning Commission		
Repair service (consumer)	1 per 400 s.f. of floor area	Low	Low
Waste disposal site	As determined by Planning Commission		

(9) Transient Lodgings.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Hotels, motels	2 spaces, plus 1 per unit, plus 1 per 10 units	High	Low

(10) Transportation Uses.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
-----	-------------------------	-----------------------	-----------------------

**ITEM 4**  
**Zoning Text Amendments**  
**ZCH22-0053/ City of Atascadero**

Public utility terminals	None, provided sufficient usable area is available to accommodate all employee and visitor vehicles entirely on-site	Low	Low
Transit stations and terminals	1 per 20 s.f. of waiting area, 1 per 300 s.f. of office space; additional spaces as required for accessory uses (restaurants, etc.)	High	High
Truck stops	1 per 1,000 s.f. of use area for first 5,000 s.f., 1 per 3,000 s.f. of use thereafter	Medium	High
Vehicle and freight terminals	2 per loading bay, 1 per 300 s.f. of office space	High	High
Vehicle storage	None, provided sufficient usage area is available to accommodate all employee and visitor vehicles entirely on-site	Low	Low

(11) Wholesale Trade.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
<b>Warehousing</b>			
Commercial storage	1 per 2,000 s.f. of use area for first 10,000 s.f., 1 per 5,000 s.f. of use area thereafter	Low	High
Ministorage	2 spaces for manager office	Low	Low
Wholesaling and distribution	1 per 1,000 s.f. of use area for first 10,000 s.f. of use area, 1 per 3,000 s.f. of use thereafter	Low	High

**9-4.123 Driveway standards for single-family residential uses.**

Driveways for single-family residences shall be improved as follows in order to make adequate provision for access including that necessary for emergency vehicles:

- (a) Surfacing. Private driveways with an average slope of twelve (12) percent or more shall be surfaced with asphalt ~~or concrete or chip seal~~ while private driveways with an average slope of less than twelve (12) percent shall be provided with an all-weather surface. No driveway shall be allowed to exceed an average slope of twenty (20) percent unless adjusted (Section 9-1.112) upon a determination that no

other feasible alternative is available. Plan and profile drawings may be required by the Planning Director in order to determine the average slope.

- (b) Width. Private driveways shall have a minimum width of twelve (12) feet.
- (c) Vertical Clearance. Private driveways shall have a vertical clearance of fourteen (14) feet.

#### **9-4.128 Fencing and screening.**

Standards for fencing and screening are established by this section to protect certain uses from intrusion, to protect the public from uses that may be hazardous, and to increase compatibility between different land uses by visual screening. Fencing is the enclosure of an area by the materials identified in subsection (c) of this section. Screening is the enclosure of an area by a visual barrier, which may include solid fencing or other materials, as specified in subsection (c) of this section.

(a) Fencing and Screening—Where Required. Within the urban services line, the uses and areas listed in this subsection shall be fenced and/or screened, as indicated. Unless otherwise specified, fencing and screening are to be a minimum height of six (6) feet. Fencing and screening materials of a height greater than three (3) feet shall not be located within a required primary, secondary, or corner street setback.

(1) Utility and Mechanical Equipment. When located outside of a building, support equipment, including all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems ~~air conditioning and heating devices~~, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

(i) Roof-Mounted Equipment. To be screened by architectural features from the view of abutting streets.

(ii) Equipment at Grade. All exterior support equipment shall be screened or incorporated into the design of buildings so as to minimize visual impact from the public right-of-way or adjacent residential zones. When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties. Screening materials shall be consistent with the exterior colors and materials of the building or shall include evergreen landscaping that will grow to fully screen the equipment within 6 months of installation. This subsection does not apply to single-family residential uses.

(a) The Design Review Committee (DRC) may grant an exception to these requirements. In granting a request for an exception, the Design Review Committee (DRC) shall find that screening is infeasible due to health and safety or utility requirements.

(2) Outdoor Storage. To be screened on all sides by a wall or fencing.

(3) Public Utility Substations. To be screened on all sides in a manner that will provide an effective visual barrier as well as the necessary safety clearances required by order of the California Public Utilities Commission.

(4) Side and Rear Lot Lines. The side and rear property lines of all nonresidential uses are to be screened as follows:

(i) Adjacent to a Residential Use or Zone. A solid wall or fencing shall be located on side and rear property lines of any nonresidential or nonagricultural use abutting a residential use or zone.

(5) Swimming Pools. Yard areas with private swimming pools ~~are to be fenced to discourage unsupervised access and use by small children. Such fencing is to~~ must be constructed per building code requirements.

(b) Exceptions to Fencing and Screening Requirements.

(1) Buildings Abutting Property Lines. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

(2) Location Adjustment. Where property fencing or screening is required, the location may be adjusted by approval of an administrative use permit (refer to Section 9-1.112 of this title), so the fencing may be constructed at or within the setback line, provided the areas between the fence and the property lines are landscaped, or in rural areas, retained in their natural vegetative state.

(3) Planning Commission Modification. Any of the requirements of this section may be waived or modified through conditional use permit approval, provided the Planning Commission first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

(c) Standards for Fencing and Screening Materials. All fencing and screening shall be allowed as follows:

(1) Height. Fence and screen height shall be permitted as follows:

(i) RS/RR/RSF-Z/RSF-Y (with One (1) Acre Net or Larger) Zones.

a. Fencing within a required street setback may be up to five (5) feet in height, provided that the top two (2) feet remain a minimum of eighty percent (80%) visibility. The fence shall not impair safe sight distance for vehicular traffic nor result in any other potential adverse impact on human health and safety (refer to engineering standard: Minimum Sight Distance for Driveways and Intersecting Roads with Stop Control).

b. Fencing associated with agriculture type activities, including, but not limited to, “deer fencing” and other fencing that is a minimum of eighty percent (80%) visible may be up to seven (7) feet in height. Chain link fencing, wrought iron fencing, and any other decorative type of fencing is not considered “agriculture” type fencing for the purposes of this subsection.

c. Fencing within a required side or rear setback may be a maximum of six (6) feet in height.

- (ii) RSF-Y (Less Than One (1) Acre Net) /RSF-X/LSF-Z/LSF-Y/LSF-X/RMF-10/RMF-20.
  - a. Fencing within a required primary, secondary, or corner street setback can be a maximum of four (4) feet in height.
  - b. Fencing within a required side or rear yard setback shall be a maximum of six (6) feet in height.
- (iii) Residential Gates.
  - a. Gates are permitted in single-family residential zoning districts for private driveways.
  - b. Gates shall be setback a minimum of twenty (20) feet from the right-of-way in accordance with engineering standards.
  - c. Gates shall be a maximum of twelve (12) feet in height and shall remain residential in nature.
  - d. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height.
  - e. Gates shall comply with emergency access standards.
  - f. Gates shall not swing open toward the street unless the maximum swing is not closer than sixteen (16) feet from the edge of the right-of-way.
  - g. Gates or associated structures shall comply with minimum sight-distance standards.
  - h. A construction permit shall be required for all gates that exceed six (6) feet in height or contain electrical components.
- (iv) Height Measurement. Fence height shall be measured from the adjacent grade of the downhill side of the wall, fence, or hedge.
  - a. Where fences or walls are located on retaining walls or berms, the height of the retaining wall or berm shall be considered as part of the overall height of the fence or wall if the retaining wall or berm exceeds two (2) feet in height.
  - b. If a retaining wall is terraced and separated by five (5) feet of horizontal space or greater, they shall be considered individual walls for the purposes of measuring height.

(v) CN/CP/CR/CS/CT/CPK/DC/DO.

a. Barbed wire/ razor wire/ concertina wire shall not be located in commercial zones. This does not apply to agricultural fencing utilized in a low height four (4) feet in height or less within a rural setting to enclose livestock.

(vi) IP/I zones.

b. Barbed, razor, or concertina wire is subject to approval of the Design Review Committee (section 9-2.107) if findings can be made that it will not negatively impact the health and welfare of the surrounding area and its appearance is consistent with surrounding properties and land uses.

