



CITY OF ATASCADERO CITY COUNCIL AGENDA

HYBRID MEETING INFORMATION:

The City Council meeting will be available via teleconference for those who wish to participate remotely. The City Council 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](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live on KPRL Radio 1230AM and 99.3FM. 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/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA

HOW TO SUBMIT PUBLIC COMMENT:

Public comment may be provided in-person or remotely. Call **(669) 900-6833** (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

Note that the Zoom participation option is provided to the public as a courtesy in order to facilitate participation. The City does not, however, guarantee that meeting participation will be available via Zoom. If Zoom participation is not enabled, or turned off, the meeting will continue with public attendance in-person only.

Written public comments are accepted at cityclerk@atascadero.org. **Comments should identify the Agenda Item Number in the subject line of the email.** Such comments will be forwarded to the City Council and made a part of the administrative record. **To ensure distribution to the City Council 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 City Council, 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 City Council 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 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.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

Pursuant to Government Code § 84308, City Council Members are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the City Council Member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the City's decision on the agenda item since January 1, 2023. Members of the City Council who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a City Council Member since January 1, 2023, are required to disclose that fact for the official record of the subject proceedings. Disclosures must include the amount of the campaign contribution and identify the recipient City Council Member and may be made either in writing to the City Clerk before the agenda item or by verbal disclosure during consideration.

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

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 office of the City Clerk and are available for public inspection on our website, www.atascadero.org. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are made a part of the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection by appointment during City Hall business hours.



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, February 27, 2024

City Hall Council Chambers, Fourth Floor
6500 Palma Avenue, Atascadero, California

<u>City Council Regular Session:</u>	6:00 P.M.
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REGULAR SESSION – CALL TO ORDER: 6:00 P.M.

PLEDGE OF ALLEGIANCE: Council Member Bourbeau

ROLL CALL:
Mayor Moreno
Mayor Pro Tem Funk
Council Member Bourbeau
Council Member Dariz
Council Member Newsom

APPROVAL OF AGENDA: Roll Call

Recommendation: Council:

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

A. CONSENT CALENDAR: (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)

1. City Council Draft Minutes – February 13, 2024 Regular Meeting

- Recommendation: Council approve the February 13, 2024, Draft City Council Regular Meeting Minutes. [City Clerk]

2. January 2024 Accounts Payable and Payroll

- Fiscal Impact: \$4,913,871.60.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for January 2024. [Administrative Services]

3. **Santa Lucia Road Pavement Rehabilitation Project (Segments B & C) Design Engineering Services Contract**
 - Fiscal Impact: This project is included in the adopted FY 2023-2025 budget and includes \$3,000,000 in a combination of Local Transportation Funds, Urban State Highway Account funds, and Road Repair and Accountability Act (SB 1) funds.
 - Recommendation: Council award a professional services agreement for \$225,300 with Rick Engineering Company to provide design engineering and construction plan preparation services for the Santa Lucia Road (Segments B and C) Pavement Rehabilitation Project (Project No. C2023R02).
[Public Works]

4. **El Camino Real Downtown Infrastructure Enhancement Project Design Contract Amendment**
 - Fiscal Impact: \$76,680.
 - Recommendation: Council approve a contract amendment with Wallace Group, in the amount of \$76,680, for additional work associated with design engineering and construction document preparation for the El Camino Real Downtown Infrastructure Enhancement Project (Project No. C2017T01).
[Public Works]

5. **Acceptance of Request for Rescission of Development Entitlements Under Conditional Use Permit USE21-0107 and Rescission of Resolution No. 2023-071**
 - Fiscal Impact: None.
 - Recommendation: Council adopt Draft Resolution accepting request for rescission of development entitlements at 6805 Sycamore Road under Conditional Use Permit USE21-0107 and rescinding Resolution No. 2023-071.
[City Attorney & Community Development]

B. RISK MANAGEMENT:

1. **2023 Risk Management Update**
 - Fiscal Impact: None
 - Recommendation: Council receive and file the 2022-23 Risk Management update. [City Manager]

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

COMMUNITY FORUM: (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30-minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30-minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was commenced. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or cityclerk@atascadero.org.)

C. PUBLIC HEARINGS:

1. 2024 Community Development Block Grant Funding Recommendations

- Fiscal Impact: \$134,205 of CDBG funds.
- Recommendation: Council review and approve funding recommendations for the 2024 Community Development Block Grant (CDBG) program as shown below and authorize staff to adjust award amounts proportionately upon receipt of the final funding amount.

CDBG CATEGORIES & APPLICATIONS	AWARD AMOUNT
PUBLIC FACILITIES (PF) & HOUSING PROJECTS (HP) CATEGORY (65% Min.)	
1. CITY OF ATASCADERO - <i>Viejo Camino Sidewalk and ADA Improvements</i>	\$ 87,233
Subtotal:	\$ 87,233
PUBLIC SERVICES CATEGORY (15% Max.)	
1. CITY OF ATASCADERO - <i>Youth Activity Scholarships</i>	\$ 12,500
2. EL CAMINO HOMELESS ORGANIZATION (ECHO) - <i>Operation of Homeless Shelter</i>	\$ 7,631
3. 5 CITIES HOMELESS COALITION - <i>Subsistence Payments, Homeless Assistance, & Security Deposits</i>	\$ -
Subtotal:	\$ 20,131
ADMINISTRATION (20% Max.)	
1. SLO COUNTY - <i>Program Administration (13%)</i>	\$ 17,447
2. CITY OF ATASCADERO - <i>Program Administration (7%)</i>	\$ 9,394
Subtotal:	\$ 26,841
Total:	\$ 134,205

[Public Works]

2. Text Amendments to Title 3: Finance and Title 9: Planning & Zoning

- Fiscal Impact: None.
- Recommendation: Planning Commission recommends Council introduce, by title only, and waive first reading of Draft Ordinance entitled: “An Ordinance of the City Council of the City of Atascadero, California, Amending Various Chapters and Sections Within Title 3: Finance and Title 9: Planning & Zoning, of the Atascadero Municipal Code for General Plan and Processing Consistency and to Provide Clarity Related to Development Standards and Land Use Definitions.” [Community Development]

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS: (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Regional Economic Action Coalition (REACH)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Funk

1. Atascadero Basin Ground Water Sustainability Agency (GSA)
2. Design Review Committee
3. Homeless Services Oversight Council

Council Member Bourbeau

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. Community Action Partnership of San Luis Obispo (CAPSLO)
4. Design Review Committee
5. Visit SLO CAL Advisory Committee

Council Member Newsom

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

E. INDIVIDUAL DETERMINATION AND / OR ACTION: (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

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

ADJOURNMENT



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, February 13, 2024

City Hall Council Chambers, Fourth Floor
6500 Palma Avenue, Atascadero, California

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

CITY COUNCIL CLOSED SESSION:

Mayor Moreno called Closed Session to order at 5:30 p.m.

1. **CLOSED SESSION — PUBLIC COMMENT – None**
2. **COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
3. **CLOSED SESSION — CALL TO ORDER**
 - a. **Conference with Legal Counsel – Existing Litigation**
Government Code Sec. 54956.9(d)(1)
Name of Case: Newton v. City of Atascadero
San Luis Obispo Superior Court Case No. 20CV-0046
4. **CLOSED SESSION — ADJOURNMENT**
5. **COUNCIL RETURNS**
6. **CLOSED SESSION — REPORT, if any**

City Attorney Fleishman reported that there was no reportable action from Closed Session.

REGULAR SESSION — CALL TO ORDER: 6:00 P.M.

Mayor Moreno called the meeting to order at 6:02 p.m. and Mayor Pro Tem Funk led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Bourbeau, Dariz, Newsom, Mayor Pro Tem Funk, and Mayor Moreno

Absent: None

Others Present: None

Staff Present: City Manager Jim Lewis, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Community Services & Promotions Director Terrie Banish, Fire Chief Casey Bryson, Police Chief Dan Suttles, Public Works Director Nick DeBar, City Attorney Dave Fleishman, Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager – IT Luke Knight, Deputy Public Works Director Ryan Hayes, and Assistant Planner Sam Mountain.

APPROVAL OF AGENDA:

MOTION BY: Bourbeau
SECOND BY: Funk

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

AYES (5): Bourbeau, Dariz, Funk, Newsom, and Moreno

Passed 5-0

A. CONSENT CALENDAR:

1. **City Council Draft Minutes – January 23, 2024**
 - Recommendation: Council approve the January 23, 2024, Draft City Council Regular Meeting Minutes. [City Clerk]
2. **Proclamation of Existence of a Local Emergency Related to the Early February 2024 Storms**
 - Fiscal Impact: Proclaiming the existence of a local emergency due to the Early February 2024 Storms allows the City to pursue FHWA funding for the San Marcos landslide, which is estimated to cost between \$500,000 and \$1,000,000 to repair.
 - Recommendation: Council adopt Draft Resolution proclaiming the existence of a local emergency related to the Early February 2024 Storms. [City Manager & Public Works]

MOTION BY: Funk
SECOND BY: Newsom

1. Approve the consent calendar (#A-2: Resolution No. 2024-002).

AYES (5): Bourbeau, Dariz, Funk, Newsom, and Moreno

Passed 5-0

UPDATES FROM THE CITY MANAGER:

City Manager Lewis gave an update on projects and events within the City.

COMMUNITY FORUM:

The following persons spoke by telephone or through the webinar: Geoff Auslen.

B. PUBLIC HEARINGS:

1. Appeal of ARCO Canopy Signage Use Permit at 9590 El Camino Real

- Fiscal Impact: The proposed project is not estimated to have any notable fiscal impact.
- Recommendation: Council:
 1. Adopt Draft Resolution A, affirming the Planning Commission's approval of an Administrative Use Permit to allow increased signage at 9590 El Camino Real.

OR

2. Adopt Draft Resolution B, affirming in part the Planning Commission's approval of an Administrative Use Permit to allow increased signage at 9590 El Camino Real, with modifications to the conditions of approval. [Community Development]

Ex-Parte: Council Members Newsom and Dariz reported being a part of the initial review of the project as part of the Design Review Committee. There was no additional ex-parte.

Community Development Director Dunsmore gave the report and answered questions from the Council.

David Bartle, representing the applicant team, made a presentation and answered questions from the Council. He also provided the Council with copies of photos used in his presentation (Exhibit A).

PUBLIC COMMENT:

The following persons spoke on this item: Zachary Delos Reyes

Mayor Moreno closed the Public Comment period.

MOTION BY: Moreno

SECOND BY: Dariz

1. Adopt Resolution No. 2024-003, affirming the Planning Commission's approval of an Administrative Use Permit to allow increased signage at 9590 El Camino Real.

AYES (4): Dariz, Funk, Newsom, and Moreno

NOES (1): Bourbeau

Passed 4-1

C. MANAGEMENT REPORTS: None

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

1. City Selection Committee
2. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Funk

1. Design Review Committee
2. Homeless Services Oversight Council

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Dariz

3. Community Action Partnership of San Luis Obispo (CAPSLO)
4. Design Review Committee

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURNMENT

Mayor Moreno adjourned the meeting at 7:13 p.m.

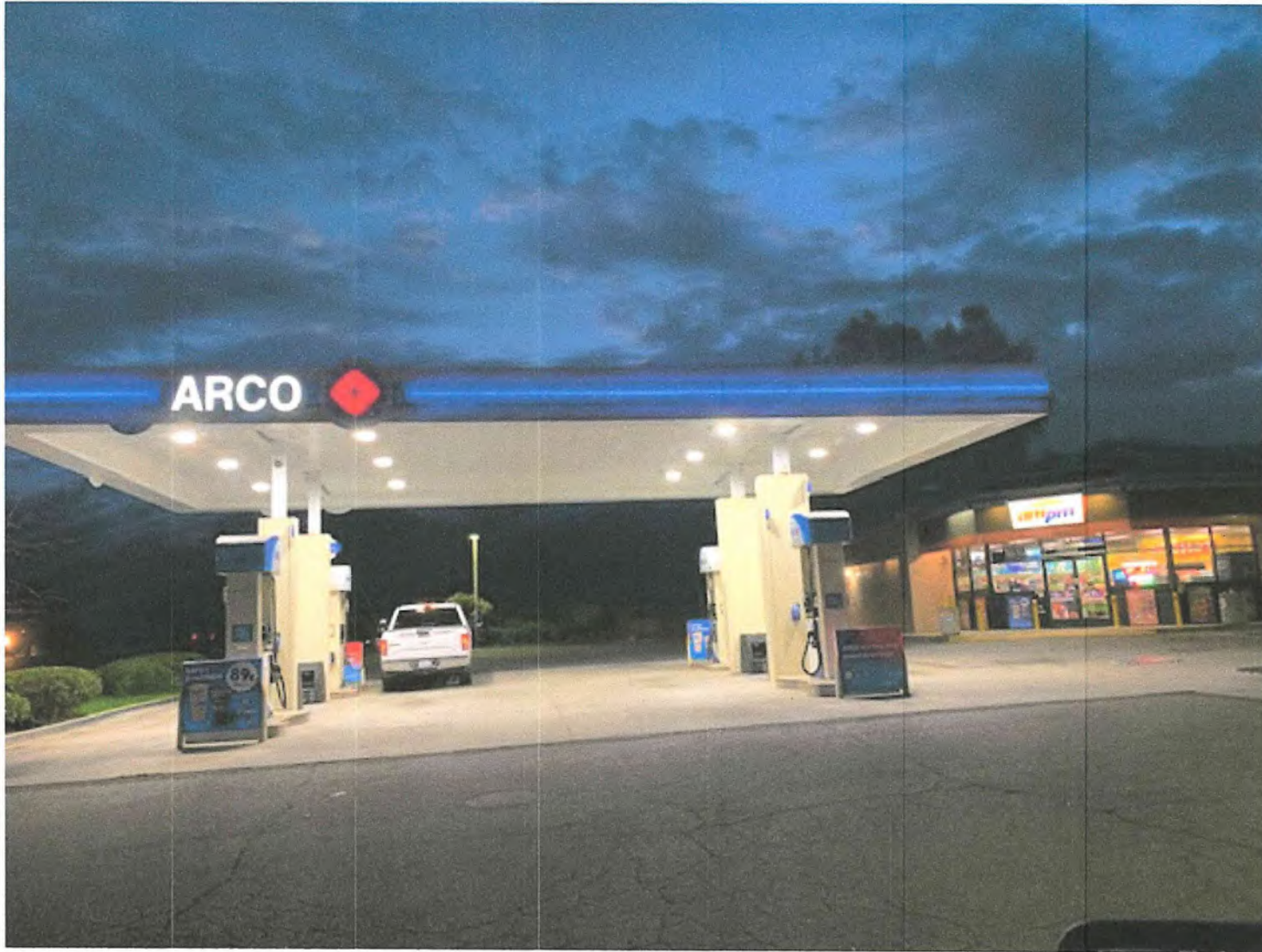
MINUTES PREPARED BY:

Lara K. Christensen
City Clerk

Exhibit A: Photos

APPROVED:














Atascadero, California
Google Street View
Jun 2023 See more dates

Atascadero, California

 Google Street View

Jun 2023 [See more dates](#)







Atascadero City Council

Staff Report - Administrative Services Department

January 2024 Accounts Payable and Payroll

RECOMMENDATION:

Council approve certified City accounts payable, payroll and payroll vendor checks for January 2024.

DISCUSSION:

Attached for City Council review and approval are the following:

Payroll

Dated	1/4/24	Checks # 35955-35961	\$ 6,146.35
		Direct Deposits	372,802.65
Dated	1/18/24	Checks # 35962-35974	11,581.76
		Direct Deposits	436,408.91

Accounts Payable

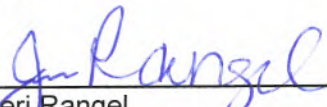
Dated	1/1/24-1/31/24	Checks # 176818 - 177067 & EFTs 5004-5036	4,086,931.93
TOTAL AMOUNT			<u>\$ 4,913,871.60</u>

FISCAL IMPACT:

Total expenditures for all funds is \$ 4,913,871.60

CERTIFICATION:

The undersigned certifies that the attached demands have been released for payment and that funds are available for these demands.



Jeri Rangel
Director of Administrative Services

ATTACHMENT:

January 2024 Eden Warrant Register in the amount of \$ 4,086,931.93

City of Atascadero
Disbursement Listing
For the Month of January 2024

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
02/27/24
1

Check Number	Check Date	Vendor	Description	Amount
176818	01/02/2024	WEX BANK - BUSINESS UNIVERSAL	Accounts Payable Check	12,508.13
176819	01/02/2024	WEX BANK - WEX FLEET UNIVERSAL	Accounts Payable Check	7,818.53
5004	01/04/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	20.24
5005	01/04/2024	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	22,414.67
5006	01/04/2024	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	283.84
5019	01/04/2024	MCGRIFF INSURANCE SERVICE TRUIST INSURANCE HI	Payroll Vendor Payment	1,422.94
176820	01/04/2024	ANTHEM BLUE CROSS HEALTH	Payroll Vendor Payment	227,912.46
176821	01/04/2024	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	40.00
176822	01/04/2024	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	2,249.75
176823	01/04/2024	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
176824	01/04/2024	EMPOWER ANNUITY INS CO	Payroll Vendor Payment	7,626.29
176825	01/04/2024	IAFF MERP	Payroll Vendor Payment	1,900.00
176826	01/04/2024	MISSIONSQUARE	Payroll Vendor Payment	9,420.54
176827	01/04/2024	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	466.40
5007	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	23,933.76
5008	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	35,159.42
5009	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,756.82
5010	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,811.62
5011	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	4,660.19
5012	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	11,209.38
5013	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	16,868.73
5014	01/05/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	24,653.60
5015	01/08/2024	SEIU LOCAL 620	Payroll Vendor Payment	923.84
5016	01/09/2024	RABOBANK, N.A.	Payroll Vendor Payment	66,482.16
5017	01/09/2024	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	21,231.32
5018	01/09/2024	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	3,153.16
176828	01/12/2024	13 STARS MEDIA	Accounts Payable Check	204.82
176829	01/12/2024	2 MEXICANS, LLC	Accounts Payable Check	27,048.00
176830	01/12/2024	ADDICTION MEDICINE CONSULTANTS	Accounts Payable Check	51.00
176831	01/12/2024	ALL SIGNS AND GRAPHICS, INC.	Accounts Payable Check	3,848.76
176832	01/12/2024	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	370.00
176833	01/12/2024	ALPHA ELECTRIC SERVICE	Accounts Payable Check	332.12
176834	01/12/2024	ALTHOUSE & MEADE, INC.	Accounts Payable Check	1,431.97
176835	01/12/2024	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	628.20
176836	01/12/2024	AT&T	Accounts Payable Check	805.11
176838	01/12/2024	AT&T	Accounts Payable Check	1,553.05
176839	01/12/2024	AT&T	Accounts Payable Check	31.49
176840	01/12/2024	ATASCADERO CHAMBER OF COMMERCE	Accounts Payable Check	66,873.50
176841	01/12/2024	ATASCADERO GIRLS SOFTBALL	Accounts Payable Check	405.00
176842	01/12/2024	ATASCADERO LITTLE LEAGUE	Accounts Payable Check	125.00

City of Atascadero
Disbursement Listing
For the Month of January 2024

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
02/27/24
1

Check Number	Check Date	Vendor	Description	Amount
176843	01/12/2024	ATHLETIC STUFF	Accounts Payable Check	385.41
176844	01/12/2024	AVILA TRAFFIC SAFETY	Accounts Payable Check	302.50
176845	01/12/2024	TERRIE BANISH	Accounts Payable Check	300.00
176846	01/12/2024	BAY AREA DRIVING SCHOOL, INC.	Accounts Payable Check	34.99
176847	01/12/2024	KEITH R. BERGHER	Accounts Payable Check	417.50
176848	01/12/2024	TOM BIRKENFELD	Accounts Payable Check	60.00
176849	01/12/2024	BREZDEN PEST CONTROL, INC.	Accounts Payable Check	70.00
176850	01/12/2024	CA BUILDING STANDARDS COMM.	Accounts Payable Check	153.00
176851	01/12/2024	CALACT	Accounts Payable Check	800.00
176852	01/12/2024	CANNON	Accounts Payable Check	60,252.50
176853	01/12/2024	CHARTER COMMUNICATIONS	Accounts Payable Check	1,964.22
176854	01/12/2024	CITY OF ATASCADERO	Accounts Payable Check	1,081.50
176855	01/12/2024	CLEATH-HARRIS GEOLOGISTS, INC.	Accounts Payable Check	3,933.50
176856	01/12/2024	CLEVER CONCEPTS, INC.	Accounts Payable Check	49.95
176857	01/12/2024	COLE FARMS, INC.	Accounts Payable Check	1,338.48
176858	01/12/2024	COUNTY OF SAN LUIS OBISPO	Accounts Payable Check	66.00
176859	01/12/2024	CULLIGAN SANTA MARIA	Accounts Payable Check	367.70
176860	01/12/2024	DAN BIDDLE PEST CONTROL SERVIC	Accounts Payable Check	135.00
176861	01/12/2024	NICHOLAS DEBAR	Accounts Payable Check	300.00
176862	01/12/2024	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	540.00
176863	01/12/2024	DELTA LIQUID ENERGY	Accounts Payable Check	746.87
176864	01/12/2024	DEPARTMENT OF CONSERVATION	Accounts Payable Check	594.00
176865	01/12/2024	DIVISION OF STATE ARCHITECT	Accounts Payable Check	70.40
176866	01/12/2024	PHILIP DUNSMORE	Accounts Payable Check	300.00
176867	01/12/2024	EL CAMINO CAR WASH	Accounts Payable Check	64.99
176868	01/12/2024	EL CAMINO HOMELESS ORG.	Accounts Payable Check	15,000.00
176869	01/12/2024	EXECUTIVE JANITORIAL	Accounts Payable Check	3,500.00
176870	01/12/2024	FENCE FACTORY ATASCADERO	Accounts Payable Check	4,800.62
176871	01/12/2024	FERGUSON ENTERPRISES, LLC	Accounts Payable Check	126.08
176872	01/12/2024	FERRELL'S AUTO REPAIR	Accounts Payable Check	2,335.25
176873	01/12/2024	FGL ENVIRONMENTAL	Accounts Payable Check	3,441.00
176874	01/12/2024	FILIPPIN ENGINEERING, INC.	Accounts Payable Check	104,078.65
176875	01/12/2024	GAS COMPANY	Accounts Payable Check	24.12
176876	01/12/2024	GHS PARTS, INC.	Accounts Payable Check	114.63
176877	01/12/2024	KELLY GLEASON	Accounts Payable Check	158.84
176878	01/12/2024	HART IMPRESSIONS PRINTING	Accounts Payable Check	1,121.57
176879	01/12/2024	KELLIE K. HART	Accounts Payable Check	109.20
176880	01/12/2024	INGLIS PET HOTEL	Accounts Payable Check	2,500.00
176881	01/12/2024	INTOXIMETERS, INC.	Accounts Payable Check	4,160.32
176882	01/12/2024	IRON MOUNTAIN RECORDS MGMNT	Accounts Payable Check	328.22

City of Atascadero
Disbursement Listing
For the Month of January 2024

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A-2
02/27/24
1

Check Number	Check Date	Vendor	Description	Amount
176883	01/12/2024	J. CARROLL CORPORATION	Accounts Payable Check	4,278.03
176884	01/12/2024	DILLON DEAN JAMES	Accounts Payable Check	590.23
176885	01/12/2024	JEFF & TONY'S DSD, LLC	Accounts Payable Check	522.04
176886	01/12/2024	JK'S UNLIMITED, INC.	Accounts Payable Check	155.00
176887	01/12/2024	JOEBELLA COFFEE ROASTERS	Accounts Payable Check	87.50
176888	01/12/2024	LANTERN PRESS	Accounts Payable Check	473.88
176889	01/12/2024	LEE WILSON ELECTRIC CO. INC	Accounts Payable Check	24,158.00
176890	01/12/2024	JAMES R. LEWIS	Accounts Payable Check	300.00
176891	01/12/2024	LIFE ASSIST, INC.	Accounts Payable Check	1,208.98
176892	01/12/2024	LINDE GAS & EQUIPMENT INC.	Accounts Payable Check	67.50
176893	01/12/2024	GABRIELLE LINDMEIER	Accounts Payable Check	32.10
176894	01/12/2024	EBONY LUCIEN	Accounts Payable Check	179.99
176895	01/12/2024	ANNETTE MANIER	Accounts Payable Check	8.52
176896	01/12/2024	MARBORG INDUSTRIES	Accounts Payable Check	107.55
176897	01/12/2024	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	5,434.69
176898	01/12/2024	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	189.21
176899	01/12/2024	MINER'S ACE HARDWARE	Accounts Payable Check	50.01
176900	01/12/2024	HECTOR MIRANDA	Accounts Payable Check	244.68
176901	01/12/2024	MV TRANSPORTATION, INC.	Accounts Payable Check	12,035.86
176902	01/12/2024	NBS	Accounts Payable Check	7,917.08
176903	01/12/2024	KELLYE R. NETZ	Accounts Payable Check	190.00
176904	01/12/2024	NEW TIMES	Accounts Payable Check	383.00
176907	01/12/2024	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	69,460.65
176908	01/12/2024	PARDIN ENTERPRISES	Accounts Payable Check	10,715.00
176909	01/12/2024	WARREN PITTENGER	Accounts Payable Check	281.70
176910	01/12/2024	PORTER CONSTRUCTION, INC.	Accounts Payable Check	95,630.00
176911	01/12/2024	PROCARE JANITORIAL SUPPLY, INC.	Accounts Payable Check	934.84
176912	01/12/2024	PROFORCE LAW ENFORCEMENT	Accounts Payable Check	11,253.70
176913	01/12/2024	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	13,784.00
176914	01/12/2024	JERI RANGEL	Accounts Payable Check	300.00
176915	01/12/2024	RICHARD COWELL TACTICAL, LLC	Accounts Payable Check	651.50
176916	01/12/2024	S. CARLSON'S PLUMBING, INC.	Accounts Payable Check	215.00
176917	01/12/2024	SAFARI LTD.	Accounts Payable Check	222.27
176918	01/12/2024	SECURITAS TECHNOLOGY CORPORATN	Accounts Payable Check	476.04
176919	01/12/2024	THE SHERWIN-WILLIAMS COMPANY	Accounts Payable Check	30.87
176920	01/12/2024	SITEONE LANDSCAPE SUPPLY, LLC	Accounts Payable Check	685.95
176921	01/12/2024	SLO CO AUDITOR CONTROLLER	Accounts Payable Check	50.00
176922	01/12/2024	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	892,372.80
176923	01/12/2024	SPECIALIZED EQUIPMENT REPAIR	Accounts Payable Check	1,860.33
176924	01/12/2024	STATE WATER RES CONTROL BOARD	Accounts Payable Check	3,109.00

City of AtascaderoDisbursement Listing

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ITEM NUMBER:**DATE:****ATTACHMENT:****A-2****02/27/24****1**

Check Number	Check Date	Vendor	Description	Amount
176925	01/12/2024	KURT W. STONE	Accounts Payable Check	1,200.00
176926	01/12/2024	SWCA, INC.	Accounts Payable Check	3,021.41
176927	01/12/2024	MADLINE M. TAYLOR	Accounts Payable Check	86.40
176928	01/12/2024	TEMPLETON UNIFORMS, LLC	Accounts Payable Check	682.72
176929	01/12/2024	THOMSON REUTERS - WEST	Accounts Payable Check	201.99
176930	01/12/2024	KARL O. TOERGE	Accounts Payable Check	168.00
176931	01/12/2024	TYLER TECHNOLOGIES, INC.	Accounts Payable Check	21,137.97
176932	01/12/2024	ULTREX BUSINESS PRODUCTS	Accounts Payable Check	83.97
176933	01/12/2024	UNITED RENTALS (NORTH AM), INC	Accounts Payable Check	482.95
176934	01/12/2024	UNITED STAFFING ASSC., INC.	Accounts Payable Check	270.40
176935	01/12/2024	VERDIN	Accounts Payable Check	18,065.99
176936	01/12/2024	VERIZON WIRELESS	Accounts Payable Check	2,879.66
176937	01/12/2024	VERIZON WIRELESS-VSAT	Accounts Payable Check	70.00
176938	01/12/2024	VERNON CO.	Accounts Payable Check	2,689.35
176939	01/12/2024	VILLAGE ORIGINALS, INC.	Accounts Payable Check	226.20
176940	01/12/2024	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	85.00
176941	01/12/2024	KAREN B. WYKE	Accounts Payable Check	854.10
176942	01/12/2024	YEH AND ASSOCIATES, INC.	Accounts Payable Check	2,007.50
5020	01/18/2024	MCGRIFF INSURANCE SERVICE TRUIST INSURANCE HI	Payroll Vendor Payment	1,422.94
5021	01/18/2024	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	16,436.67
176943	01/18/2024	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	40.00
176944	01/18/2024	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	2,456.25
176945	01/18/2024	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
176946	01/18/2024	EMPOWER ANNUITY INS CO	Payroll Vendor Payment	10,696.50
176947	01/18/2024	IAFF MERP	Payroll Vendor Payment	1,900.00
176948	01/18/2024	MISSIONSQUARE	Payroll Vendor Payment	9,752.79
176949	01/18/2024	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	308.58
5022	01/19/2024	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	283.84
5035	01/19/2024	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	150.00
5031	01/22/2024	SEIU LOCAL 620	Payroll Vendor Payment	919.29
5023	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	24,021.92
5024	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	45,228.75
5025	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,756.82
5026	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,837.45
5027	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	12,579.82
5028	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	12,436.73
5029	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	29,881.53
5030	01/23/2024	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	27,336.70
5032	01/23/2024	RABOBANK, N.A.	Payroll Vendor Payment	87,105.30
5033	01/23/2024	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	28,358.04