(2) The Design Review Committee (DRC) may grant an exemption to the front setback fencing requirement to a maximum of six (6) feet in height if proposed fence would be consistent with the neighborhood character and does not impair site distance for vehicular traffic, as reviewed by the City Engineer.

(3) Permit to Exceed Height. A minor conditional use permit approval is required where fencing is proposed to be greater than six (6) feet in height within or outside any required setback, with the exception of fencing described in subsection (c)(1)(i)(b) or subsection (c)(1)(ii)(a).

(4) Screening Materials Substitution. Where screening is required to be a solid wall or fence, the following materials may be substituted subject to the approval of the Community Development Director through adjustment (see Section 9-1.112 of this title), except where screening is required adjacent to a residential use or zone:

(i) Landscape Screen. Screening plant materials may be substituted for a wall or fence, where:

a. Notwithstanding section 9-4.128(a)(1)(ii), proposed plant materials are certified in writing by a registered landscape architect as having the capability of achieving sixty percent (60%) of total view blockage within eighteen (18) months of planting, and one hundred percent (100%) of total view blockage within thirty-six (36) months of planting; and

b. The applicant agrees in writing to install solid fencing after the expiration of thirty-six (36) months, in the event that the landscaping has not totally blocked the view of areas required to be screened.

(ii) Berms. A landscaped berm may be substituted for a wall or fence, provided that the combination of berm and landscaping is no less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of three to one (3:1), with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. The berm shall be planted with shrubs, lawn or groundcover.

(iii) Chain-Link Fencing. Vinyl-coated, chain-link fencing with evergreen landscape screen planting may be substituted for a solid wall or fence in commercial and industrial zones, except where screening fencing is required adjacent to residential uses and zones

#### **9-6.105 Home occupations.**

An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services is subject to the standards of this section.

(a) Appearance, Visibility and Location. The standards of this section determine what physical changes may occur in a dwelling unit to accommodate a home occupation and where on a residential site a home occupation may be conducted.

(1) Changes to the Dwelling. The home occupation is not to change the residential character of the outside appearance of the building, either:

(i) By the use of colors, materials, lighting, signs or by the construction of accessory structures or garages visible from off-site and not of similar character as the residence; or

(ii) By the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

(2) Display of Products. The display of home occupation products for sale, in a manner visible from the public street or adjoining properties, is prohibited.

(3) Outdoor Activities. On sites of less than one (1) acre, the use shall be conducted entirely within a principal or accessory structure except instructional activities that may be performed outdoors. Outdoor storage of materials related to the home occupation is allowed only on parcels one (1) acre or larger (except as otherwise provided by Section 9-6.103), where such storage is to be screened from view of any street or adjacent property.

(4) Use of Garage or Accessory Structure. The use of a garage or accessory structure is allowed subject to Section 9-6.106, except that the conduct of the home occupation shall not preclude the use of the garage for vehicle parking unless any required replacement parking can be accommodated on site.

(b) Area Devoted to a Home Occupation. The home occupation shall be incidental and subordinate to the principal use of the site as a residence.

(c) Employees. No person other than members of the household residing on the premises may be employed and working on the site, except that employees, including independent contractors, partners, and similar employee-type relationships, may be permitted through administrative use permit approval (refer to Section 9-1.112) as follows:

(1) The number of employees shall be unlimited, if the following criteria can be complied with:

(i) The employees do not work at or report to the site of the home occupation during, or immediately before or after, the normal operating hours of the business.

(ii) No additional vehicles, equipment, or outside storage shall occur at the residence as a result of the increased number of employees.

(2) A maximum of two (2) employees, if the following criteria can be complied with:

(i) No additional client vehicles are generated to the premises as a result of the increased number of employees.

(ii) The function of the employees in working on the site is to provide direct service to the employer rather than to the clients of the business.

(iii) It is necessary for the operation of the business to have the employees working at the site of the home occupation.



(iv) Any additional vehicles, equipment, or outside storage can be maintained on the site in compliance with subsection (a) of this section.

(v) The allowance of employees will not have any adverse effect on the surrounding residential area.

(d) Hours of Operation. Hours of operation are unrestricted except that home occupations which generate sounds audible from offsite shall be limited to the hours from 7:00 a.m. to 7:00 p.m., provided that such home occupation complies with the standards of Chapter 9-14.

(e) Limits on the Kinds of Home Occupations Allowable. Subject to all of the standards of this section, allowable home occupations consist of:

(1) Office-type personal or business services (including personal instruction such as music lessons or contracting services not involving on-site storage of materials or equipment) that do not involve the presence of more than one (1) client vehicle at any one (1) time;

(2) Handcraft or artwork production, including, but not limited to, pottery and ceramics, artistic glass or metalwork, electronic components, woodcarving and woodworking (except for mass-production operations such as cabinet shops), antique furniture restoration, painting and photography, except when such use involves on-site use of equipment requiring more than standard household electrical current at one hundred ten (110) or two hundred twenty (220) volts or that produces noise (refer to Chapter 9-14), dust, odor or vibration detrimental to occupants of adjoining dwellings;

(3) The personal sale of cosmetics, personal or household products (except appliances), or other goods or products; when such sales occur on the premises of the purchaser, provided that wholesale sales may occur pursuant to subsection (f) of this section, or occur off the premises in some other approved location; and

(4) Small-scale agricultural accessory uses and horticultural specialties.

(f) Sale of Products. On-site retail sales of the products of a home occupation are prohibited, except:

(1) Garage sales or the sale of handcrafted items and artwork produced on site are allowed not more than twice per year, for a maximum of two (2) days per sale;

(2) Home distributors of cosmetics and personal or household products may supply other approved home occupation proprietors; and

(3) Agricultural produce stands are permitted consistent with Section 9-6.117.

(g) Signing. One (1) identification sign with a maximum area of two (2) square feet may be erected pursuant to Chapter 9-15. A commercial vehicle carrying any sign identifying the home occupation and parked on or adjacent to the residential site visible from the public street is included in determining the maximum allowable area of on-site fixed signs.

(h) Parking and Traffic. Traffic generated by a home occupation is not to exceed the volume normally expected for a residence in a residential neighborhood. All parking needs of the home occupation are to be met off the street. For purposes of this section, normal residential traffic volume means up to ten (10) trips per day. This subsection does not apply to garage or handcraft sales pursuant to subsection (f)(1) of this section.

(ii) Oversized/ Heavy Equipment Storage. Storage of oversized equipment is limited to one item that may be stored onsite. Heavy equipment includes, but is not limited to self-propelled, self-powered or pull-type equipment and machinery, weighing 5,000 pounds or more, primarily employed for construction, industrial, and forestry uses (e.g., water tender, backhoe, mini-excavator, and SWECO tractor). Any on-site storage of heavy equipment associated with a home occupation may only be approved if the following condition are met:

- (4) Equipment must be entirely screened from the public right-of-way and adjacent parcels.
- (5) The City Engineer must determine there is adequate access and that the equipment will not unreasonably impact surrounding public streets.

#### **9-6.106 Residential accessory uses.**

The standards of this section apply to the specific types of residential accessory uses and structures as listed. Standards for agricultural accessory structures are subject to Section 9-6.109. Agricultural accessory structures for the keeping of animals are subject to Section 9-6.112.

(a) Swimming Pools. Swimming pools, including hot tubs, spas, and related equipment, may be located within any required side or rear setback, provided that they are no closer than eighteen (18) inches to a property line (additional setbacks may be required by the adopted building code), and provided that they are fenced as required by Section 9-4.128.

(b) Detached Accessory Structures. Any detached accessory structure intended for residential accessory uses and accessory storage.

(1) Limits on Use. An accessory structure may be constructed or used solely for noncommercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; for maintenance or mechanical work on vehicles owned or operated by the occupants; for an approved home occupation; or for other similar purposes.