City of Atascadero
Disbursement Listing
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Check Number	Check Date	Vendor	Description	Amount
5034	01/23/2024	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	4,411.01
176950	01/26/2024	2 MEXICANS, LLC	Accounts Payable Check	1,218.50
176951	01/26/2024	AGM CALIFORNIA, INC.	Accounts Payable Check	780.00
176952	01/26/2024	AGP VIDEO, INC.	Accounts Payable Check	1,490.00
176953	01/26/2024	ALPHA ELECTRIC SERVICE	Accounts Payable Check	1,090.00
176954	01/26/2024	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	2,720.22
176955	01/26/2024	JESSICA APPLGATE	Accounts Payable Check	78.60
176956	01/26/2024	AT&T	Accounts Payable Check	347.96
176957	01/26/2024	ATASCADERO CHAMBER OF COMMERCE	Accounts Payable Check	150.00
176958	01/26/2024	ATASCADERO HAY & FEED	Accounts Payable Check	2,717.74
176960	01/26/2024	ATASCADERO MUTUAL WATER CO.	Accounts Payable Check	5,667.90
176961	01/26/2024	AVILA TRAFFIC SAFETY	Accounts Payable Check	6,227.35
176962	01/26/2024	BASSETT'S CRICKET RANCH,INC.	Accounts Payable Check	873.91
176963	01/26/2024	BATTERY SYSTEMS, INC.	Accounts Payable Check	556.41
176964	01/26/2024	BERRY MAN, INC.	Accounts Payable Check	2,301.45
176965	01/26/2024	BRENDLER JANITORIAL SERVICE	Accounts Payable Check	1,600.00
176966	01/26/2024	SHEA T. BUCKLEY	Accounts Payable Check	34.00
176967	01/26/2024	BURKE,WILLIAMS, & SORENSON LLP	Accounts Payable Check	21,032.20
176968	01/26/2024	CA DEPT OF TAX AND FEE ADMIN.	Accounts Payable Check	27,164.00
176969	01/26/2024	CANNON	Accounts Payable Check	82,409.23
176970	01/26/2024	MARK R. CAPOZZOLI	Accounts Payable Check	54.00
176971	01/26/2024	CASTLEROCK DEVELOPMENT	Accounts Payable Check	2,491.17
176972	01/26/2024	CDCE, INC.	Accounts Payable Check	197.93
176973	01/26/2024	CHARTER COMMUNICATIONS	Accounts Payable Check	312.29
176974	01/26/2024	CINDY CHAVEZ	Accounts Payable Check	35.64
176975	01/26/2024	LARA CHRISTENSEN	Accounts Payable Check	739.95
176976	01/26/2024	CITY OF SAN LUIS OBISPO	Accounts Payable Check	425.00
176977	01/26/2024	CLEAR, INC.	Accounts Payable Check	75.00
176978	01/26/2024	COBAN TECHNOLOGIES, INC.	Accounts Payable Check	35,813.40
176979	01/26/2024	AUDREY S. COHEN	Accounts Payable Check	54.00
176980	01/26/2024	HOLLY R. COLLINS	Accounts Payable Check	96.00
176981	01/26/2024	CONSOR NORTH AMERICA, INC.	Accounts Payable Check	10,684.54
176982	01/26/2024	CRISP IMAGING	Accounts Payable Check	16.31
176983	01/26/2024	CRYSTAL SPRINGS WATER	Accounts Payable Check	20.00
176984	01/26/2024	CSG CONSULTANTS, INC.	Accounts Payable Check	75.00
176985	01/26/2024	CULLIGAN SANTA MARIA	Accounts Payable Check	95.10
176986	01/26/2024	CULLIGAN/CENTRAL COAST WTR TRT	Accounts Payable Check	70.00
176987	01/26/2024	DEPARTMENT OF JUSTICE	Accounts Payable Check	1,064.00
176988	01/26/2024	EARTH SYSTEMS PACIFIC	Accounts Payable Check	30,022.75
176989	01/26/2024	ECONOMIC DEV COLLABORATIVE-	Accounts Payable Check	1,164.79

City of AtascaderoDisbursement Listing

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Check Number	Check Date	Vendor	Description	Amount
176990	01/26/2024	EL CAMINO VETERINARY HOSP	Accounts Payable Check	550.02
176991	01/26/2024	STEVEN J. ERNST	Accounts Payable Check	38.00
176992	01/26/2024	EXECUTIVE JANITORIAL	Accounts Payable Check	4,250.00
176993	01/26/2024	FENCE FACTORY ATASCADERO	Accounts Payable Check	490.50
176994	01/26/2024	FERRELL'S AUTO REPAIR	Accounts Payable Check	152.35
176995	01/26/2024	FGL ENVIRONMENTAL	Accounts Payable Check	7,150.00
176996	01/26/2024	FILIPPIN ENGINEERING, INC.	Accounts Payable Check	754.50
176997	01/26/2024	G. SOSA CONSTRUCTION, INC.	Accounts Payable Check	147,278.78
176998	01/26/2024	GARRY BRILL PRODUCTIONS	Accounts Payable Check	150.00
176999	01/26/2024	GAS COMPANY	Accounts Payable Check	4,040.34
177000	01/26/2024	GHS PARTS, INC.	Accounts Payable Check	251.08
177001	01/26/2024	GIERLICH-MITCHELL, INC.	Accounts Payable Check	18,106.77
177002	01/26/2024	HAMNER, JEWELL & ASSOCIATES	Accounts Payable Check	165.75
177003	01/26/2024	HAMON OVERHEAD DOOR CO, INC.	Accounts Payable Check	1,818.00
177004	01/26/2024	HART IMPRESSIONS PRINTING	Accounts Payable Check	286.16
177005	01/26/2024	REBECCA HEREDIA	Accounts Payable Check	76.01
177006	01/26/2024	INTL ASSC. OF CHIEFS OF POLICE	Accounts Payable Check	75.00
177007	01/26/2024	J. CARROLL CORPORATION	Accounts Payable Check	2,212.43
177008	01/26/2024	JIFFY LUBE	Accounts Payable Check	75.39
177009	01/26/2024	K & M INTERNATIONAL	Accounts Payable Check	820.51
177010	01/26/2024	KPRL 1230 AM	Accounts Payable Check	820.00
177011	01/26/2024	LEAGUE OF CALIFORNIA CITIES	Accounts Payable Check	14,367.00
177012	01/26/2024	JAMES R. LEWIS	Accounts Payable Check	391.93
177013	01/26/2024	LEXIPOL, LLC	Accounts Payable Check	9,499.05
177014	01/26/2024	LIFE ASSIST, INC.	Accounts Payable Check	1,751.90
177015	01/26/2024	LINDE GAS & EQUIPMENT INC.	Accounts Payable Check	69.30
177016	01/26/2024	MCCLATCHY SHARED SERVICES, LLC	Accounts Payable Check	2,742.09
177017	01/26/2024	MEDINA LIGHT SHOW DESIGNS	Accounts Payable Check	1,650.00
177018	01/26/2024	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	216.45
177019	01/26/2024	MINER'S ACE HARDWARE	Accounts Payable Check	450.79
177020	01/26/2024	MOTOROLA SOLUTIONS, INC.	Accounts Payable Check	498.09
177021	01/26/2024	MULLAHEY CDJR	Accounts Payable Check	187.50
177022	01/26/2024	NORTH CO SEPTIC SERVICE, INC.	Accounts Payable Check	295.00
177023	01/26/2024	NORTH COAST ENGINEERING INC.	Accounts Payable Check	190.00
177024	01/26/2024	NORTH COUNTY BACKFLOW	Accounts Payable Check	2,615.00
177025	01/26/2024	PACIFIC CNTRL COAST HLTH CTRS	Accounts Payable Check	655.00
177026	01/26/2024	PADRE ASSOCIATES, INC.	Accounts Payable Check	3,587.50
177027	01/26/2024	PASO ROBLES SAFE & LOCK, INC.	Accounts Payable Check	140.00
177028	01/26/2024	GRAYSON J. POWER	Accounts Payable Check	34.00
177029	01/26/2024	PROCARE JANITORIAL SUPPLY, INC.	Accounts Payable Check	1,662.45

City of Atascadero

Disbursement Listing

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<u>Check Number</u>	<u>Check Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
177030	01/26/2024	MCKENZIE R. PULLEN	Accounts Payable Check	108.00
177031	01/26/2024	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	704.54
177032	01/26/2024	RECOGNITION WORKS	Accounts Payable Check	72.86
177033	01/26/2024	RICK ENGINEERING COMPANY	Accounts Payable Check	59,680.48
177034	01/26/2024	BRIAN S. RICKS	Accounts Payable Check	180.00
177035	01/26/2024	CORBIN J. ROSSI	Accounts Payable Check	152.00
177036	01/26/2024	SERVICE SYSTEMS ASSC, INC.	Accounts Payable Check	2,500.00
177037	01/26/2024	SHETLER CONSTRUCTION, INC.	Accounts Payable Check	149.94
177038	01/26/2024	OWEN T. SMITH	Accounts Payable Check	90.00
177039	01/26/2024	SOUTH COAST EMERGENCY VEH SVC	Accounts Payable Check	2,081.02
177040	01/26/2024	SOUTH COAST FIRE EQUIPMENT	Accounts Payable Check	455,209.73
177041	01/26/2024	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	614,509.98
177042	01/26/2024	CONNER M. SPEARS	Accounts Payable Check	2,700.00
177043	01/26/2024	DANE J. STOVER	Accounts Payable Check	72.00
177044	01/26/2024	SUNRUN INSTALLATION SERVICES	Accounts Payable Check	462.99
177045	01/26/2024	TATUM ASPHALT	Accounts Payable Check	13,179.85
177046	01/26/2024	TESCO CONTROLS, LLC	Accounts Payable Check	960.80
177047	01/26/2024	STEVE TIROTTA	Accounts Payable Check	152.20
177048	01/26/2024	T-MOBILE USA, INC.	Accounts Payable Check	100.00
177049	01/26/2024	TOWNSEND PUBLIC AFFAIRS, INC.	Accounts Payable Check	4,000.00
177050	01/26/2024	BRYCE E. TUCKER	Accounts Payable Check	68.00
177051	01/26/2024	SKYLER E. TUCKER	Accounts Payable Check	108.00
177057	01/26/2024	U.S. BANK	Accounts Payable Check	47,908.78
177058	01/26/2024	U.S. POSTMASTER	Accounts Payable Check	3,179.11
177059	01/26/2024	UPSTREAM H2O LLC	Accounts Payable Check	2,500.00
177060	01/26/2024	VANIR CONSTRUCTION MANAGEMENT	Accounts Payable Check	9,045.07
177061	01/26/2024	VERIZON WIRELESS	Accounts Payable Check	64.29
177062	01/26/2024	VINO VICE, INC.	Accounts Payable Check	469.50
177063	01/26/2024	WALLACE GROUP	Accounts Payable Check	23,091.10
177064	01/26/2024	EVAN F. WANNER-BROWN	Accounts Payable Check	68.00
177065	01/26/2024	WARM FUZZY TOYS	Accounts Payable Check	946.20
177066	01/26/2024	YOUTH EVOLUTION SOCCER	Accounts Payable Check	1,228.20
177067	01/26/2024	ZOOM IMAGING SOLUTIONS, INC.	Accounts Payable Check	986.91
5036	01/31/2024	MCGRUFF INSURANCE SERVICE TRUIST INSURANCE HI	Payroll Vendor Payment	1,422.94
				<u>\$4,086,931.93</u>



Atascadero City Council

Staff Report – Public Works Department

Santa Lucia Road Pavement Rehabilitation Project (Segments B & C) Design Engineering Services Contract

RECOMMENDATION:

Council award a professional services agreement for \$225,300 with Rick Engineering Company to provide design engineering and construction plan preparation services for the Santa Lucia Road (Segments B & C) Pavement Rehabilitation Project (Project No. C2023R02).

DISCUSSION:

Background

The Santa Lucia Road Pavement Rehabilitation Project (Segments B and C) will rehabilitate Santa Lucia Road between Portola Road and the new bridge at Llano Road. This project includes two segments of Santa Lucia Road, the first from Portola Road to Santa Ana Road (Segment B, 1.2 miles), and the second from Santa Ana Road to Llano Road (Segment B, 0.8 miles). It is expected that there may be multiple different pavement treatment methods utilized on this project, as there is significant variability in the existing conditions of the road.

This project also includes multiple locations where more detailed design will be necessary to improve existing roadway drainage. Specifically, the consultant has included work scope to address areas of ponding on the roadway and drainage issues at several intersections. Other roadway improvements include culvert replacements, new pavement markings and traffic signage (where necessary), and shoulder improvements.

The segment of Santa Lucia Road between Portola Road and Santa Ana Road is generally 26-28' wide, with two 12' travel lanes and narrow shoulders. Adjacent road edge cut and fill slopes are moderate, but steepen at some locations. The most recent pavement project through this stretch was a cape seal in the mid-2000's which has now exceeded the end of its serviceable life. Notably, over the last 2-3 years deterioration of the roadway condition has accelerated, which has resulted in the need for significantly more maintenance by City staff.

The segment between Santa Ana Road and Laurel Road is generally 20-22' wide, with two 10' travel lanes and virtually no shoulders. The road is constructed adjacent to Graves Creek, with significant road edge cut and fill slopes. Much of the pavement cracking through this segment is consistent with movement of the underlying subgrade

soils on the fill side of the roadway. City staff will work closely with the design consultant and geotechnical engineering subconsultant to evaluate opportunities for cost-effective solutions to add stability to the downhill travel lane. The date of the most recent pavement rehabilitation project on this segment is unknown.

Analysis

Staff prepared a Request for Proposal (RFP) and solicited proposals in January 2024 from qualified consultants to provide design services and prepare construction plans and specifications for the project. Services in the proposal include preliminary geotechnical testing, topographic survey services, survey monument research, pavement engineering analysis, preparing construction plans, specifications, cost estimates (PS&E), and providing engineering assistance during the bid process.

Staff received three proposals from qualified consultants: Rick Engineering Company (RICK), AKA Engineering, and Diversified Project Services International (DPSI). Proposals were individually reviewed and scored by a technical selection committee that considered experience with similar projects, responsiveness to City needs, experience of key personnel and other factors. Of particular importance to staff on this project is that the selected consultant recognizes the importance of and identify a strategy for construction methods to maintain ingress and egress for residents during the project. Santa Lucia Road is the primary access to a large number of properties in west Atascadero, and maintaining traffic on this roadway will be critical. The City was fortunate to receive excellent proposals from the three proposing firms, and after evaluating all proposals, the selection committee agreed that Rick Engineering Company submitted the proposal that best combined qualifications and value to the project.

RICK provided a detailed fee estimate worksheet with their proposal that included labor hours/costs, reimbursable expenses, and subconsultant fees for the work scope identified in the City's request for proposals. Staff reviewed RICK's work scope and fee and have determined that it is reasonable given the length of roadway, expected detailed pre-design and design work associated with multiple pavement rehabilitation methods/areas and drainage improvements. Staff is recommending the Council award a contract with RICK on a labor plus reimbursable expenses basis for an estimated maximum fee of \$225,300 for design engineering services for the project. It should be noted that RICK also provided design engineering services for the segment of Santa Lucia Road between Ardilla Road and Portola Road (Segment A) in 2019, with excellent finished results.

Design work is anticipated to take approximately nine months to complete. Staff anticipates publicly bidding the project in early 2025 with construction commencing in late spring, 2025.