(2) Floor Area. The maximum gross floor area of a detached accessory structure is not to exceed one hundred percent (100%) of the gross floor area of the principal structure, up to two thousand (2,000) square feet, whichever is less.

- ~~(ii) The floor area may be increased by approval of an administrative use permit (Section 9-1.112) to allow additional floor area over the specified limits, when consistent with the appearance and design criteria in subsection (b)(3) and when additional findings can be made to support an increased size.~~

(3) Appearance and Design. An accessory structure that exceeds fifty percent (50%) of the gross floor area of the ~~principle~~ principal structure shall adhere to the following criteria:

(i) Accessory structure shall not be located between the primary structure and the public roadway, unless no purpose of the location limitation is served based on the size, topography, or unique situation of the property;

(ii) Accessory structure shall be compatible with the pattern of development in the neighborhood (there are similar structures on adjacent properties, and properties are of a size, nature and topography so as to not create a significant aesthetic impact);

(iii) Accessory structure is compatible or complementary with the architectural style of the primary structure;

~~—(iv) The floor area of the accessory structure is equal or lesser than the floor area of the primary structure;~~

(iv) The accessory structure is located on a conforming lot or a lot that is one (1) acre (net) or greater;

(v) The accessory structure can be built to avoid substantial grading and the removal of significant native trees;

(vi) The accessory structure does not block sunlight for adjacent properties, alter site distance for roads or driveways, nor substantially alter the visual quality of the property;

(vii) The accessory structure shall be located no closer than ten (10) feet to the side property line as measured from the nearest roof eave; and

~~(viii)~~ The accessory structure shall be located no closer than forty (40) feet to the nearest residential dwelling on an adjacent property.

(4) Exceptions. The following exceptions shall apply to the size and/or design criteria limitations:

(i) The size of an accessory structure may be increased above the size limitations with an approval of an Administrative Use Permit

(ii) If a structure cannot meet the design criteria for an accessory structure exceeding 50% of the gross floor area of the primary structure, exceptions may be granted through the approval of an Administrative Use Permit.

~~(45)~~ Residential accessory structures one hundred twenty (120) square feet or less are exempt from requiring a permit if the structure is incidental to the primary use and meets the following requirements:

(i) The structure does not create a nuisance;

(ii) The use of the structure is permitted under its zoning;

(iii) The structure meets the property's rear and side yard minimum setback requirement of three (3) feet if the structure is less than twelve (12) feet in height;

(iv) If the structure is more than twelve (12) feet in height, standard setback shall be required regardless of exemption;

(v) The accessory structure is located outside of the required front yard setback;

(vi) A minimum (5) foot setback is required between structures. If structures are abutting, the aggregate area of the buildings shall be considered one (1) building and shall require a building permit; and

(vii) Hoop Structures/Greenhouses. Limited to two (2) per residential property. Additional structures may be approved with DRC approval.

~~(56)~~ Offices/Art Studio. Offices or art studios are defined as any type of residential occupancy construction (R) with no kitchens, no overnight stays, cooking facilities and/or no bathing facilities (one (1) water closet is permitted). Studios shall be limited to four hundred fifty (450) square feet. Studios greater than four hundred fifty (450) square feet shall be considered accessory or urban dwelling units. Deed restrictions shall be required for any proposed office or art studio with plumbing limiting the use of the studio.

~~(67)~~ Number of Structures. The number of nonexempt accessory structures requiring a building permit shall be limited to three (3) ~~two (2)~~ structures.

(c) Mini-bike, motorcycle, dirt bike or similar two (2) or more wheel motor vehicle riding is allowed subject to the following limitations:

(1) No more than two (2) such vehicles shall be operating at the same time.

(2) Operation is limited to a maximum of two (2) hours in a day. Limit applies even if only one (1) such vehicle is being operated.

(3) Operation is limited to a maximum of eight (8) hours in a week.

(i) This limit applies even if only one (1) such vehicle is operated.

(ii) A week shall be measured from Monday through Sunday.

(4) Notwithstanding the above, no such use shall be allowed prior to noon on Sundays.

(5) Any violations to the above-mentioned limitations are subject to cost recovery for responses to disturbances, as listed in Section 9-14.14.

(d) Exceptions to Accessory Structure Standards.

(1) Notwithstanding section 9-6.106(b)(4), ~~D~~ detached accessory structures that deviate from requirements are subject to the approval of a minor conditional use permit.

(2) Minor Use Permit Required: A minor Use Permit shall be required for the following:

- (i) Any detached accessory structure in excess of the ~~three (3)~~ ~~two (2)~~ structures permitted
- (ii) ~~or w~~When multiple exempt accessory structures (less than one hundred twenty (120) square feet) are constructed on the premises that are no longer accessory uses to the primary unit ~~as determined by the Community Development Director is subject to the approval of a minor conditional use permit.~~

(e) Agricultural Accessory Uses. This subsection applies to small-scale agricultural uses that are incidental to a primary use in Residential Zoning Districts.

(1) Hobby crop production and processing. Incidental crop production and small-scale processing is permitted subordinate to the residential use of the property. Any accessory structures used for this purpose must comply with accessory structure standards of this section.

(i) Agriculture intended for commercial use must also comply with home occupations standards as listed in Section 9-6.105.

(2) Produce stands are permitted in compliance with Section 9-6.117.

(3) Farm animal raising is permitted in compliance with Section 9-6.112.

**9-6.125 Schools, ~~and~~ preschools, ~~and~~ child day care facilities.**

The provisions of this section apply to preschools and public and private schools providing instruction for preschool through twelfth grade children; business and vocational schools; and to preschools and other facilities including individual homes where day-care services are provided to more than six (6) children.

(a) Elementary and High Schools.

(1) Location. No closer than one thousand (1,000) feet to CS, CPK, IP and I Zones or five hundred (500) feet from a CR Zone.

(2) Parking. Off-street parking is to be provided at a ratio of two (2) spaces for each classroom, and one space for one hundred (100) square feet of administrative or clerical office space. Except that where Section 9-4.114 would require more spaces for an on-site auditorium, stadium, gymnasium or other public or sports assembly facility, the larger number of spaces is to be provided.

(b) Business and Vocational Schools.

(1) Limitation on Use. Business and vocational schools are allowed in the IP Zones only when the curriculum offered is primarily in subjects relating to industry and/or manufacturing.

(2) Parking. Off-street parking is to be provided at a ratio of one (1) space per seat in the largest classroom or instructional area, in addition to spaces required for any proposed auditorium by Section 9-4.114.

(c) Preschools and Child Day Care. The following standards apply in addition to the state licensing requirements in Title 22 of the [California Administrative Code](#).

(1) Minimum Site Area – Preschools and Child Care Centers. Six thousand (6,000) square feet where a facility is to accommodate seven-fifteen (715) or more children.

(2) Site Design Standards.

(i) Fencing. All outdoor play areas are to be enclosed with fencing a minimum of four (4) feet high: provided that such fencing is to be solid and a minimum of six (6) feet in height on any property line abutting a residential use on an adjoining lot.

(ii) Parking and Loading Requirement. For facilities with six (6) or less children, no requirement other than that normally required for a residence; for facilities with seven (7) to ~~twelve-fourteen~~ (124) children, one (1) space per employee, two (2) guest spaces, and an off-street drop-off area ~~is to be provided with the capability to that can~~ accommodate at least two (2) cars must be provided; in addition to the parking normally required for the residence; to be established through conditional use permit approval for facilities with more than ~~ten-fourteen~~ (104) children.

#### **9-6.135 Residential care facilities.**

(a) Minimum Site Area. ~~Twenty Ten~~ thousand (120,000) square feet is the minimum site area for more than six (6) boarders.

(b) Fencing. Any play areas for children are to be fenced to prevent uncontrolled access to and from the site.

(c) Parking. Non-medical facilities shall meet multi-family parking standards. For facilities with medical care more than six (6) boarders, parking is to be provided as set forth in Section 9-6.134(b).

#### **9-6.167 Towing Services**

Establishments defined as towing services are subject to the following standards:

(c) Location Criteria. The location shall be as follows:

2. Street Characteristics. A towing service shall be approved only on an arterial or collector road.

(d) Site Design Criteria. In addition to the other applicable standards of this title, the following are applicable to service stations:

(6) A minimum 10-foot wide landscape setback shall be provided along all street frontages. If the towing service and vehicle storage yard is utilizing an existing building with less than 10 feet between the building and any right-of-way, the provided setback shall be landscaped.

(7) All outdoor storage areas shall be screened from the right of way and adjacent properties by a minimum six-foot high solid fence or masonry wall around the entire perimeter of the outdoor storage area.

(8) Outdoor storage areas that abut a residential zone shall be separated from such property by a landscaping strip with a minimum width of ten (10) feet.

(9) All parking areas are to be surfaced with an asphalt, concrete, or crushed rock surface.

- (10) Outdoor vehicle storage shall be limited to 8,000 square feet. A larger outdoor storage area shall be subject to the review and approval of a conditional use permit and shall be at least than 300 feet from a residential zoning district.

**9-6.177 Temporary events.**

Where allowed, temporary events are subject to the standards of this section; except when such events occur in theaters, convention centers, meeting halls, or as part of a City sponsored event on public property other public assembly facilities. Swap meets are subject to the standards of Section 9-6.139.

(a) General Requirements.

(1) Public Events. No entitlement permit is required for admission for free events held at a public park or on other land in public ownership when conducted under the management of a public agency, ~~or organization, school or church provided that the event is conducted in accordance with all applicable provisions of this title.~~

(2) Commercial Entertainment Events. Temporary Ccommercial outdoor entertainment activities events require the approval of a Temporary Event Permit and are subject to the provisions of this section and regulations governing business licenses.

(3) Parades. Parades and other temporary events within the public right-of-way are not subject to these Temporary Event standards requirements, provided that all requirements of the City Engineer and Police Department are met.

(b) Time Limit. A temporary event may is to be held in a single location for a period no longer than twelve twenty (12) (20) consecutive cumulative days per year, or four two (4) (2) successive weekends (Saturday and Sunday), unless a longer time period is approved through an Administrative Use Permit.

(c) Site Design Standards.

(1) Access. Outdoor temporary events shall be provided with a minimum of two (2) unobstructed access points, each a minimum of eighteen (18) feet wide, from the event site to a publicly maintained road and must provide adequate access to emergency services throughout the event site, subject to review and approval of the City Fire Marshal.

(2) Parking. Off-street parking is to be provided for private events as follows, with such parking consisting at minimum of an open area at a ratio of four hundred (400) square feet per car, on a lot free of flammable material. Adequate off-street parking shall be provided for the proposed event, except that temporary events in the Downtown Commercial zoning district shall not require off-street parking. All parking areas shall be on a non-flammable surface.

(3) Restrooms. Establishment of temporary food services (food trucks) shall have access to approved restrooms on site. Restroom facilities located off-site within 200 feet of the food service may be approved, subject to the approval of the Building Official.



(4) Installation of electrical service or fixtures governed by the building code for a temporary event site shall be subject to City review of a construction permit, unless otherwise exempted by the City Building Official.

(5) Tents or related structures that are greater than 400 square feet shall require a construction permit, subject to the approval of the Fire Marshal.

~~(i) Seated Spectator Events. One parking space for each twelve (12) square feet of seating area.~~

~~(ii) Exhibit Event. One parking space for each seventy five (75) square feet of exhibit area.~~

(d) Guarantee of Site Restoration. A bond or cash deposit **is may be** required for approval of a temporary event to guarantee site restoration after use, and operation in accordance with the standards of this title. The guarantee shall cover both operation and restoration and is subject to the provisions of Section 9-2.121.

#### **9-9.102 General definitions.**

**Above grade.** Any elevation higher than the natural ground contour.

**Access.** The safe, adequate, usable means of vehicular or pedestrian entrance or exit to a site.

**Accessory dwelling unit (ADU).** ADUs are defined by Government Code Section 65852.2 to mean an attached or detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single-family or multifamily dwelling per the standards set forth in this section. An accessory dwelling unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.

**Accessory structure.** A non-habitable structure located on a residential lot occupied by a primary unit, exclusive of accessory dwelling units. Accessory structures may include, but are not limited to, workshops, garages, pool houses, and art studios. A utility bathroom with shower and heating/air conditioning may be installed subject to design limitations and with a deed restriction that limits the building's use to nonresidential purposes and prohibits overnight stays. Attached structures may be permitted consistent with Sections 9-5.060 and 9-6.106.

**Agricultural accessory building.** An uninhabited structure, designed and built to store farming animals, implements, supplies, or products (not including commercial greenhouses or buildings for agricultural processing activities), which is not used by the public.

**Agricultural products.** Food and fibre in their raw, unprocessed state (except for such field processing that may occur in conjunction with harvesting) and ornamental plant materials.

**Agriculture.** The science and art of farming, producing crops, floriculture, horticulture and animal husbandry.

**Air contaminant.** Any combination of smoke, charred paper, dust, soot, carbon, noxious acids, fumes, gases, or particulate matter.

**Ambient noise level.** The composite of all noises from all sources near and far. In this context, the ambient noise level is the normal or existing level of environmental noise at a given location.

**Apartment.** A room or flat occupied or designed to be occupied by one (1) family for living or sleeping purposes with cooking facilities.

**Apartment house or multiple dwelling unit.** A building or portion of a building designed or used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

**Appeal, scope of.** The matters to be heard on appeals filed pursuant to this title shall be confined to the project as proposed to the original or first decision maker, without change. However, the applicant, or person appearing on appeal, shall not be prevented from submitting information concerning the unchanged proposal which had not been submitted with the original proposal.

**Arcade.** Any site or business providing in part or as a whole, an amusement service consisting of coin-operated games or devices, where more than five (5) coin-operated games or devices are present or where more than twenty-five percent (25%) of the public area is used for the placement or operation of such games or devices.

**Archeological resource.** Any Native American or pre-Columbian artifact or human remains.

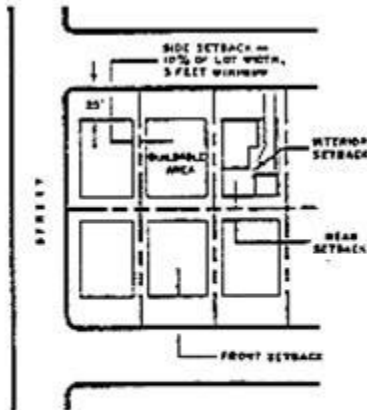
**A-weighted sound level.** The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated “db(A)” or “dbA.”

**Basement.** That portion of a building between the floor and ceiling that is partly below and partly above grade so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

**Billboard.** See “Sign, off-premises.”

**Boardinghouse.** A boardinghouse is a structure where lodging and meals are furnished for compensation to at least five (5) persons.

**Buildable area (developable area).** The area of the site in which structures may be located, not including required yard areas (see Figure 9-A).



**FIGURE 9-A: BUILDABLE AREA**

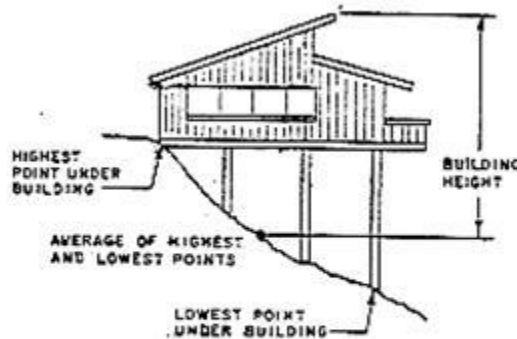
**Building.** Any structure having a roof supported by columns and/or walls and intended for shelter, housing, and/or enclosure of any person, animal or chattel, but not including tents or mobile homes.

**Building, accessory.** A detached subordinate building the use of which is incidental to that of a main building on the same lot.