FISCAL IMPACT:

This project is included in the adopted FY 2023-2025 budget and includes \$3,000,000 in a combination of Local Transportation Funds, Urban State Highway Account funds, and Road Repair and Accountability Act (SB 1) funds.

ESTIMATED EXPENDITURES	
Engineering Design, Topographic Survey, Geotechnical Testing	250,000
Construction Contract	2,150,000
Coordination, Inspection and Support @ 8%	170,000
Construction Contingency @ 20%	430,000
Total Estimated Expenditures:	\$3,000,000

BUDGETED FUNDING	
Local Transportation Funds (LTF)	\$1,000,000
Urban State Highway Account Grant (USHA)	\$500,000
Road Repair & Accountability Act Funds (SB1)	\$1,500,000
Total Estimated Funding Sources	\$3,000,000

Projected Net Project Surplus / (Shortfall)	\$ -
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ALTERNATIVES:

Council may direct staff to resolicit for design engineering services for the project, but staff does not recommend this since the top proposals received were qualified and appear to be very competitive.

ATTACHMENT:

None



Atascadero City Council

Staff Report – Public Works Department

El Camino Real Downtown Infrastructure Enhancement Project Design Contract Amendment

RECOMMENDATION:

Council approve a contract amendment with Wallace Group, in the amount of \$76,680, for additional work associated with design engineering and construction document preparation for the El Camino Real Downtown Infrastructure Enhancement Project (Project No. C2017T01).

DISCUSSION:

Wallace Group was contracted by the City in October 2021 to provide professional engineering services for the design of the El Camino Real Downtown Infrastructure Enhancement Project. The contracted scope includes work required to prepare a Plans, Specifications and Estimates (PS&E) package for project bidding. The PS&E package is expected to be complete within the next two months with project construction beginning in early summer.

As the project design nears completion, Wallace Group has recommended additional work scope to pothole existing utilities at ten key locations, provide supplemental drainage analysis, and provide additional recommendations for foundations needed for the catenary lighting system in the ramblas. City staff agrees that this work scope was not included in the original contract, is necessary to complete project design, and will result in a smoother construction process with less risk related to subsurface conditions.

The City's Purchasing Policy, Section V.3.5, allows for the "City Manager to authorize and issue change orders for changes or additions to the original scope of work that result in less than a 25% change in annual contract price. Change orders in excess of 25% shall be brought to the City Council for approval."

The 2021 contract with Wallace Group was for \$598,811. Two contract amendments (change orders) have been authorized and issued by the City Manager for changes and additions to the original contract scope of work. The first for preparation of graphics and staff support for the expanded Stakeholder Outreach in the amount of \$23,399, and the second for preparation of a final preferred concept design and additional engineering design services for the replacement of all existing sewer main below El Camino Real within project limits (\$86,123).

Since the requested contract amendment amount of \$76,680 will result in the total contracted amount exceeding 25% of the original contract amount, staff is bringing the proposed contract amendment to Council for approval pursuant to the Purchasing Policy.

FISCAL IMPACT:

Council approval of staff's recommendation will authorize an additional expenditure of \$76,680 in budgeted project funds for design services.

ALTERNATIVES:

Staff does not recommend any alternatives.

ATTACHMENTS:

None



Atascadero City Council

Staff Report – City Attorney/ Community Development Department

Acceptance of Request for Rescission of Development Entitlements Under Conditional Use Permit USE21-0107 and Rescission of Resolution No. 2023-071

RECOMMENDATIONS:

Council adopt Draft Resolution accepting request for rescission of development entitlements at 6805 Sycamore Road under Conditional Use Permit USE21-0107 and rescinding Resolution No. 2023-071.

REPORT-IN-BRIEF:

In October 2023, the City Council heard an appeal of a Planning Commission decision on the granting of Conditional Use Permit USE21-0107 for property leased to VSM Rentals and Leasing, LLC (“VSM”). The appeals of the Planning Commission decision challenged both the appropriateness of the Conditional Use Permit and the City’s analysis of the project under the California Environmental Quality Act. The proposed project involved recreational vehicle storage on approximately six acres of property located at 6805 Sycamore Road. The property is owned by Atascadero Mutual Water Company, with a lease to VSM Rentals and Leasing, LLC.

Since the Council’s approval of the project, VSM sent a letter to the City dated January 18, 2024, noting a number of challenges to proceeding with the project, including personal family issues and a challenging real estate market. As such, VSM has requested that the City rescind the development approvals for the project. VSM recognizes that this rescission will waive all its rights to develop the property, and should it wish to proceed with a similar project in the future, it will have to submit a new application and secure new entitlements. VSM has agreed that notwithstanding the rescission of the CUP, it will continue to indemnify and defend the City against any challenges or claims asserted in connection with the approval of CUP USE21-0107.

City staff has indicated to VSM that the City would accept the request, but to ensure that the approvals are completely rescinded, staff recommends that the Council formally rescind the approvals through rescission of Resolution No. 2023-071.

ALTERNATIVES:

Council may continue the item for further discussion and direction or may decline to accept the request for rescission. Council should provide clear direction to staff on specific information needed to return for review, but rejecting the request for rescission is not recommended.

FISCAL IMPACT:

Adopting the resolution accepting the request for rescission should have no fiscal impact.

ATTACHMENTS:

1. Draft Resolution Rescinding Resolution No. 2023-071
2. Letter dated January 18, 2024 from VSM Rentals and Leasing, LLC requesting rescission of project approvals
3. Letter dated January 24, 2024 from Phil Dunsmore to VSM Rentals and Leasing, LLC re: request for rescission of project approvals
4. October 10, 2023, Council Staff Report (without attachments)
5. Resolution No. 2023-071

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, ACCEPTING A REQUEST FOR
RESCISSION OF DEVELOPMENT ENTITLEMENTS UNDER
CONDITIONAL USE PERMIT USE21-0107 AND RESCINDING
RESOLUTION 2023-071**

**VSM RENTALS AND LEASING, LLC
(USE21-0107)**

WHEREAS, on October 10, 2023, the City Council heard two appeals of Planning Commission decisions to deem a recreational vehicle storage project categorically exempt from CEQA and grant a Conditional Use Permit USE21-0107 for the construction and operation of that project on property leased to VSM Rentals and Leasing, LLC (“VSM”); and

WHEREAS, the appeals of the Planning Commission decision challenged both the appropriateness of the Conditional Use Permit and the City’s analysis of the project under the California Environmental Quality Act; and

WHEREAS, the proposed project involved recreational vehicle storage on approximately six acres of property located at 6805 Sycamore Road; and

WHEREAS, the City Council upheld the decision of the Planning Commission, adopting Resolution 2023-071; and

WHEREAS, VSM sent a letter to the City dated January 18, 2024, noting a number of challenges to proceeding with the project including personal family issues and a challenging real estate market; and

WHEREAS, VSM has requested that the City rescind the development approvals for the project; and

WHEREAS, VSM has agreed to continue to indemnify and defend the City against any challenges or claims asserted in connection with the approval of CUP USE21-0107.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

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

SECTION 2. Acceptance. The City Council accepts the request by VSM for rescission of the development entitlements under Conditional Use Permit USE21-0107 and accepts VSM’s offer to continue to indemnify and defend the City against any challenges or claims asserted in connection with the approval of CUP USE21-0107.

SECTION 2. Rescission. Resolution No. 2023-071 is rescinded in its entirety.

PASSED AND ADOPTED at a regular meeting of the City Council held on the 27th day of February, 2024.

On motion by Council Member _____ and seconded by Council Member _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

VSM Rentals and Leasing, LLC
3380 El Camino Real
Atascadero, CA 93422
Tel: (805) 441-9982

January 18, 2024

Mr. Phil Dunsmore
Director of Community Development
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422

**Re: Request for Rescission of VSM Rentals and Leasing, LLC's Project
Approvals for RV Storage Project; 6805 Sycamore Road, Atascadero
(Conditional Use Permit # USE21-0107)**

Dear Mr. Dunsmore:

On October 10, 2023 the City of Atascadero ("City") approved VSM Rentals and Leasing, LLC's ("VSM's") RV-storage project described above ("Project"). Unfortunately, due to a family medical crisis that has come to consume nearly all of my time (e.g., not having been able to work a single day for the last 4 months) and is unlikely to change, as well as a worsening economic landscape, VSM has reluctantly determined that it cannot move forward with the Project. Accordingly, VSM hereby requests that the City rescind its approval of the Project (and any related entitlements), so that VSM may allocate its available time and resources elsewhere.

In addition to the medical emergency mentioned above, VSM is also advised that the Federal Reserve's recent interest-rate hikes (and general uncertainty created by the upcoming presidential election) create risks that have forced VSM to reevaluate its risk profile at this time. By reevaluating its priorities in light of these considerations, VSM aims to get through these challenging times in order to ready itself for future success once these circumstances have passed. Unfortunately, VSM has determined that this Project will not be part of its future.

For these reasons, VSM formally requests that the City rescind its Project's current approvals as soon as practicable. This decision represents VSM's best efforts to respond proactively to these circumstances.

Having considered the matter carefully, VSM understands that this request, once granted, waives all rights under the Project's approval[s]. VSM understands that should it decide at some point in the future to pursue this Project anew, VSM would have to submit an entirely new application and secure new entitlements.

VSM sincerely appreciates the City of Atascadero and its professionals for their assistance during the approval process. We look forward to future opportunities in this community when conditions allow.

Please let us know if there are any questions. Again, we appreciate the City's support throughout this process.

Sincerely,



Kris Gustafson, Member
VSM Rentals and Leasing, LLC

ITEM NUMBER: A-5
DATE: 02/27/24
ATTACHMENT: 2

VSM Rentals and Leasing, LLC
3380 El Camino Real
Atascadero, CA 93422

Mr. Phil Dunsmore
Director of Community Development
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422



Phil Dunsmore
Community Development Director

January 24, 2024

Kris Gustafson
VSM Rentals and Leasing, LLC
3380 El Camino Real
Atascadero, CA 93422

Re: Conditional Use Permit for Sycamore RV Storage

Dear Kris,

Thank you for your letter, dated January 18, 2024, requesting to rescind the approval of the Conditional Use Permit for 6805 Sycamore Road.

The City's Conditional Use Permit approval includes a condition of approval that requires the City to be indemnified against any fees, costs, or liability as a result of the project and its entitlement. Specifically, condition 6 states:

"6. The owner and 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."

The rescission of the use permit would also remove this condition, thereby potentially opening the City to continued legal and monetary obligations as a result of the cancelled entitlement. Therefore, staff will accept your request for a rescission of the approval of the use permit provided you formally agree to continue being bound by the indemnification condition of approval until the Biodiversity First lawsuit is over and final and that it applies to all fees and costs incurred in the litigation until it is over and final, including but not limited to any fee award that may be issued by the Court.

Specifically, we request your agreement set forth on the following page in exchange for the City's acceptance of your request:

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

Please sign and return this page, or drop by the office to sign the document.

Warm Regards,



Phil Dunsmore
Community Development Director
City of Atascadero

VSM Rentals and Leasing, LLC , shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge the approval by the City, and/or any of its entities, concerning the conditional use permit (USE 21-0107) that was approved by the City of Atascadero, whether the use permit remains valid or is voluntarily rescinded.



Kris Gustafson, VSM Rentals and Leasing, LLC



Atascadero City Council

Staff Report - Community Development Department

Appeal of Conditional Use Permit for RV Storage Facility 6805 Sycamore Road

RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A, affirming the Planning Commission's approval of a conditional use permit to establish an RV storage facility at 6805 Sycamore Road, subject to findings and conditions of approval.

OR

2. Adopt Draft Resolution B, reversing the Planning Commission's action and denying a conditional use permit to establish an RV storage facility at 6805 Sycamore Road, subject to findings.

REPORT-IN-BRIEF:

The owners of VS Marine are proposing to establish an RV storage yard on land owned by Atascadero Mutual Water Company (AMWC) within the Industrial Zone, adjacent to the Sycamore Industrial Park at 6805 Sycamore Road. AMWC has agreed to lease the land to allow this land use. The use requires a conditional use permit within the Industrial Zoning District.

On July 28, 2022, the Design Review Committee (DRC) reviewed the proposed project and made recommendations regarding new and existing fencing and landscaping for the project. The applicant revised the plans in accordance with the DRC's recommendations.

On November 15, 2022, this item was presented to the Planning Commission (PC). Public comment focused on potential environmental impacts. In one letter received, staff was notified from a local Native American tribe that the site may be archeologically sensitive. The Commission voted to continue the meeting to a date uncertain, with a recommendation to provide an Archeology Study and a Visibility Study with the applicant to mark the boundaries of the storage yard.

On June 20, 2023, the item returned to the PC for continued review. Two motions were made by the PC to deny the conditional use permit application, both of which failed with a 4:2 vote and 3:3 vote. A third motion was made to approve the conditional use permit which also failed with a 3:3 vote. A fourth motion was made to continue the item until the City analyzes appropriate land uses for the property as part of the General Plan update. The General Plan update is likely to be completed in 2024, however there is no definitive

completion date to amend the zoning maps, therefore the motion to continue on that basis was determined to be an invalid action.

On July 18, 2023, the Commission reheard the project. Following substantial public comment, the commission voted 4-3 to approve the use permit, adding a condition to provide a nesting bird and special status species survey prior to development of storage yard.

On July 28, 2023, an appeal was received from David Broadwater, a resident of Atascadero. The basis of the appeal claims that the environmental impacts of the project were not adequately addressed and that qualified professionals should be utilized to evaluate the project (Attachment 1).

On July 31, 2023, a second appeal was received from Michael Jenkins on behalf of BioDiversity First!, Inc. of Shandon, CA. The basis of this appeal notes that the project's adjacency to a flood plain is problematic and an unacceptable risk. The appeal notes that the City's compliance with CEQA is incomplete and under an unspecified categorical exemption (Attachment 2).

DISCUSSION:

Project Logistics

The subject site is located on the north side of Sycamore Avenue, adjacent to the Sycamore Industrial Park and west of the Salinas River. Historically, the site was graded and filled with a large quantity of gravel and material and a large berm was constructed near the eastern boundary of the site adjacent to the river, most likely as a flood prevention measure. The site is owned by Atascadero Mutual Water Company (AMWC) and contains an existing fenced construction yard with storage buildings on a portion of the property.

The proposed project includes a six-acre outdoor storage yard designed to accommodate up to 262 unoccupied recreational vehicles and boats. The applicant is proposing to complete the project in two phases. The first phase consists of 138 RV storage spaces, a new perimeter chain link fence along the Phase 1 area, site grading with Class II base (in Phase 1 areas only), construction of an entrance gate, and completion of a required stormwater basin. Phase 2 includes the addition of 124 RV storage spaces, removal of the fence between the two phases and extension of a chain link fence at the rear of the site. In phase one, Project development will include a formal entry to the Anza trail and an improved pathway, split rail fencing, and landscaping along the realigned access path that will link to the established trail alignment adjacent to the Salinas River.

Land Use Entitlement

The land use proposed, *Outdoor Vehicle and Equipment Storage*, is a conditionally allowed use in the Industrial Zoning district. Section 9-6.140 of the City's Zoning Regulations provides a set of site design standards for storage yards in addition to the provisions of the use permit.

Archaeological Assessment

An archaeological consultant, *Cultural Resource Management Services*, conducted an archaeological inventory survey (Phase I) within the proposed project area to determine if any resources might be present and whether further analysis would be warranted. The

archaeological assessment found that no further investigations are necessary. Historical records indicate that in 1969 and 1972 the entire parcel of land was flooded and the banks of the Salinas river changed substantially. Following this time, until the 1990s, the County of San Luis Obispo and Caltrans utilized this area to dispose of excess materials, such as asphalt, concrete, fill soil, and rock. According to a source at the Atascadero Mutual Water Company, this raised the level of the parcel around 10 feet. Evidence of this previous grading and fill still remains on site. During the field investigation, all materials were found to be consistent with fill dirt that would have been imported into this site. There does not appear to be any native grade remaining on this property, therefore archeological evidence is not present.

Landscaping, Fencing, Lighting, and Security

Landscaping

Atascadero Municipal Code (AMC) 9.4-125 requires 5% of a project site in an industrial zone to be landscaped. The applicant is requesting an exception to this requirement due to maintenance concerns and visibility into the site. Since the site is screened by fencing and landscaping along Sycamore Road, landscaping added within the RV lot will not be visible from the outside. Based on location and this specific land use, staff had recommended that the Planning Commission allow for a modification to only require landscaping along Sycamore Road and the Anza Trail along the project frontage.

Fencing

The applicant is proposing new six-foot-tall vinyl-coated chain link fencing around the RV storage lot. AMC 9-4.128 requires all new vinyl-coated chain link fencing to be screened with evergreen vegetation. The new fence adjacent to the Anza Trail will be heavily screened with landscaping. However, new fencing around the rear of the site is not proposed to have landscape screening as it is adjacent to a tall berm that separates the site from the Salinas River. The applicant is proposing a powered gate that will be keypad controlled. There will be no regular onsite workers so the RV storage will be self-service.

Lighting

Lighting is provided by pole lights throughout the site. Five security cameras will be installed on the proposed light poles. The applicant has a pre-existing contract with a local security company for their existing VS marine site. They plan to continue using them for this site for 24-hour security coverage.

Use Permit Entitlement

A use permit to allow an RV storage yard will run with the land, regardless of the business owner/operator, unless the use permit is revoked or modified by the City, or unless the uses ceases for a period of six months or more. Project conditions were incorporated into the project to ensure that storage was only allowed for operable RVs and boats. Conditions were designed to prevent nuisances from accumulating at the site and to ensure appropriate quality and maintenance (PC Resolution, Attachment 7).

CEQA determination

The project to establish an outdoor storage yard at this site consists of the installation of fencing, lighting, road base, and a small drainage basin to ensure that any stormwater on this site enters the basin without leaving the site. The project does not involve the construction of buildings, infrastructure, or paved areas. The site was evaluated as part of the 2002 General Plan for the Industrial Uses within the General Plan EIR and is a

historically graded, leveled, and filled site void of natural features, drainage courses, trees, or habitat areas. The site has been historically utilized for construction yard operations and passive outdoor recreation. Following a phase I archeological evaluation, along with several site visits by staff, it was determined that the “project” should be exempt from CEQA as it does not involve substantial grading nor development and the site is not within a sensitive habitat zone, nor does it have the potential to provide archeological or historical artifacts. Staff recommended the use of CEQA Guidelines Section 15304 to provide an exemption to this project. This section states that projects shall be exempt from CEQA that involve “*minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes*”.

Appeal 1

The appeal filed by David Broadwater (Attachment 1) claims that the environmental impacts of the project were not adequately addressed and that qualified professionals should be utilized to evaluate the project. The appeal states:

“There is no evidence that the project has been reviewed by qualified professionals regarding the environmental, recreational, social and aesthetic values of the site and the river’s watershed, or the potential impacts on beaver habitat which brings the benefits of water retention, groundwater recharge, and wildlife and riparian enhancement.”

Mr. Broadwater’s appeal was supplemented by additional information that was submitted on September 8, 2023. This supplemental information is included in Attachment 1 and details arguments about the entitlement process along with relevant sections of the existing General Plan and the potential for this designation to be altered with the ongoing General Plan update.

A second supplement to Mr. Broadwater’s appeal was received on September 15, 2023 (Attachment 1). This second supplement is a series of statements, evidence, and policy review from the SLO Beaver Brigade. In summary, the Beaver Brigade opposes the RV storage project stating that the project is not consistent with the intent of the General Plan, the project review did not consider mitigation for a Bald Eagle nest that may be located on the other side of the Salinas River from the proposed storage site, and that the project could impact the health of the beaver habitat in the Salinas River.

Appeal 2

Appeal two was received on July 31, 2023, and was filed by Michael Jenkins on behalf of the nonprofit BioDiversity First!, Inc. This appeal claims that the project site is problematic and risky due to the flood plain adjacency and that the City failed to properly address CEQA (Attachment 2).

A supplement to appeal two was received on September 19, 2023. The supplement expands on the potential environmental impacts of the project while focusing on the potential of climate change and “Channelization” of the Salinas River. The appeal supplement seems to claim that the installation of a storage facility on this site would result in reducing the flood plain of the Salinas River, therefore resulting in a “channelization” of the river system.

Use Permit Findings

As noted in the Council's action options below, the Council must make all project findings to support the project and deny either of the appeals, or only one finding in order to deny the project and reverse the Planning Commission's action.

Findings are as follows:

- a. The proposed project or use is (or is not) consistent with the General Plan; and
- b. The proposed project or use does (or does not) satisfy all applicable provisions of this title; and
- c. The establishment, and subsequent operation or conduct of the use will not (or will), 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; and
- d. The proposed project or use will not (or will) be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and
- e. The proposed use or project will not (or will) 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; and
- f. The proposed project is (or is not) in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council;

Conclusion

Since the AMWC owns the site, permanent development of the property with buildings and other improvements that are suitable within the industrial zone may not be an option at this time. This land constitutes a significant portion of rare industrial land in the City and has the benefit of not being within close proximity to residential neighborhoods, nor along a significant view corridor such as Highway 101 or El Camino Real. The 2002 General Plan evaluated this site for industrial land uses and adopted an Environmental Impact Report accordingly. Although the EIR does not evaluate property on a project specific basis, it does assume that these sites will be developed with industrial land uses. The far eastern portion of the property nearest the Salinas River is within an open space designation, which creates a suitable setback for commercial development. Although a storage land use is not the highest and best use of any property within the City, this site is suited for this land use due to its isolated location, level topography, adequate separation from the habitat area associated with the river, and its limited visibility from view corridors or other properties. The General Plan update will continue to evaluate these sites for commercial viability and the future land use plan can be modified to take into account a land use list that best suits the City.

The use of the site for a storage yard does not involve substantial changes to this site nor does it alter the habitat adjacent to, or within, the floodplain. No beaver dams, bird nests, nor drainage courses exist on the project site. No buildings, substantial paving, or

substantial construction is proposed to take place with the proposed project. All stormwater on the project site would be required to remain on site and drain to a proposed basin, which would allow for on-site groundwater infiltration. The project does not result in any changes to the Salinas River basin, its banks, or any other land that has not been previously graded or leveled.

- If Council takes action to uphold the Planning Commission's approval of the project, all findings must be made to support the Use Permit, as detailed in Draft Resolution A. As noted above, conditions may be added to enhance the project's compatibility with the General Plan and with the compatibility with the site and surroundings.
- If Council takes action to overturn the Planning Commission's approval of the project, they must determine that the project does not meet at least one of the findings as detailed in Draft Resolution B. If Council overturns the Planning Commission's approval and denies the project, Council will need to state the finding that cannot be made and reason(s) for denial which will then be included in Draft Resolution B.

ALTERNATIVE:

Council may continue the item for further discussion and direction. Council should provide clear direction to staff or the project applicant on specific information needed to return for review. As an option, Council may choose to allow a phased project or only a portion of the proposed six acres to be used for RV storage with the other portion to remain vacant until further review.

FISCAL IMPACT:

There is no significant fiscal impact expected.

ATTACHMENTS:

1. Appeal Letter and Supplements (Appeal 1, David Broadwater)
2. Appeal Letter and Supplements (Appeal 2, Friends of the Beaver)
3. Planning Commission Meeting Minutes- June 20, 2023
4. Planning Commission Meeting Minutes- July 18, 2023
5. Planning Commission Resolution
6. Draft Resolution A
7. Draft Resolution B
8. Public Comments (prior to agenda posting)
9. Supplemental Information Packet (prior hearing materials) available online at:
<http://records.atascadero.org/WebLink/ElectronicFile.aspx?docid=120999&dbid=0>

RESOLUTION 2023-071

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AFFIRMING THE PLANNING
COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT TO
ESTABLISH AN RV STORAGE FACILITY LOCATED AT
6805 SYCAMORE ROAD**

**SYCAMORE RV STORAGE
(USE 21-0107)**

WHEREAS, an application has been received from VSM Leasing & Rentals LLC, to consider Planning Application USE 21-0107, for a Conditional Use Permit for an outdoor RV storage use on a 6-acre site at 6805 Sycamore Road, Atascadero, CA 93422 (APN 028-121-001); and

WHEREAS, the site's current General Plan Land Use Designation is Industrial; and

WHEREAS, the site's current Zoning District is Industrial; and

WHEREAS, outdoor storage of RV's is a conditionally allowed use in the industrial zoning district; and

WHEREAS, the project was reviewed by the Design Review Committee at their regularly scheduled meeting on July 28, 2022; 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 use permit; and

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on November 15 and continued on June 20, 2023, studied and considered the proposed use permit for an RV storage development and failed to pass a motion to approve nor deny the use permit based on tied votes; and

WHEREAS, the Planning Commission of the City of Atascadero re-heard the project on July 18, 2023, and approved the Use Permit on a 4-3 vote; and

WHEREAS, on July 28, 2023, David Broadwater filed an appeal for review of the Planning Commission's action by the City Council, in accordance with the provisions of Atascadero Municipal Code Section 9-1.111; and

WHEREAS, on July 31, 2023, Michael Jenkins on behalf of BioDiversity, First!, Inc., filed an additional appeal for review of the Planning Commission's action by the City Council, in accordance with the provisions of Atascadero Municipal Code Section 9-1.111; and

WHEREAS, the City Council held a duly noticed public hearing to consider the appeals on October 10, 2023, at 6:00 p.m., in accordance with the provisions of Atascadero Municipal Code Section 9-1.110, and considered testimony and reports from staff, the applicants, and the public.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular hearing assembled on October 10, 2023, resolved to affirm the Planning Commission's action to approve a conditional use permit for an outdoor RV storage yard subject to conditions of approval and mitigation monitoring as show in Exhibits A through D, attached hereto and incorporated herein by this reference.

SECTION 3. Facts and Findings. The City Council makes the following findings, determinations, and approvals with respect to the Conditional Use Permit:

1. Findings for Affirming the Planning Commission's Approval of a Conditional Use Permit

A. FINDING: The proposed project or use is consistent with the General Plan.

FACT: The use is consistent with the General Plan. Specifically, it relates to intended uses in the Industrial Park zone. The General Plan states that one of the intended uses of this zone is for outdoor storage facilities. General Plan Policy 14.2 aims to identify locations with adequate land to accommodate industrial uses to retain and expand existing businesses. The municipal code allows outdoor vehicle storage operations with a Conditional Use Permit.

B. FINDING: The proposed project or use satisfies all applicable provisions of the Zoning Ordinance.

FACT: The proposed outdoor vehicle storage operation can be permitted though the Conditional Use Permit process as identified in the Municipal Code. The proposed site plan is consistent with the applicable provisions of the Atascadero Municipal Code as conditioned.

- C. FINDING: 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 recreational vehicle storage facility will not be detrimental to the general public or working person's health, safety, or welfare.

- D. FINDING: The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development.

FACT: The proposed project is on a property that is zoned Industrial Park with a contract construction yard on it. The property is at the edge of the city in an area that has been designated for industrial uses.

- E. FINDING: 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.

FACT: The proposed project and use is consistent with the traffic projections and road improvements anticipated within the General Plan. The project site is an existing site on Sycamore Road.

- F. FINDING: The proposed project is in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council.

FACT: The project is consistent with the General Plan and Municipal Code, as conditioned.

2. Findings for Approval of Landscape Requirement Exception

- G. FINDING: Since the site is screened by fencing and landscaping along Sycamore Road, landscaping added within the RV lot will not be visible from the outside. Additionally, maintaining this landscape would be difficult as it would need to be irrigated and protected from vehicles driving over it. Additionally, evergreen landscaping along the Salina River will not provide useful screening. The chain-link fence requiring screening is located against a berm and landscaping will be difficult to maintain.

FACT: Existing vegetation topography or structural arrangement preclude the need for landscaping.

SECTION 4. CEQA. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15304, Class 4; Minor Land Alterations.

SECTION 5. Approval. The City Council of the City of Atascadero, in a regular hearing on October 10, 2023, resolved to affirm the Planning Commission's action to approve a Conditional Use Permit to allow for an outdoor RV storage facility subject to the following:

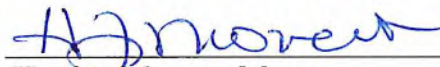
1. EXHIBIT A: Conditions of Approval
2. EXHIBIT B: Site Plan
3. EXHIBIT C: Preliminary Grading and Drainage Plan
4. EXHIBIT D: Landscape Plan (as modified)

PASSED AND ADOPTED at a regular meeting of the City Council held on the 10th day of October, 2023.