**Building and construction ordinance.** Title 8 of this code.

**Building face.** The exterior walls of a building extending vertically from the building line.

**Building height.** The vertical distance from the average level of the highest and lowest point of that portion of the lot or building site covered by the building to the topmost point of the structure, excluding chimneys or vents (see Figure 9-B).



**FIGURE 9-B: BUILDING HEIGHT**

**Building, main or principal.** A building where the principal use of its lot and or building site is conducted.

**Building site.** The area within a lot of record (or contiguous lots under single ownership) actually proposed for development with buildings or structures, including areas immediately adjacent to the buildings or structures to an extent equivalent to any required setback areas.

**Carport.** A permanent roofed structure with not more than two (2) enclosed sides, which is used or intended to be used for automobile shelter or storage.

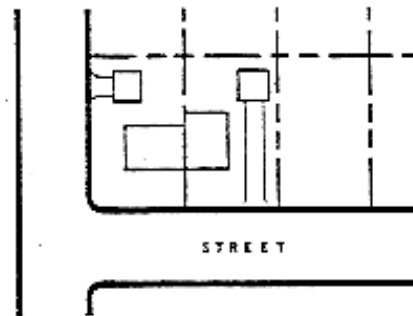
**Channel.** The area occupied by the normal flow of an intermittent or perennial stream during non-flood conditions.

**Combustible liquid.** Any liquid having a flash point at or above one hundred (100) degrees Fahrenheit and below two hundred (200) degrees Fahrenheit, including, but not limited to, diesel fuel, kerosene and Jet A.

**Commercial coach.** A vehicle, with or without motive power, including any mobile home or recreational vehicle, designed and equipped for human occupancy.

**Commission.** The Planning Commission of the City.

**Common wall development.** Two (2) residences on adjoining lots, constructed so that they abut each other at their common property line (see Figure 9-C).



**FIGURE 9-C: COMMON WALL  
DEVELOPMENT**

**Communication towers.** Any tower or other structure erected for the purpose of radio, television or microwave transmission or line-of-sight relay devices.

**Community sewer system.** A sewage effluent collection network, treatment and disposal facilities provided within a prescribed service boundary, which results in the primary, secondary, or tertiary treatment of such effluent.

**Community water system.** A water storage and distribution network for the provision of potable water to the public for human consumption within a prescribed service boundary, operated and maintained by the Atascadero Mutual Water Company.

**Construction.** Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of rights-of-way, structures, utilities or similar property.

**Construction permit.** Any or all of the various entitlements established by Title 8 of this code that authorize commencement of construction activities, including, but not limited to, building permits, grading permits, electrical and plumbing permits, demolition permits and moving permits.

**Convalescent hospital.** A place or institution which provides for bed care or for chronic convalescent care for two (2) or more persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care for themselves.

**Council.** The City Council of the City.

**County.** The County of San Luis Obispo.

**Coverage.** Site or lot coverage means the extent of a lot of record occupied by structures and paving.

**Crop production.** Includes the following crop types and activities and further defined as indicated:

(1) Specialty Crops. Strawberries, herb crops, flower seed and cut flower crops (open field), kiwi vines, edible pod peas, bushberry crops, Christmas trees and other outdoor ornamentals, intensive horticulture, sod farms, clover seed, hops, and wholesale nurseries (see separate definition).

(2) Row Crops. All vegetable truck crops except edible pod peas. Includes lima and snap beans.

(3) Orchards. All fruit and nut tree crops. Does not include kiwi, berry, or other vine crops.

(4) Field Crops. Beans other than snap or lima beans, barley, oats, safflower, wheat, grain and hay including alfalfa, silage and grain corn, sugar beets, melons, cotton.

(5) Rangeland. Grazing of livestock on grasses without irrigation.

(6) Pasture (Irrigated). Grazing of livestock on irrigated grasses.

(7) Vineyards. Grapevines.

(8) Preparation for Cultivation. Land-contouring, clearing, irrigation construction and other preparation of soil for crops.

(9) Field Processing. Mechanical processing of crops in the field at harvest, when such activities do not involve a permanent structure. Such activities include, but are not limited to, hay baling and field crushing of grapes.

**Dance club or nightclub.** Establishment providing for live or recorded music and an area for dancing, including disco.

**Dance studio or school.** An establishment where instruction in the dance arts (ballet, modern dance or any other dance form) is provided students for a fee, except where instruction in predominantly social dance is provided on the premises of a dance club as defined by this title.

**Density.** The measure of the ratio of population to the area of land occupied by that population, which may be expressed as dwelling units per acre, families per acre, persons per acre, or conversely as acres per dwelling unit or square feet per dwelling unit. “Gross density” is the number of lots derived from dividing the area of a site by the area required for each lot or dwelling unit. “Net density” is the number of lots resulting from subtracting the area required for streets from the total area of the undivided site, and then dividing the remaining area by the area required for each lot.

**Density bonus.** A density increase over the otherwise maximum allowable residential density under the applicable municipal code ordinance and Land Use, Open Space, and Conservation Element of the General Plan as of the date of application by the developer to the City (Government Code Section 65915(f)). Density bonuses shall either be in the form of a “State Density Bonus” as defined by Article 30 in Chapter 3, Zoning Districts, or as specified in the Land Use, Open Space, and Conservation Element of the General Plan for exceptionally high design quality.

**Development.** Any activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of buildings or structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use after the effective date of this title.

**Discretionary permit.** An entitlement that may be issued under the provisions of this title, but requires the exercise of judgment and the resolution of factual issues to determine if the application and requested entitlement conform with the provisions of this title. Generally, a discretionary permit consists of any entitlement that requires a decision to approve, approve subject to conditions or disapprove, based on the judgment of the Planning Commission after a hearing (see “Ministerial permit”).

**Drainage facilities.** Constructed improvements for the storage or conveyance of storm runoff in drainage channels, including channels, culverts, ponds, storm drains, drop-inlets, outfalls, basins, pumps, gutter inlets, manholes, and conduits.

**Dredging.** Mechanical alteration of the grade of bottom sediments in any body of water.

**Drive-in restaurant.** Any building or structure in which food or drink are prepared for service to customers outside such buildings or structure or to customers occupying vehicles outside such structure, even though food and drink are served to customers inside such building or structure. Shall include self-service restaurants for food take out.

**Driveway.** A road providing access to a site or land use from a street. A driveway serves no more than five (5) separately owned parcels (see also “Road, private”).

**Dude ranch.** Transient guest occupancy facilities incidental to a working ranch, which may include other accessory recreational facilities and common eating facilities open to overnight guests only.

**Dwelling unit.** An independent, attached or detached residential building designed to house and provide living space, including kitchen and bathroom facilities, for an individual family.

**Entitlement.** Authority acquired by an applicant after receiving approval of an application. For the purposes of this title, land use entitlements are the plot plan, precise plan and conditional use permit (see “Zoning approval”).

**Exploration.** The search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works used to determine the type, extent, or quantity of minerals present (includes prospecting).

**Extraction.** The removal from the earth of oil, gas or geothermal resources by drilling, pumping or other means, whether for exploration or production purposes.

**Family.** A “family” is a “single housekeeping unit” defined as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

**Family, immediate.** Relatives of an applicant or spouse of applicant, limited to grandparents, parents, children, and siblings.

**Flammable liquid.** Liquids with flash points below one hundred (100) degrees Fahrenheit, including, but not limited to, gasoline, acetone, benzene, ethyl ether and ethyl alcohol.

**Flash point.** The minimum temperature of a liquid at which sufficient vapor is given off to form an ignitable mixture with the air near the surface of the liquid.

**Flood, one hundred (100) year.** A flood inundation event, the extent of which has a statistical probability of occurring once every one hundred (100) years.

**Flood fringe.** That portion of the floodplain outside the floodway.

**Floodplain.** Land that has been or may be hereafter covered by flood water, including, but not limited to, the one hundred (100) year flood.

**Flood profile, storm.** A graph or longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

**Floodproofing.** Any combination of structural provisions or adjustments in areas subject to flooding primarily to reduce or eliminate flood damage to properties, water and sanitary facilities, structures, and the contents of buildings in a flood hazard area.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot.



**Floor area.** Includes the total floor area of each floor of all buildings on a site, including internal circulation, storage and equipment space, as measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies.

**Frontage.** A property line of a lot that abuts a street, as follows:

(1) **Primary Street Frontage.** The primary side of the property that abuts a street that typically provides property access, addressing, a front yard space, and is parallel to the secondary frontage and perpendicular to the corner frontage.

(2) **Secondary Street Frontage.** A second side of the property that abuts a street and is parallel to the primary street frontage designed as a double frontage lot.

(3) **Corner Street Frontage.** A second side of the property that abuts a street and is perpendicular, or at a discernable angle, to the primary frontage.

**Garage, private.** A building for storing self-propelled vehicles that is not open to the public, which may include an accessory workshop.

**Garage, public.** Any premises (except a private garage) used for the storage and/or care of self-propelled vehicles, or where such vehicles are equipped for sale or lease.

**General Plan.** The City of Atascadero General Plan, including all elements thereof and all amendments thereto.

**Government Code.** The Government Code of the State of California.

**Grazing.** For the purposes of this title, grazing means the keeping for commercial purposes of cattle, horses or sheep using feed produced on the site.

**Guesthouse.** Sleeping facilities detached from a principal residence and occupied for the sole use of members of the family, temporary guests or persons temporarily employed on the premises; which may include a bathroom and other living space, but not kitchen facilities.

**Health Department.** The County of San Luis Obispo Health Department under contract to the City of Atascadero.

**Home occupation.** Any use customarily conducted entirely within a dwelling or building accessory thereto and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the structure for dwelling purposes and which use does not change the character thereof and does not adversely affect the uses permitted in the zone of which it is a part.

**Hospital.** An institution providing physical or mental health services inpatient or overnight accommodations and medical or surgical care of the sick or injured.

**Hotel.** A building containing six (6) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests.

**Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, hammering, and discharge of firearms.

**Inoperative vehicle.** Any vehicle which is not currently registered or which is not capable of self-propulsion.

**Irrigated.** A lot having existing wells, water storage, and/or drip irrigation system adequate to support any crop suited to the soil type and climate of a site.

**Junior accessory dwelling unit (JADU).** JADUs are defined by Government Code Section 65852.2 to mean a residential accessory dwelling unit internal to an existing or new primary dwelling unit that provides complete independent living facilities for one (1) or more persons. JADUs shall include permanent provisions for living and shall be located on the same parcel and within the same structure as the single-family dwelling. A junior accessory dwelling unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

**Junk yard.** An area improved or unimproved in excess of two hundred (200) square feet:

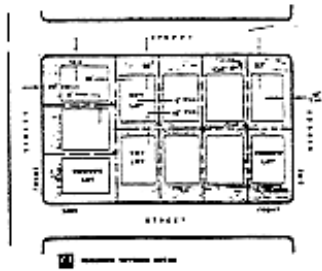
- (1) Upon or in which is stored or kept junk salvage materials, scrap metals, inoperative vehicles and equipment or any combination thereof; or
- (2) Upon or in which vehicles, equipment or other property is dismantled or wrecked; or
- (3) Upon or in which salvage materials, inoperative vehicles or equipment, or parts therefrom, or scrap metals, or any combination thereof, is kept for resale.

Materials or equipment kept on any premises for use in the construction of any building on such premises, and any materials or equipment customarily used on a farm or ranch, and so situated, shall not be deemed “junk” or “salvage material” within the meaning of this definition.

**Light source.** A device that produces illumination, including incandescent light bulbs, fluorescent and neon tubes, halogen and other vapor lights and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source is considered to be part of the light source.

**Loading space.** A space used exclusively for loading or unloading of other than passengers from vehicles into the floor area, use area, or storage area of a building.

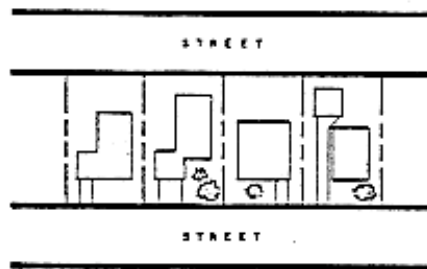
**Lot, corner.** A corner lot is located immediately adjacent to the intersection of two (2) vehicular rights-of-way, including railroads.



**FIGURE 9-D: CORNER LOT AND KEY LOT**

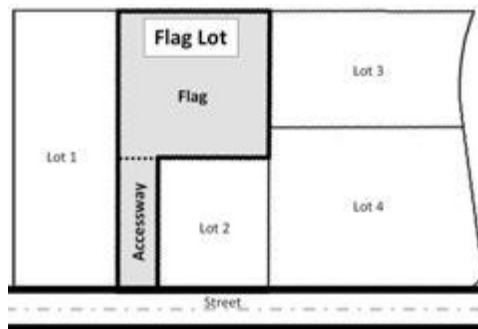
**Lot depth.** The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

**Lot, double-frontage.** A lot extending between two (2) streets, so that two (2) non-contiguous sides of a property abut a street with one (1) frontage being the primary street frontage and the other being the secondary street frontage (see Figure 9-E).



**FIGURE 9-E: DOUBLE FRONTAGE LOT**

**Lot, flag.** A lot which lies substantially behind another lot and is served by an accessway or access easement (refer to Figure 9-F).



**FIGURE 9-F: FLAG LOT**

**Lot width.** Distance between interior property lines measured along the front setback line.

**Manufactured housing.** Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the Federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

**Mined lands.** Includes the surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted, including all accessory access roads, land excavations, workings, mining waste, and areas where structures, facilities, and surface mining equipment, machines, tools or other material or property are located.

**Minerals.** Any naturally occurring chemical element, compound or groups of elements and compounds, formed from inorganic processes or organic substances, including, but not limited to, coal, granite, limestone, metals, peat, “redrock” sand and gravel, tar sand and bituminous sandstone, but excluding geothermal resources, natural gas, and petroleum.

**Mining waste.** Includes residual soil, minerals, liquid, vegetation, tailings, abandoned equipment, tools, other materials or physical conditions directly resulting from or displaced by mining.

**Ministerial permit.** Any permit that may be issued under the provisions of this title without review by the Planning Commission or City Council. A ministerial decision involves only the evaluation of a proposal with respect to fixed standards or objective measurements, without the use of subjective criteria.

**Mobile home.** A trailer, transportable in one (1) or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight (8) feet in width and forty (40) feet in length, is tied down: (a) to a permanent foundation on a lot either owned or leased by the homeowner; or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of “Single-family dwellings” in Section 9-3.500.

**Nonresidential use.** All uses of land including agricultural, communication, cultural, educational, recreation, manufacturing, processing, resource extraction, retail trade, services, transient lodging, transportation and wholesale trade uses.

**Nursery school.** See “Preschool.”

**Obstruction in floodway.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or flood hazard areas that may impede, retard or change direction of flow, either in itself, or by catching or collecting debris carried by such water, or that is placed where it might be carried downstream and damage life or property.

**Occupant.** The person occupying, or otherwise in real or apparent charge and control of, a premises.

**Official plan line.** A line adopted by the City Council to indicate the area proposed to be acquired for an enlarged right-of-way.

**Open area.** All areas of a lot not included within the definition of floor area: parking, recreation spaces, passive open areas landscaped areas and other open, unpaved areas of the site.

**Outdoor activity area.** Any part of a site where commercial, industrial, recreation or storage activities related to the principal use of a site are conducted outdoors, except for parking.

**Owner.** The person or persons, firm, corporation or partnership that is the owner of record of a premises identified on the last equalized assessment roll.

**Ownership.** Ownership of one (1) or more parcels of land (or possession under a contract to purchase or under a lease the term of which is not less than ten (10) years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control.