On motion by Council Member Bourbeau and seconded by Council Member Dariz, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: Council Members Bourbeau, Dariz, Funk, Newsom, and Mayor Moreno
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF ATASCADERO:



Heather Moreno, Mayor

ATTEST:



Lara K. Christensen, Deputy City Manager / City Clerk

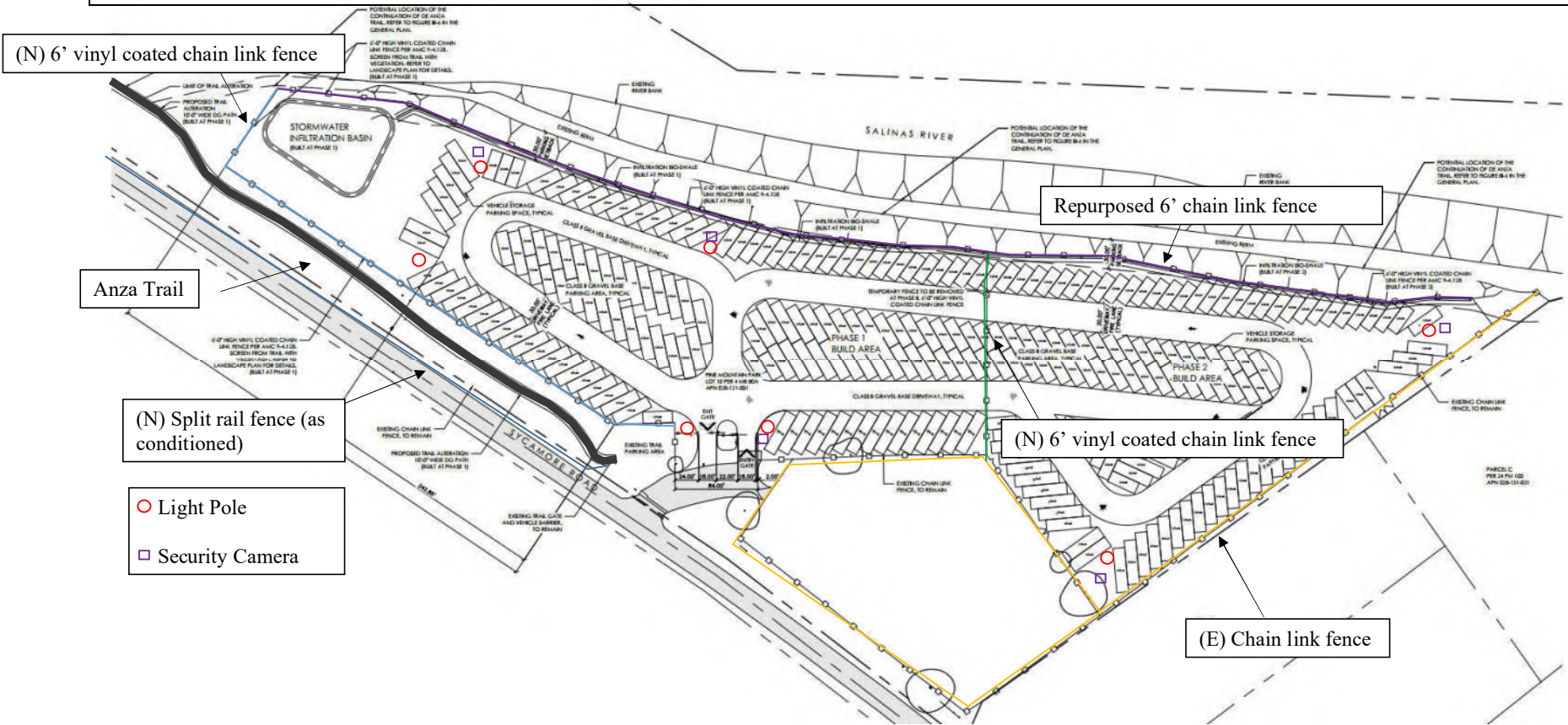
**EXHIBIT A: Conditions of Approval
USE21-0107**

Conditions of Approval Conditional Use Permit Outdoor Recreational Vehicle Storage 6805 Sycamore Road	Timing BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
1. This Conditional Use Permit shall be for an outdoor recreational vehicle storage yard as described in attached Exhibits, located at 6805 Sycamore Road (APN 028-121-001), regardless of owner.	Ongoing	PS
2. The approval of this use permit shall become final and effective the date of the hearing. Issuance of building permits may not occur prior to the appeal period of fourteen (14) days following the Planning Commission approval.	Ongoing	PS
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%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Conditional Use Permit.	Ongoing	PS, CE
4. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of this time period, the approval shall expire and become null and void unless the project has received a building permit or a time extension.	BP	PS
5. This use permit shall be valid for this site regardless of owner. If the storage land use ceases for more than 6 months following initial occupancy or if the City verifies that the use is not in compliance with Use Permit conditions, the use permit shall be revoked and shall be subject to the review and approval of a new use permit, subject to zoning and General Plan compliance at the time of revocation.	Ongoing	PS
6. The owner and 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.	Ongoing	CA
Planning Services		
7. The Conditional Use Permit shall allow an outdoor recreational vehicle storage yard as shown in Exhibit B.	Ongoing	PS
8. All landscaping, fencing and site improvements shall be maintained in good order. Any dead or non-performing landscape items shall be replaced within 30 days. Any damaged fencing, lighting, or site improvements shall be replaced immediately.	Ongoing	PS
9. No changes to fencing, landscaping, or site improvements may be installed without prior approval by the City.	Ongoing	PS
10. No cargo containers, inoperable vehicles, inoperable boats or inoperable RV's shall be stored on-site. Only currently registered, operable vehicles or RV's may be stored on-site. All vehicles will be inspected upon initial storage to ensure vehicle is operable and all stored vehicles shall maintain insurance and provide copy of current insurance to City upon request.	Ongoing	PS

Conditions of Approval Conditional Use Permit Outdoor Recreational Vehicle Storage 6805 Sycamore Road	Timing BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
11. No storage of vehicles in any location other than in the designated on-site parking areas as identified in the site plan approved by Planning Commission may be stored on any portion of the site.	Ongoing	PS
12. No other land use shall be allowed in conjunction with the RV storage unless specifically approved by the City.	Ongoing	PS
13. No washing or servicing of vehicles, RV's or Boats or other equipment may occur on-site.	Ongoing	PS
14. No dumping of RV waste or water tanks may occur on site at any time.	Ongoing	PS
15. No storage, paving, stockpiling, grading, or use of the site shall be allowed within 30 feet of the top of the bank of the Salinas River.	Ongoing	PS / BS
16. The realignment of the Anza Trail shall be consistent with what is shown in Exhibit B. The trail shall be completed and fully landscaped per the approved landscape plan. Any modifications must be approved by the Community Development Director. Generally, taller vegetation shall be focused between the RV storage lot and the realigned Anza Trail. Shorter species shall be planted between the Anza Trail and Sycamore Road to avoid the trail from becoming a hidden corridor	BP/ FI	PS
17. The existing chain link fence adjacent to Sycamore Road and the realigned Anza Trail shall be replaced with a split rail or pipe rail fence with a maximum height of 4 feet tall. Fence shall be installed prior to requesting a Planning Final.	FI	PS
18. All new fencing chain link fencing, other than fencing along the Salina River, shall be vinyl coated with a dark neutral color. The maximum fence height shall not exceed 6 feet. However, the addition of barbed wire (NOT Constantine wire) may be added to the top of interior fences along the RV storage lot. Fencing shall be installed prior to requesting a Final Planning Inspection.	FI	PS
19. Existing chain link fencing along Sycamore Road may be repurposed to be used as fencing adjacent to the Salinas River.	FI	PS
20. The applicant shall submit a landscape and irrigation plan, completed by a qualified professional, with their construction documents. The landscape plan shall be consistent with what is shown inf Exhibit D with additional landscaping focused on the following areas: _Along the Anza Trail realignment to include landscaping that maintains safety and visibility _ In front of the existing construction yard, adjacent to Sycamore Road Landscaping and irrigation shall be installed prior to requesting a Planning Final Inspection.	BP/FI	PS
21. Ensure that the Anza Trail realignment is built out to meet equestrian trail standards.	FI	PS
22. Maximum height of new light poles shall not be taller than 16 feet for each light pole nor exceed the height of the levee to prevent light spillage into the riverbed. The lights shall be set to dim low level light until motion is detected and shall preclude activation by small animal movement.	BP/ FI	PS
23. A photometric light study shall be submitted with the building permits for the Phase 2 addition and shall consider all new lights proposed and all existing lights proposed to be retained. The lighting plan shall not include any lights that cause a light in excess of .01 footcandles on adjacent properties. Planning Services staff shall conduct a night-time inspection of lights before the building permits may be finalized.	BP/FI	
24. The Use Permit shall be subject to additional review upon receipt of operational complaints including a high number of police calls. Additional mitigation may be warranted upon verification of recurring noise or operational disturbances that	Ongoing	PS

Conditions of Approval Conditional Use Permit Outdoor Recreational Vehicle Storage 6805 Sycamore Road	Timing BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
impact residential properties. Community Development Department review for compliance with all conditions within 12 months of commencement of business operation.		
25. Archaeological monitoring is required with all ground disturbing activities. The applicant will be required to provide a signed contract with a certified archaeologist prior to building permit issuance. The archaeologist is required to provide a letter to the City prior to Planning Department Final stating that all recommended procedures were completed.	BP/ FI	PS
26. The applicant shall hire a qualified biologist to provide a nesting bird survey and survey for special status species within 3 months prior to construction commencement. This survey shall include a survey for eagle nests within 1 mile of the project site. The applicant shall follow all recommendations of the qualified biologist and shall obtain all permits from the Department of Fish and Wildlife.		
27. Trash receptacles shall be provided at or near the access gate, adequately screened as determined by the Community Development Department, and of sufficient size to serve the facility.		
28. Overnight occupancy shall be strictly prohibited on site.		
29. Private Security shall maintain security at site and shall be the first point of contact for response to any security related issues.		
Public Works		
30. At Building permit submittal, provide updated Stormwater Control Plan (and reflect on Grading Plans) indicating the areas outside of the drive aisles will not be compacted >85% compaction to allow infiltration to meet Post Construction requirement #1 to reduce impervious surface as far as practicable.	BP	PW
31. Parking spaces are noted to be native material and are susceptible to pollutant discharge from vehicles. At time of building permit submittal, on the plans and with supplemental documents, provide drip pans and spill kits for leaks or other spills under all vehicles at all times , similar to what would be found in a municipal yard. (Reference industrial or municipal stormwater requirements for construction or corporation yard spill prevention.) A disposal station with spill kit supplies and covered cans for soiled materials shall be located on the site for individuals using the facility and maintained by the company who leases the land and runs the business. A contact phone number shall be made available to call if a facility user/customer has a spill. Provide copy of a Spill Response Plan to City for review and approval. This plan must be in place to provide a procedure for cleaning up major spills, including sewage or gray water leaks, in a timely manner with contact information for those who would be responsible parties. Any spills shall be reported to AMWC and the City of Atascadero immediately. The site shall be inspected a minimum of twice weekly to ensure compliance.	BP/ Ongoing	PW

**EXHIBIT B: Site Plan
USE21-0107**



**EXHIBIT C: Preliminary Grading and Drainage Plan
USE21-0107**

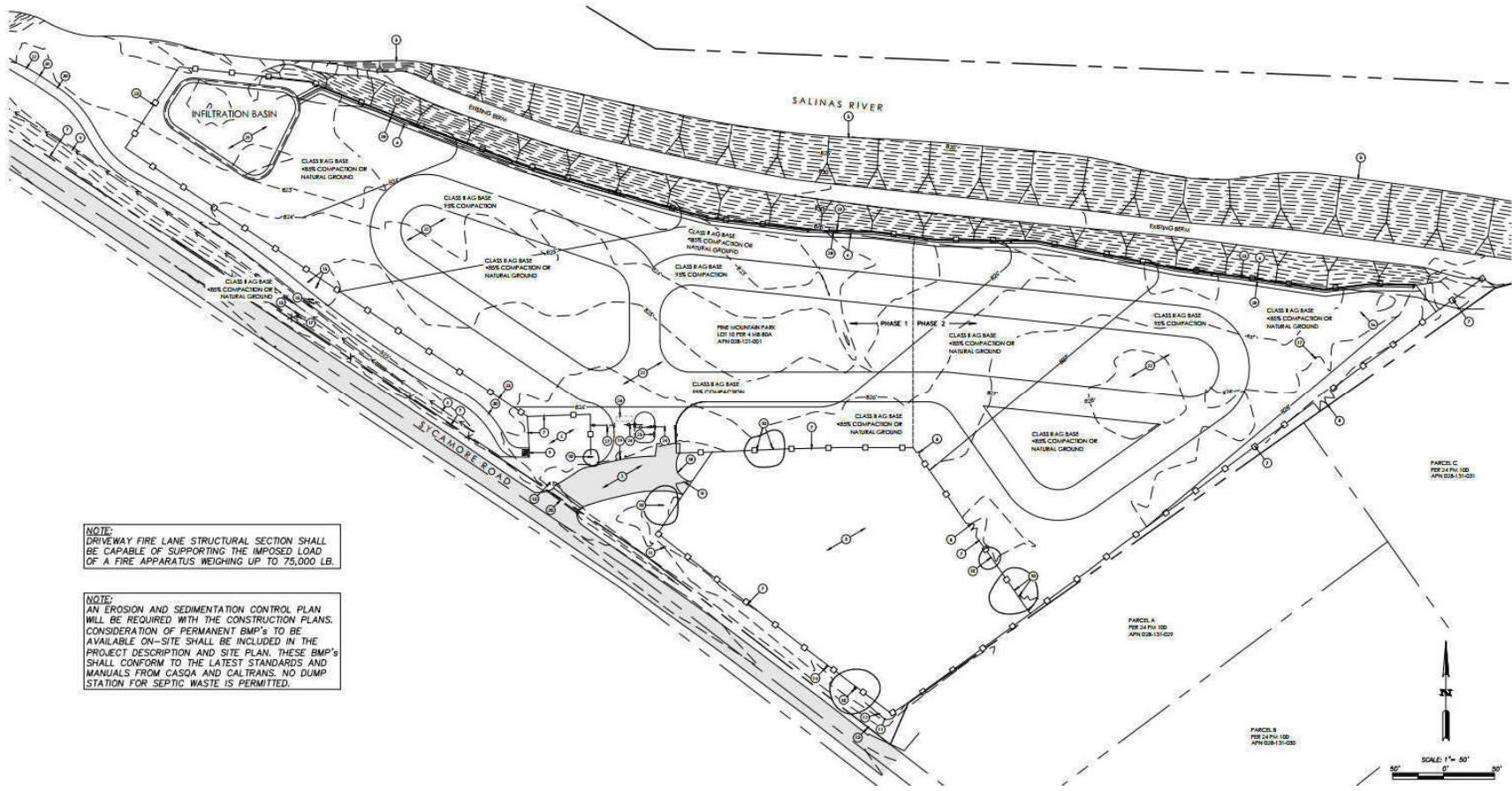
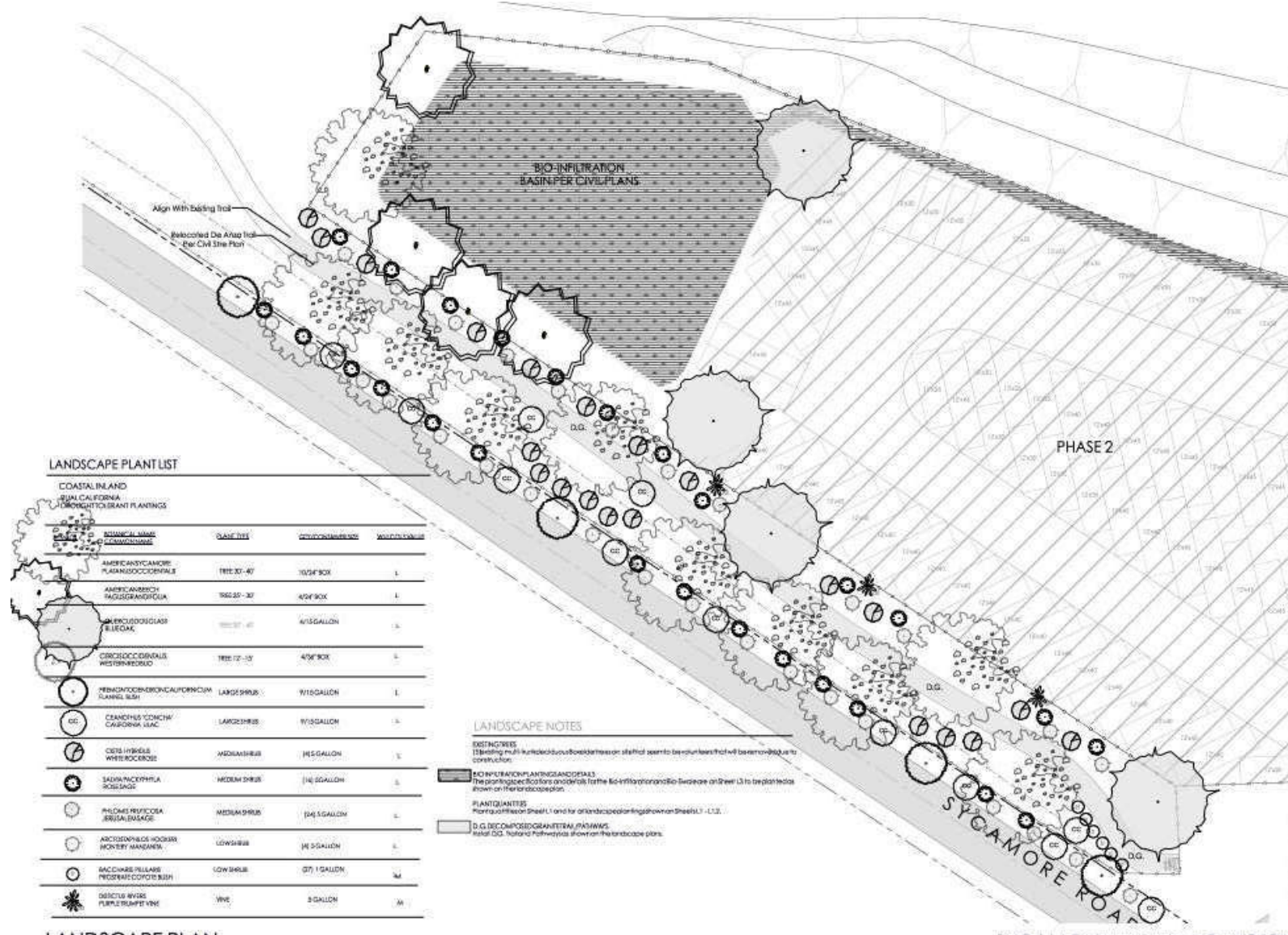
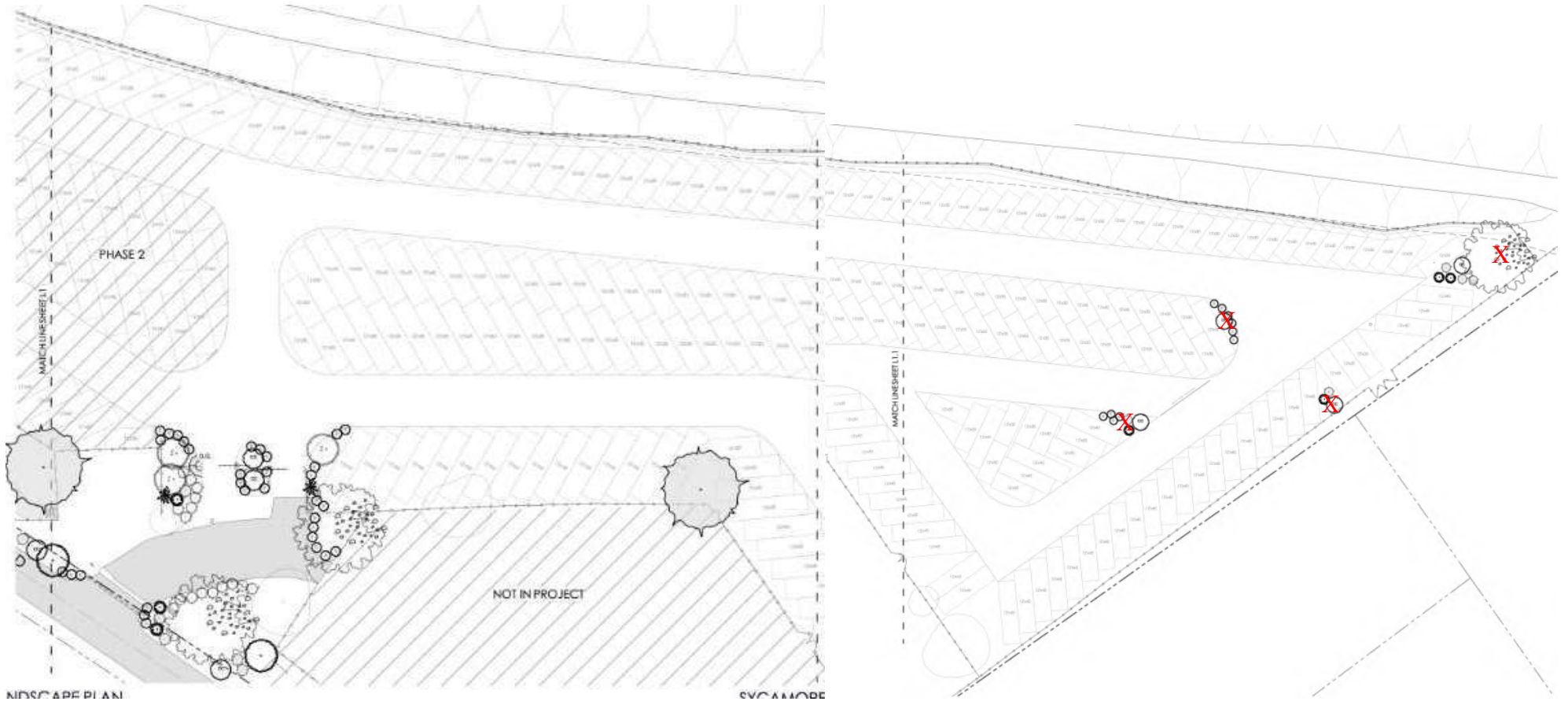


EXHIBIT D: Landscape Plan (as modified)
USE21-0107







Atascadero City Council

Staff Report – City Manager’s Office

2023 Risk Management Update

RECOMMENDATIONS:

Council receive and file the 2022-23 Risk Management update.

DISCUSSION:

The City of Atascadero Risk Management Program includes policies, programs, insurance, and risk pool coverage to minimize the City’s risk exposures from employee injury claims, third-party liability claims, or property loss.

The California Joint Powers Insurance Authority (CJPIA) is the City's provider of Risk Management Services, which includes coverage for Liability, Workers' Compensation, and Property Insurance claims. The CJPIA acts as the City's agent in claims processing and litigation and provides the City with regulatory safety training to meet Occupational Safety and Health Administration (OSHA) requirements as well as policy implementation, staff development training, and operational guidance. In addition, the CJPIA works closely with the City's Risk Manager to execute best practices and review the City's Risk Management programs and policies in order to proactively reduce risk exposure and control costs to the City.

The City’s Risk Management Program focuses on identifying, evaluating, and addressing loss exposures through various mitigation and preventative services. The program’s areas of focus include addressing exposures related to Workers’ Compensation, General Liability, Property, Cyber, Crime and Special Events.

Workers’ Compensation

This program focuses on ensuring employee safety and reducing employee injury proactively through such things as the establishment and implementation of safety policies and programs, required staff training on safe workplace practices, conducting Citywide and Departmental workplace safety and risk assessments and safety meetings, and holding quarterly City Safety Committee Meetings to review injuries and safety training requirements and progress, and site safety inspections.

General Liability Program

This program includes identifying the areas of risk exposure for the City and developing or maintaining programs that will minimize or mitigate liability exposure. General liability is any claim against the City including, but not limited to vehicle accidents, trip-and-falls, storm damage, sewage backup, and errors and omissions.

Property Program

This program focuses on managing risk associated with the City's real and personal property, including buildings, automobiles, equipment, and related infrastructure in the City's care.

Cyber Program

This program focuses on managing risk associated with Cyber Crime, Network Security, and Privacy Incidents.

Risk Assessment/LossCAP Program

The CJPIA works with the City through the Loss Control Action Plan (LossCAP) Program to reduce the frequency and severity of claims, and to provide an integrated approach to managing the City's risk exposures. Program administration is accomplished through the CJPIA's regional risk manager. Tim Karcz, Senior Risk Manager for Region 2, works closely with the City to help assess, understand, and manage the City's unique risks. Through LossCAP, Mr. Karcz reviews and makes recommendations for corrections to:

- City policies and programs
- Contractual language and insurance requirements
- Public facilities including sidewalks, streets, parks and buildings
- Training programs and procedures

The City's assessments also include a regular review of claims in an effort to learn from and identify areas for correction to prevent future exposures.

Reporting and Claims History

The City's cost of coverage with the CJPIA is primarily based on the City's Payroll and loss experience.

The CJPIA provides the City with Overview reports on the City's General Liability and Workers' Compensation Claims. These claim status reports summarize the claims history over a five-year period, the category or cause of claims, cost centers, and a comparison to other agencies of a comparable size. The five-year claims history is used in calculating the City's premiums. The City's claims are regularly reviewed in an effort to learn from and identify areas for correction to prevent future exposure.

2023 Annual Report

For the 2022-23 Coverage Period, the City's cost of claims remains below the pool average for both Workers Compensation and General Liability claims. There are 126 member agencies making up the CJPIA, of which only approximately 40 agencies have Law Enforcement and Fire.

1. Workers Compensation: The total number of worker's compensation claims in the 2022-23 policy year was 17, with all 17 closed. The highest frequency was strains, with an overall average severity of \$39,248 for the five-year period. Consistent with the rest of the pool, the City's majority of losses occur amongst employees engaged in the more physical work activities within Departments such as Police, Fire and Public Works. Although these Departments have the highest

incidents of claims, in overall comparison with the pool claim volume is relatively low and the cost to the City remains below the pool average.

2. General Liability Program: The City had 37 total liability claims for the policy year. Of those claims, 22 were closed and the additional 15 continue to be managed with the assistance of Carl Warren, the CJPIA's Third Party Administrator. Currently, 3 claims have resulted in litigation. Over the five-year period, the City has paid on average 19% less than the pool average, per \$100 of payroll. The City's claims for damages have been adjusted to address claims for damages as a result of the 2023 storms and include claims related to Police and Fire. Only approximately 40 of the agencies in the pool include Police and Fire in their data and statistics and Atascadero continues to remain well below the pool average. Staff and CJPIA continue to manage and defend the City to limit its exposure.

FISCAL IMPACT:

None.



Atascadero City Council

Staff Report – Public Works Department

2024 Community Development Block Grant Funding Recommendations

RECOMMENDATION:

Council review and approve funding recommendations for the 2024 Community Development Block Grant (CDBG) program as shown below and authorize staff to adjust award amounts proportionately upon receipt of the final funding amount.

CDBG CATEGORIES & APPLICATIONS	AWARD AMOUNT
PUBLIC FACILITIES (PF) & HOUSING PROJECTS (HP) CATEGORY (65% Min.)	
1. CITY OF ATASCADERO - <i>Viejo Camino Sidewalk and ADA Improvements</i>	\$ 87,233
Subtotal:	\$ 87,233
PUBLIC SERVICES CATEGORY (15% Max.)	
1. CITY OF ATASCADERO - <i>Youth Activity Scholarships</i>	\$ 12,500
2. EL CAMINO HOMELESS ORGANIZATION (ECHO) - <i>Operation of Homeless Shelter</i>	\$ 7,631
3. 5 CITIES HOMELESS COALITION - <i>Subsistence Payments, Homeless Assistance, & Security Deposits</i>	\$ -
Subtotal:	\$ 20,131
ADMINISTRATION (20% Max.)	
1. SLO COUNTY - <i>Program Administration (13%)</i>	\$ 17,447
2. CITY OF ATASCADERO - <i>Program Administration (7%)</i>	\$ 9,394
Subtotal:	\$ 26,841
Total:	\$ 134,205

DISCUSSION:

The 2024 CDBG award process began in the fall of 2023. Workshops were held throughout the County to solicit public comment on community needs. The County published a request for CDBG proposals and the City received four applications. Total available funding for the 2024 cycle, based on previous levels, is anticipated to be approximately \$134,205. Final funding amounts are anticipated to be released by the Department of Housing and Community Development (HUD) in spring 2024.

A public hearing was held by the Council on December 12, 2023, to review applications and make draft recommendations for 2024 Cycle CDBG funding. The following table summarizes the CDBG categories and applications received, including the application amount and Council draft recommendations.

CDBG CATEGORIES & APPLICATIONS	APPLICATION AMOUNT	COUNCIL DRAFT REC.
PUBLIC FACILITIES (PF) & HOUSING PROJECTS (HP) CATEGORY (65% Min.) - Est. \$87,233		
1. CITY OF ATASCADERO - <i>Viejo Camino Sidewalk and ADA Improvements</i>	\$ 90,000	\$ 87,233
SUBTOTAL:	\$ 90,000	\$ 87,233
PUBLIC SERVICES CATEGORY (15% Max.) - Est. \$20,131		
1. CITY OF ATASCADERO - <i>Youth Activity Scholarships</i>	\$ 12,500	\$ 12,500
2. EL CAMINO HOMELESS ORGANIZATION (ECHO) - <i>Operation of Homeless Shelter</i>	\$ 6,000	\$ 7,631
3. 5 CITIES HOMELESS COALITION - <i>Subsistence Payments, Homeless Assistance, & Security Deposits</i>	\$ 4,667	\$ -
SUBTOTAL:	\$ 23,167	\$ 20,131
ADMINISTRATION (20% Max.) - Est. \$26,841		
1. SLO COUNTY - <i>Program Adminstration (13%)</i>	\$ 17,447	\$ 17,447
2. CITY OF ATASCADERO - <i>Program Adminstration (7%)</i>	\$ 9,394	\$ 9,394
SUBTOTAL:	\$ 26,841	\$ 26,841
TOTAL:	\$ 140,008	\$ 134,205

Below is a summary of the applications received.

City of Atascadero - Viejo Camino Sidewalk and ADA Improvements

This project proposes to construct approximately 450 linear feet of new ADA compliant sidewalk, and curb ramps at two locations on Viejo Camino between El Camino Real and Halcon Road. The sidewalk infill will also provide connection to a regional bus stop which will provide a new bench and shelter for riders. RTA has provided a letter of support for this project. This project warrants improvements to increase accessibility for the traveling public due to its dilapidated and non-compliant condition. The infrastructure improvements providing wheelchair ramps and ADA compliant sidewalks will aid those with mobility impairments.

In 2021 Council approved \$68,683 for partial funding of for the Viejo Camino Sidewalk Project. The estimated total project cost is now estimated at \$160,000, which requires \$91,317 in additional funding to complete.

El Camino Homeless Organization (ECHO) - Operation of Homeless Shelter and Meals

ECHO operates Navigation Centers with overnight shelters in Atascadero and Paso Robles. This program provides funding for operational costs at both Navigation Centers, including utilities, food for meal programs, shelter supplies, insurance, and maintenance, as well as for staff positions. The project also supports all or a portion of the following staff salaries at the two sites: four case managers, two overnight shelter coordinators, a volunteer coordinator, a shelter manager, a client services manager, and a daytime program manager.

ECHO's Atascadero Navigation Center has a 60-bed shelter serving all county residents and providing care for medically fragile clients. Through a partnership with People's Self-Help Housing and Housing Authority SLO, ECHO added 50 beds in 2020 by purchasing a Motel 6 property in Paso Robles with a state Project Homekey grant.