**Parcel.**

(1) A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act or local ordinance adopted pursuant thereto, to be recorded before sale of parcels shown on the map or plot, at the time the map was recorded;

(2) A parcel of real property that has been issued a certificate of compliance pursuant to Government Code Section 66499.35; or

(3) A parcel of real property not described in subsection (1) or (2) of this definition, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was recorded before the requirement of the filing of the subdivision map by the Subdivision Map Act or local ordinance adopted pursuant thereto.

**Person.** Any individual, firm, co-partnership, corporation, company, association, joint stock association, City, County, State or district; and includes any trustee, receiver, assignee, or other similar representatives thereof.

**Planning Department.** The City of Atascadero Planning Department, including the Planning Director and all subordinate employees.

**Planning Director.** The Planning Director of the City of Atascadero. As used in this title, Planning Director may include designated staff of the Planning Department when acting in an official capacity.

**Porch.** Outdoor steps, stairs, and/or a raised platform less than one hundred (100) square feet in area, located immediately adjacent to the entry of a building for the purpose of providing pedestrian access from the outdoor ground elevation to a building interior. If the platform portion of a porch, not including steps, is more than one hundred (100) feet, it is considered a deck.

**Preschool.** Any type of group child day care programs including nurseries for children of working mothers, nursery schools for children under the minimum age for education in public schools, parent cooperative nursery schools and programs covering afterschool care for school children provided such establishments are institutional in character and are licensed by the State or County and conducted in accordance with State requirements.

**Primary street.** The street side of a property that typically provides property access, addressing, a front yard space, and is parallel to the secondary street and generally perpendicular to a corner street.

**Project.** Any land use, activity, construction or development which is required to be authorized by a zoning approval pursuant to this title before beginning construction or establishment of the use.

**Property line.** The recorded boundary of a lot of record.

**Property line, front.** The recorded boundary between the yard of a lot of record and any abutting public or private street right-of-way.

**Property line, interior.** The recorded boundary between two (2) or more lots of record.

**Property line, street frontage.** The recorded boundary between a lot of record and a street right-of-way.

**Public Resources Code.** The Public Resources Code of the State of California.

**Public utility.** A company regulated by the California Public Utilities Commission.

**Reader board.** A sign that accommodates changeable copy and which displays information on activities and events on the premises, but not including a marquee.

**Reclamation.** The process of land treatment that minimizes and mitigates otherwise unavoidable or existing water degradation, air pollution, damage to aquatic or wildlife habitat flooding, erosion, and other adverse effects from surface or underground mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed and restored to a usable condition readily adaptable for alternate land uses and that will constitute no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

**Reclamation plan.** A mine operator's completed and approved plan for reclaiming the lands affected by mining operations conducted after January 1, 1976, as called for in Section 2772 of the Public Resources Code.

**Recreational vehicle.** Recreational vehicles are defined as any vehicle, coach, camper, travel trailer, boat, or similar movable recreational facility regulated by the vehicle code that does not have a permanent foundation. Recreational vehicles are not permitted to be used as any type of residential unit or residential accessory use.

**Recycling facility.** Any lot or portion of a lot used for the purpose of outdoor storage, sorting, handling, processing, dismantling, wrecking, keeping or sale of inoperative, discarded, wrecked, or abandoned appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including, but not limited to, scrap materials, wood, lumber, plastic, fiber, or other tangible materials that cannot, without further reconditioning, be used for their original purposes. Includes wrecking yards for vehicles.

**Residential additions.** Residential additions (additions) are defined as an increase of floor area to a residential unit, including attached uninhabitable space. Habitable residential additions shall have a continuous, logical internal connection of conditioned space that provides for access to all portions of the unit and addition. Doors or other partitions may not be used to create two (2) separate living spaces.

The addition shall not have a secondary kitchen; however, a wet bar is permissible as defined herein. ~~Habitable a~~ Additions must have a minimum ten (10) feet of shared common wall ~~and a logical internal connection of conditioned space that provides access to all portions of the unit and addition. A breezeway or similar roof connection of unenclosed or unconditioned space, regardless of length, shall not be considered a residential addition.~~ Uninhabitable additions must have a minimum of ten (10) feet of shared common wall. Structures connected by a breezeway or other open sided elements are considered detached structures.

**Residential care facility.** Any facility, place, or building that is maintained and operated to provide nonmedical residential care or day care, services for children or adults (except for preschools which are separately defined) who are physically handicapped or mentally retarded.

**Residential multifamily development.** A residential multifamily property zoned for multiple primary dwelling units that has been developed to the maximum allowed density and which shares access, parking, and/or amenities regardless of the number of underlying parcels. This may include, but is not limited to, attached or detached residential units, common interest subdivisions, and related residential development on single or multiple lots developed as a single development project with a developable density of at least ten (10) units per acre.

**Resource extraction well.** Any facility constructed or installed for the purpose of extracting minerals from the earth that occur in a fluid or gaseous state, or minerals converted to a gaseous or semifluid state through extraction processes, which involve the penetration of subterranean regions by means of drilling apparatus. For the purposes of this definition only, mineral resources include oil, gas, geothermal steam, or other subterranean deposits, except water. Extraction wells as defined herein may be for purposes of exploration or production.

**Rest home.** See “Residential care facility.”

**Revegetation.** Any combination of mechanical or other means by which a graded surface is returned to a condition where it supports significant natural vegetation.

**Right-of-way.** A road, alley, pedestrian or other access right-of-way with width described in recorded documents.

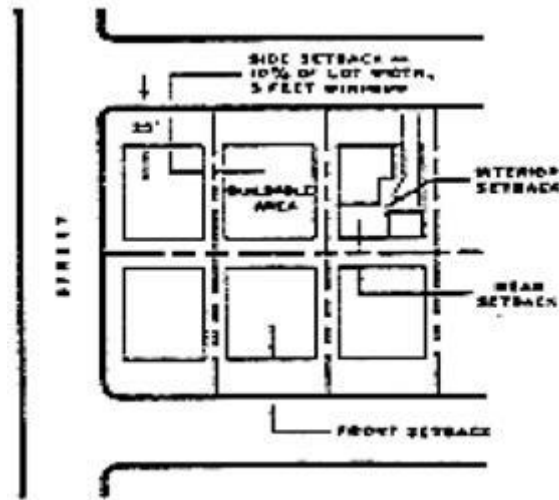
**Road, private.** A road providing vehicular access to five (5) or more lots of record that is not in the City-maintained road system.

**Road, public.** A road providing vehicular access that is in the City-maintained road system.

**Scrap.** Used metal including appliances and machine parts, which can be recycled or reused only with repair, refurbishing, or attachment to other such materials.

**Sedimentation.** The addition of soil materials through erosion to a stream or water body that increases the turbidity of the water.

**Setback.** An open area on a lot between a building and a property line unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 9-4.103 (refer to Figure 9-F).



**FIGURE 9-F: SETBACKS AND BUILDABLE AREA**

**Setback, interior.** Any open area of a site not within a required street, rear, or side setback area (see Figure 9-F).

**Setback line.** The line formed by the measurement of required front, side, or rear yard areas required by this title. All setback lines together define the buildable area.

**Setback, rear.** A primarily open area without principal structures, extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building (see Figure 9-F).

**Setback, side.** A primarily open area without principal structures, between the side line of the lot and the nearest line of the building and extending between the required street and rear setbacks (see Figure 9-F).

**Setback, street (primary, secondary, or corner).** An open area without structures, extending across the frontage of a lot abutting a private or public right-of-way.

**Sign.** Any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premises, product, service, person, organization, business or event, not including such devices visible only from within a building.

**Sign area.** The area of the smallest rectangle within which a single sign face can be enclosed.

**Sign copy.** The information content of a sign, including text, illustrations, logos, and trademarks.

**Sign, directory.** A sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices, studios or shops.

**Sign, exterior-illuminated.** Any sign, any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.



**Sign face.** The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.

**Sign, freestanding.** A sign not attached to any buildings and having its own support structure.

**Sign, freeway identification.** An on-site sign permitted for a highway-oriented use.

**Sign height.** The vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

**Sign, identification.** Any sign identifying an occupant, apartment, residence, school, church, or certain business uses and not advertising any product or service.