At the Navigation Centers, shelter clients and the unsheltered access case management, employment and benefits resources, and housing resources. ECHO helps clients to connect with agencies providing health and mental health services, recovery programs, educational assistance, and other services that will help clients reach their goals of stable housing and physical and mental well-being. The public shower program provides access to showers and donated clothing five times weekly for those not staying in a shelter.

5 Cities Homeless Coalition (5CHC) - Subsistence Payments, Homeless Assistance, and Security Deposits

Rapid re-housing involves case management targeted at identifying displaced clients' most essential needs and connecting them to community resources. Homeless Prevention Services are provided to those at immediate risk of homelessness based on need and qualification. Clients receive targeted case management services per their individual circumstance, in addition to direct financial assistance to enable them to remain in their housing, or deposit assistance needed to re-house them to prevent homelessness. The goal is to assist participants to secure long-term stable housing that they can afford to retain. By connecting people with a home, they are in a better position to address other challenges that may have led to their homelessness, such as obtaining employment or addressing substance abuse issues.

City of Atascadero - Youth Activity Scholarship Fund

The City administers the Youth Activity Scholarship Fund to allow the children of very low and low-income families to participate in recreational and social activities, to keep children active and engaged. Because this program is limited to very low and low-income families, the benefit criteria will be met.

There is a minimum award threshold of \$8,000 per project, which requires the cumulative sum of all application awards for any individual project must be \$8,000 or greater. For instance, if the City awards less than \$8,000 to any project application, the remaining balance will need to be programmed to the project by the County or other cities for the project to be viable for funding. Based upon the draft recommendations, this condition would apply to the ECHO and 5 Cities Homeless Coalition on the 2024 funding cycle. Both project applications have adequate funding to meet the \$8,000 minimum threshold.

Once Council has approved the funding recommendations for the 2024 CDBG program, they will be forwarded to the County for approval by the Board of Supervisors and inclusion in the countywide Consolidated Plan.

The amount of funding shown for 2024 is an estimate provided by the County based on available information from the U.S. Department of Housing and Urban Development. If the amount awarded to the City is more than the amounts shown, the additional amount will be dispersed proportionately among the awarded applicants.

FISCAL IMPACT:

Approval of Atascadero's total 2024 CDBG allocation would result in the estimated revenue and expenditure of \$134,205 of CDBG funds.

ALTERNATIVES:

Council can deviate from their draft recommendations and make different final recommendation awards. This alternative is not recommended since the County has compiled all the various agency draft funding recommendations.

ATTACHMENTS:

None; a complete packet of submitted applications is available for public review at the City of Atascadero, Public Works Department, 6500 Palma Avenue.



Atascadero City Council

Staff Report - Community Development Department

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

RECOMMENDATIONS:

Planning Commission recommends Council:

Introduce, by title only, and waive first reading of Draft Ordinance entitled: "An Ordinance of the City Council of the City of Atascadero, California, Amending Various Chapters and Sections Within Title 3: Finance, and Title 9: Planning & Zoning, of the Atascadero Municipal Code for General Plan and Processing Consistency and to Provide Clarity Related to Development Standards and Land Use Definitions."

REPORT-IN-BRIEF:

The City Council authorized a number of code amendments to streamline the planning review process, fix minor inconsistencies, and provide greater clarity. Amendments to both Title 3 and Title 9 are included for review. The amendments cover the following topic areas:

1. Clarify zoning and development requirements for towing services
2. Redefine co-working uses
3. Clarify permitting requirements for temporary events
4. Limit oversized equipment for home occupations
5. Revise land use Definition for Personal Services - restricted
6. Clarify residential density in the Downtown
7. Modify and clarify requirements for residential care homes
8. Clarify equipment screening requirements
9. Clarify requirements and standards for security fencing
10. Clarify requirements and standards for residential accessory structures
11. Refine recreational land uses in the commercial park zoning district
12. Clarify and simplify the process for cardroom business licenses
13. Clarify definition for residential additions
14. Modify zoning code for large family day care facilities to align with State law
15. Resolve setback inconsistencies

- 16. Fix parking typo
- 17. Modify driveway standards for consistency with Fire Code
- 18. Clarify appeal language
- 19. Add DRC to public hearing section

These proposed amendments are considered minor in nature and do not change the overall intent of the Code. 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.

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 2024.

The Planning Commission reviewed the proposed amendments at their February 6, 2024, meeting and recommended that the City Council approve the proposed Code modifications.

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 focused 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. Under current regulations and standards, 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.

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. The current list of example uses includes:

- 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. Coworking spaces, incubator-type services that provide office-type working spaces for a fee.

To ensure consistency with the General Plan and intent of the Downtown zoning district, coworking uses will be placed under the definition of Offices to more closely align with use patterns and intent. 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 are located south of Atascadero Creek and outside of the downtown “core”. The City wants to continue to support the expansion of coworking offices adjacent to the downtown or within the core when they are above the ground floor and this shift will not alter that goal.

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 clarify standards for larger events that need review by the City's Fire, Planning, Building, and/or Public Works team. The current code lacks a sufficient definition of when a temporary event permit shall be required or whether the event is a temporary extension 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 the 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.

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 heavy 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 heavy 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).”

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.

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. Under current standards, 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. As a Conditional Use Permit would still be required for larger facilities, the Planning Commission would have the discretion to review proposals for larger facilities and determine appropriateness of site amenities, but smaller facilities would be able to be more easily accommodated. 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

Fencing and Screening (AMC 9-4.128)

The Zoning Code contains standards for screening mechanical equipment including air conditioning and heating devices but 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 when not incorporated into buildings to include all equipment categories so they are less apparent from the public right-of-way or adjacent residential zones. Staff also included an exception that can be approved by the Design Review Committee (DRC) if the screening or incorporation is infeasible.

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 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.

10. Clarify language regarding oversized accessory structures and change the conforming lot size requirement to a minimum one-acre lot size, increase the number of structures without a use permit

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 additional standards incorporated. A larger accessory structure, or one that does not meet specified criteria, would require review of an Administrative Use Permit. However, the code language is confusing and does not read as intended. Current Code also limits the number of non-exempt accessory structures to 2 on a property. Staff has found that this limit can be onerous based on the size and nature of most single-family parcels in Atascadero.

The proposed changes will clarify and streamline review process by clarifying the process for accessory structures of varying sizes, eliminate the conforming lot size requirements and setting a minimum site size of 1 acre for larger structures, clarify the exception process, and set the allowed number of accessory structures to 3.

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 at 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 with the approval of an Administrative Use Permit (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 Section 3-5.105 (Cardrooms) sets forth business license 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.

It is important to note that this amendment does not affect land use regulations and standards related to Card Rooms, which are included under the “Personal Services – restricted” definition.

13. Clarify Definition for Uninhabitable Space Additions

General Definitions (AMC 9-9.102)

Atascadero Municipal Code Section 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 misinterpreted 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 Section 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.

The proposed text amendment would clarify that residential additions are considered both habitable and non-habitable additional and confirm that a logical internal connection is only required for habitable additions.

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 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 with 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 Section 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 allows these structures to be located as close as 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 Section 9-4.108 also allows for an accessory structure with all of the previous qualifications to be as close as three feet to a rear property line, regardless of size.

AMC Section 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 for structures less than 120 square-feet.

16. Correct typo in AMC 9-4.118

Required number of parking spaces (AMC 9-4.118)

Atascadero Municipal Code Section 9-4.118 lists 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. 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 appeal 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, the proposed amendments would provide greater clarity addressing who can appeal a project.

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 date 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 is modified 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.

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 Code 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 proposed Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *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 (CEQA § 21065; CEQA Guidelines §§ 15378(b)(5), 15061(b)(3)).

FISCAL IMPACT:

The proposed amendments are intended to clarify existing Code regulations or fix minor inconsistencies; therefore, no fiscal impact will result from the adoption of this ordinance.

ALTERNATIVES:

1. The City Council may make modifications to the proposed text amendments. Any proposed modifications should be clearly restated in any vote on any of the attached ordinance exhibits.
2. The City Council may determine that more information is needed on some aspect of the proposed amendments and may refer the item back to staff to develop the additional information. The Council 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 City Council may deny the proposed amendments. The Council must specify what findings cannot be made, and provide a brief oral statement, based on the Staff Report, oral testimony, correspondence, or any other rationale introduced and deliberated by the Council.

ATTACHMENTS:

1. Draft Ordinance

DRAFT ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AMENDING VARIOUS
CHAPTERS AND SECTIONS WITHIN TITLE 3: FINANCE AND TITLE 9:
PLANNING & ZONING, OF THE ATASCADERO MUNICIPAL CODE FOR
GENERAL PLAN AND PROCESSING CONSISTENCY AND TO PROVIDE
CLARITY RELATED TO DEVELOPMENT STANDARDS AND LAND USE
DEFINITIONS**

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

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

SECTION 1. Planning Commission Recommendation. The Planning Commission of the City of Atascadero held a timely and properly noticed Public Hearing upon the subject Title 3 and Title 9 Atascadero Municipal Code amendments on February 6, 2024 at which hearing evidence, oral and documentary, was admitted on behalf of said amendments and the Planning Commission recommended that the City Council approve the proposed text amendments.

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on February 27, 2024, considered testimony and reports from staff and the public and introduced for first reading, by title only, an Ordinance amending Title 3 and Title 9 of the Atascadero Municipal Code.

SECTION 3. Facts and Findings. The City Council makes the following findings and determinations for approval of the proposed text amendments:

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 4. CEQA. Because of the facts set forth in Section 3, the proposed zone text amendment is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *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)(5), 15061(b)(3).

SECTION 5. Approval. The City Council of the City of Atascadero adopts the proposed text amendments to Atascadero Municipal Code, as shown in the following exhibits:

EXHIBIT A: Zone Text Change – Title 3: Finance

EXHIBIT B: Zone Text Change – Title 9: Planning and Zoning Code

SECTION 6. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. Preservation. Repealing of any provision of the Atascadero Municipal Code or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Atascadero Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Atascadero Municipal Code provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 9. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero’s book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15)

days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on February 27, 2024, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2024.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Dave Fleishman, City Attorney

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.

(~~h~~) 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.

(~~k~~) 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.

(~~mk~~) 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.

(em) 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.

(pn) 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.

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 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.

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	A Allowed Use, Zoning Clearance Required						Special Use Regulation(s)
	AUP Administrative Use Permit						
	CUP Conditional Use Permit Required						
<input type="checkbox"/> Not Permitted							
Permitted Uses By Zone						Special Use Regulation(s)	
A	RS	RSF	LSF	RMF			
Natural Resources and Processing							
Resource Extraction	CUP	CUP				9-6.147— 9.6-161	
Residential Uses							
Multifamily Housing					A	9-3.175	
Manufactured Home/Mobile Home	A	A	A	A	A	9-6.143	
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	
Recreation, Education, and Public Assembly							
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	
Tourism, Lodging, and Dining							
Bed and Breakfast		CUP	CUP	CUP	CUP		
Services-Professional							
Day Care – Small Family Day Care Home		A	A	A	A	9-6.125	
Day Care – Large Family Day Care/ Child Care Center		CUP	CUP	CUP	CUP	9-6.125	
Child Care Center		CUP	CUP	CUP	CUP	9-6.125	
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	

Agriculture/Residential Zones	A Allowed Use, Zoning Clearance Required					
	AUP Administrative Use Permit					
	CUP Conditional Use Permit Required					
<input type="checkbox"/> Not Permitted						
Permitted Uses By Zone						Special Use Regulation(s)
A	RS	RSF	LSF	RMF		
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	
Transportation, Infrastructure and Communication						
Pipelines Utility Infrastructure	CUP	CUP	CUP	CUP	CUP	
Utility Transmission Facilities	A	A	A	A	A	
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

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	
Accessory Storage		A ⁴	CUP ⁴	A ⁴	CUP ⁴	CUP ⁴			A ⁴	A ⁴	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 ⁷	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A ⁵		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	
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

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	
Churches and Related Activities		CUP	CUP								9-6.121
Collection Stations	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	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 sales area 10,000 sf or greater			CUP	CUP		CUP			CUP	CUP	
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 ⁴		CUP			A ⁴	A ⁴	9-6.129
General Retail	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴				
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 ⁹	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP ⁹	A			
Horticultural Specialties w/ outdoor storage or		CUP	CUP	CUP	CUP	CUP			CUP	CUP	9-6.116

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	
sales area 10,000 sf or greater											
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 ⁸	CUP ⁸								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 ¹				
Manufacturing and Processing – High Intensity ⁴				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 ⁶	A	A	A	A		A	A		A	A	

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										Special Regulation(s)
	Permitted Uses By Zones										
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Mixed-Use Development	CUP ¹	CUP ¹	CUP ¹	CUP ¹			A ¹	A ¹			
Mortuary Services			A	A					A	A	
Multifamily Dwelling	CUP ²	CUP ²	CUP ²	CUP ²			A ¹	A ¹			
Offices	A	A	A	A	A	A	CUP ⁹	A			
Outdoor Recreation Services			CUP	CUP	A	AUP					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 ⁴			A ⁴	A ⁴	
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
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 ²	A ²			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

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	
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A ¹	A ¹			
Single-Room Occupancy Units			CUP								9-6.184
Small Family Day Care		A ⁸	A ⁸	A ⁸		A ⁸	A ⁸				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					ACUP	ACUP	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 ³	CUP	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	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 Services¹⁰</u>				CUP					A ¹⁰	A ¹⁰	<u>9-6.167</u>
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) ⁴				A		CUP			A ⁴	A ⁴	9-6.183
Vehicle and Equipment Storage (Outdoor) ⁴				CUP ⁴					CUP ⁴	CUP ⁴	9-6.183
Vehicle and Freight Terminals				CUP					CUP	CUP	
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center ⁴		AUP	AUP	A ⁴		A ⁴			A ⁴	A ⁴	
Winery – Boutique			A ⁴	A ⁴	A ⁴	A ⁴	A ⁴		A ⁴	A ⁴	

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	
Winery – Production				CUP		CUP			A ⁴	A ⁴	

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	20 24 dwelling units/acre maximum	20 24 dwelling units/acre maximum
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.

Update the following definitions:

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.~~

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.

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.”

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.~~

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.

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.

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.

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.~~

(2) 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

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
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

(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
Active Recreation Facilities			
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.
Public Assembly			
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
Schools			
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		

(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)	Residential Parking 1 b.r. unit: 1.5 spaces 2 b.r. unit: 2.0 spaces each additional bedroom: 0.5 space Guest Parking	Low	N.A.

	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
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
Eating and Drinking Places			
Restaurants and bars (on-site consumption. With dancing facilities, are also to meet dance club parking requirements)	Customer Spaces 1 table per patron per table, 1 per 2 counter stools, plus	High	Medium
	Employee Spaces 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
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(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
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
Offices			
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
Personal Services			
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	Medium	Medium

	or 1 per 40 s.f. of floor area in assembly rooms, whichever is greater		
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
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
Warehousing			
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.

a. 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.

(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.

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.

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

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

~~(vi)~~ (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)~~ (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

~~(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.

(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~~hen 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:

- (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 service stations:
 - (1) 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.
 - (2) 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.
 - (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.

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 C~~commercial 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.

Update the following 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 aAdditions 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.~~