**Sign, interior-illuminated.** A sign with any portion of the sign face or outline illuminated by an interior light source.

**Sign, monument.** A self-supported sign with its base on the ground, not exceeding six (6) feet in height.

**Sign, nonilluminated.** A sign illuminated only incidentally by ambient light conditions.

**Sign, off-premises.** A sign directing attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located.

**Sign, political.** A sign drawing attention to or communicating a position on any issue, candidate, or measure in any national, State, local or school campus election.

**Sign, price.** A sign on the premises of a gasoline service station, identifying the cost and type or grade of motor fuel only.

**Sign, roof.** Any sign located on, or attached to the roof of a building.

**Sign, suspended.** A sign attached to and located below any permanent eave, roof, or canopy.

**Sign, temporary.** A sign used not more than sixty (60) days, or other period limited by the duration of a temporary use.

**Sign, wall.** A single-faced sign painted on or attached to a building or wall, no part of which extends out from or above a wall more than six (6) inches.

**Sign, window.** A sign displayed within a building or attached to a window but visible through a window or similar opening for the primary purpose of exterior visibility.

**Single room occupancy unit (SRO).** A structure that provides separate, single room, residential living units with no on-premises residential medical care. Units within the structure may have individual bathroom facilities, shared bath or toilet facilities for the residents, or any combination thereof. SRO may include structures commonly called rooming houses or boarding houses. SRO facilities shall not be age

restricted. Age restricted SRO facilities shall be considered a residential care facility for the elderly (RCFE).

**Site area, gross.** The total area of a legally created parcel (or contiguous parcels of land in single or joint ownership when used in combination for a building or permitted group of buildings), including any ultimate street right-of-way, existing rights-of-way deeded to the parcel, and all easements, except open space easements, across the site.

**Site area, net.** The gross site area minus any ultimate street rights-of-way and all easements, except open easements, that limit the surface use of the site for building construction.

**Site area, usable.** Net site area minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation.

**Slope, average.** The characteristic slope over an area of land, expressed in percent as the ratio of vertical rise to horizontal distance. Average slope is to be determined based on the most accurate available topographic information for each proposed new lot. One of the following methods for determining average slope is to be used:

(1) Basic Method. Where a line drawn between highest and lowest points on a parcel is adequate to represent direction and extent of slope for the entire parcel, the difference in elevation between the high and low points, divided by the distance between the points, will determine the average slope.

(2) Sectional Method. Where the parcel contains distinct sections of differing slope, the average slope of each section may be determined according to either the basic method in subsection (a) of this definition or the contour measurement method in subsection (c) of this definition. The average slope of each section is then used in proportion of the section's area to the total area to determine the average slope of the entire parcel.

(3) Contour Measurement Method. Where precise measurement of the average slope is required due to varied slope conditions or complex topography, the following formula will be used:

$$S = \frac{(2.29 \times 10^{-3}) \sum L I}{A}$$

Where S = Average slope of parcel in percent

A = Total number of acres in the parcel (or section of parcel)

L = Length of contour lines in scaled feet

I = Vertical distance of contour interval in feet

**Sound level meter.** Any instrument including a microphone, amplifier, output meter and frequency weighing networks for the measurement of sound levels, which meets or exceeds the requirements

pertinent for type S2A meters in ANSI specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

**State Board.** The State Mining and Geology Board, in the Department of Conservation, State of California.

**State Geologist.** The individual holding office as structured in Section 677 of the Public Resources Code.

**Storage area.** An area proposed or used for the outdoor storage of supplies or equipment, or goods for sale, lease, or incidental use.

**Story.** Usable floors of a building, except that where this title uses stories as a measurement of a building height. Basements or building floors six (6) feet or more below street level are not included.

**Structural alteration.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Structure.** Any artifact constructed or erected, the use of which requires attachment to the ground, including any building, but not including fences or walls six (6) feet or less in height.

**Structure, accessory.** A structure, the use of which is incidental to that of a principal structure on the same lot. May be either detached or attached if part of the principal structure.

**Subject site.** A parcel or parcels of land which are the intended or actual location of a land use or land development project which is the subject of an application for zoning approval, construction permit, variance or adjustment, or an amendment to the land use element.

**Substation.** Any public utility electrical substation, pumping station, pressure regulating station, or similar facility.

**Supportive housing.** Housing with no limit on length of stay, that is occupied by the clients of social services, such as persons with medical or mental health conditions, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live in and, when possible, work in the community, where no on-site medical care is provided. This definition excludes housing for halfway houses intended for occupancy by parolees or convicted persons, children's homes, halfway houses, rehabilitation centers, and self-help group homes.

**Surface mining operations.** All or any part of the process involved in the mining of minerals or construction materials on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. In addition, surface mining operations include, but are not limited to:

- (1) In place distillation, retorting, or leaching.
- (2) The production and disposal of mining waste.

- (3) Prospecting and exploratory activities.
- (4) Extractions of natural materials for building, construction, etc.

**Temporarily deactivated operation.** A surface mine that has been closed down and which the operator has maintained in the expectation of reopening it when conditions justify.

**Terrace.**

- (1) In the case of a grading or surface mining operation, a terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
- (2) A terrace is also an outdoor living or activity area constructed with tile, asphalt, concrete or other paving laid upon continuous base material or fill, placed directly on grade.

**Transitional housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months (Health and Safety Code Section 50675.2(h)). This definition excludes housing for halfway houses intended for occupancy by parolees or convicted persons, children's homes, halfway houses, rehabilitation centers, and self-help group homes.

**Use.** The purpose for which a parcel of land, a premises or building is designed, arranged or intended, or for which it is or may be occupied or maintained.

**Use, accessory.** A use accessory to any permitted use and customarily a part thereof, which is clearly incidental and secondary to the permitted use and does not change the character of the main use.

**Use, allowable.** A use of land identified in Chapter 9-3 being appropriate in a given zoning district subject to the standards of this title.

**Use, approved.** A use of land authorized to be constructed and/or established through issuance of an approved plot plan, precise plan or conditional use permit.

**Use, area.** The area of a site used for buildings (main or accessory) and storage area or other incidental use, but not including parking or landscaping.

**Use area, active.** All portions of a site and buildings included in the use area, except storage, parking and landscaping.

**Use, new.** A use of land which is proposed to be established or constructed after the adoption of this title.

**Use, principal or main.** The primary purpose for which a building, structure, or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this title.

**Use, structural.** A use of land accompanied by a building or structure (not including fences), on the same lot of record.

**Vacation rental.** Any habitable structure, or portion thereof, utilized as a short-term rental for stays of thirty (30) days or less.

**Wall, building.** The length of a building wall is the horizontal distance from corner to corner measured from a plan parallel to the appropriate side, rear or front lot lines.

**Watercourse.** The normal channel or limits of an intermittent or perennial stream, or other body of water, during non-flood conditions.

**Wet bar.** A wet bar is defined as a small counter equipped with a sink for running water consistent with the following:

- (1) A wet bar does not include a stove, built-in microwave, dishwasher, or garbage disposal.
- (2) A gas line shall not be installed in proximity to a wet bar.
- (3) A wet bar sink shall have a single trap drain size limited to one and one-half (1½) inches maximum.
- (4) A wet bar shall include a counter with a maximum four (4) foot length and not to exceed twelve (12) square feet of total counter space.

**Yard.** An open space, other than a court, on a lot which space is unoccupied and unobstructed from the ground upward.

**Zero lot line development.** A residential project where dwelling units on individual lots of record are located so they all abut one (1) side property line, without a setback (refer to Figure 9-G).



**FIGURE 9-G: ZERO LOT LINE DEVELOPMENT**

**Zoning approval.** Same as entitlement.