



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

## **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](http://www.atascadero.org/agendas)

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, [www.atascadero.org](http://www.atascadero.org). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the 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

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## AGENDA

Tuesday, March 12, 2024

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

**City Council Regular Session:**

**6:00 P.M.**

**Successor Agency to the Community  
Redevelopment Agency of Atascadero:**

**Immediately following  
conclusion of the City  
Council Regular Session**

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

**PLEDGE OF ALLEGIANCE:** Council Member Dariz

**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 27, 2024 Regular Meeting**

- **Recommendation:** Council approve the February 27, 2024, Draft City Council Regular Meeting Minutes. [City Clerk]

**2. Second Reading of Text Amendments to Title 3: Finance and Title 9: Planning & Zoning**

- Fiscal Impact: None.
- Recommendation: Council adopt, on second reading, by title only, 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]

**B. PUBLIC HEARINGS: None.**

**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](mailto:cityclerk@atascadero.org).)

**C. MANAGEMENT REPORTS:**

**1. The Taxpayer Protection and Government Accountability Act Initiative No. 21-0042A1**

- Fiscal Impact: No current fiscal impact; if approved, The Taxpayer Protection and Government Accountability Act will take billions of dollars away from local government services statewide.
- Recommendation: Council adopt Draft Resolution opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.  
[City Manager]

**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

**ADJOURN TO MEETING OF THE SUCCESSOR AGENCY**



# CITY OF ATASCADERO CITY COUNCIL

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## DRAFT MINUTES

Tuesday, February 27, 2024

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

City Council Regular Session:

6:00 P.M.

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

Mayor Moreno called the meeting to order at 6:02 p.m. with a moment of silence in honor of the recent passing of Atascadero's first mayor, Bob Wilkins, after which Council Member Bourbeau led the Pledge of Allegiance.

### ROLL CALL:

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

Absent: Council Member Dariz

Others Present: None

Staff Present: City Manager Jim Lewis, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, 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, Planning Manager Kelly Gleason, and Associate Planner Erick Gomez.

### 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 (4): Bourbeau, Newsom, Funk, and Moreno

ABSENT (1): Dariz

**Passed 4-0**

**A. CONSENT CALENDAR:**

- 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]

**MOTION BY:** Bourbeau

**SECOND BY:** Newsom

- 1. Approve the consent calendar (#A-3: Contract No. 2024-002) (#A-4: A3 to Contract No. 2021-032) (#A-5: Resolution 2024-004).**

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

ABSENT (1): Dariz

***Passed 4-0***

**B. RISK MANAGEMENT:**

**1. Risk Management Update**

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

Deputy City Manager Lara Christensen and California Joint Powers Insurance Authority (CJPIA) Senior Regional Manager Tim Karcz gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: None.

***Mayor Moreno closed the Public Comment period.***

**The 2022-23 Risk Management update was received.**

**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: Lee Perkins, Theresa Robinson, Tara Bringhurst, Vicki Janssen, Anne Golby, Gordon Fuglie, Austin Solheim, Geoff Auslen, Cara Gleason.

**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. [Public Works]

CDBG CATEGORIES & APPLICATIONS	AWARD AMOUNT
<b>PUBLIC FACILITIES (PF) &amp; HOUSING PROJECTS (HP) CATEGORY (65% Min.)</b>	
1. CITY OF ATASCADERO - <i>Viejo Camino Sidewalk and ADA Improvements</i>	\$ 87,233
<b>Subtotal:</b>	<b>\$ 87,233</b>
<b>PUBLIC SERVICES CATEGORY (15% Max.)</b>	
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, &amp; Security Deposits</i>	\$ -
<b>Subtotal:</b>	<b>\$ 20,131</b>
<b>ADMINISTRATION (20% Max.)</b>	
1. SLO COUNTY - <i>Program Administration (13%)</i>	\$ 17,447
2. CITY OF ATASCADERO - <i>Program Administration (7%)</i>	\$ 9,394
<b>Subtotal:</b>	<b>\$ 26,841</b>
<b>Total:</b>	<b>\$ 134,205</b>

Ex parte communications: Council Member Bourbeau reported speaking with 5 Cities Homeless Coalition. No other Council Members had anything to report.

Public Works Director Nick DeBar gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: Geoff Auslen and Austin Solheim.

***Mayor Moreno closed the Public Comment period.***

**MOTION BY:** Bourbeau  
**SECOND BY:** Funk

- 1. Approve funding recommendations for the 2024 Community Development Block Grant (CDBG) program, as detailed in the staff report, and authorize staff to adjust final award amounts where any additional Public Facilities funds will be allocated to the City’s Viejo Camino Sidewalk and ADA Improvements project and any additional Public Services funds will be allocated to ECHO and any reduction would be prorated proportionately upon receipt of the final funding amount.**

AYES (4): Bourbeau, Funk, Newsom, and Moreno  
ABSENT (1): Dariz

***Passed 4-0***

**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]

Ex parte communications: None.

Community Development Director Phil Dunsmore and Planning Manager Kelly Gleason gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: Geoff Auslen.

***Mayor Moreno closed the Public Comment period.***

**MOTION BY:** Newsom  
**SECOND BY:** Funk

- 1. 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 with the following edits to Exhibit B:**

**Section 9-1.111 Appeal:**

Decisions of the Planning Department ~~or Planning Commission~~ may be appealed by an applicant, any aggrieved person, the Planning Commission, or the City Council, and/or individual members of the Planning Commission or City Council. Decisions of the Planning Commission may be appealed by an applicant, any aggrieved person, or the



City Council, and/or any individual member of the City Council. An appeal shall be filed in 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 City Council, or any individual members thereof.

**Section 9-3.500 Definitions:**

**Personal Services – Restricted.** Service establishments providing the following 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.

AYES (4): Bourbeau, Funk, Newsom, and Moreno  
ABSENT (1): Dariz

**Passed 4-0**

**D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:**

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

Mayor Moreno

2. County Mayors Round Table

Mayor Pro Tem Funk

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

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

Mayor Moreno noted a request from the El Camino Homeless Organization (ECHO) for the City to submit a letter in support of ECHO’s application for funding for the Housing Authority of San Luis Obispo (HASLO) through the County of San Luis Obispo’s HHAP-3 and HHAP-4 Request for Proposals.

There was Council consensus to direct staff to draft, and authorize the Mayor to sign, a letter in support of ECHO’s funding application.

**F. ADJOURNMENT**

Mayor Moreno adjourned the meeting at 8:26 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
City Clerk

**APPROVED:**



# ***Atascadero City Council***

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

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### **Second Reading of Text Amendments to Title 3: Finance and Title 9: Planning & Zoning ZCH22-0053**

#### **RECOMMENDATION:**

Council adopt, on second reading, by title only, 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."

#### **DISCUSSION:**

A review and update to the City's zoning regulations was 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" was also needed to ensure clarity and consistency. 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 were reviewed. 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.

The City Council heard the item at the February 27, 2024, meeting and introduced the draft ordinance for first reading. At that meeting, the following changes were made and have been incorporated into the attached ordinance for final adoption:

1. Modification of the definition for "Personal Services - Restricted"
2. Modified language for appeals

**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.

**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)

ITEM NUMBER: A-2  
DATE: 03/12/24  
ATTACHMENT: 1

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 March 12, 2024.

CITY OF ATASCADERO:

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Heather Moreno, Mayor

ATTEST:

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Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

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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.

(~~j~~) 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.

(~~k~~) 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, any aggrieved person, the Planning Commission, or the City Council, and/or individual members of the Planning Commission or City Council. Decisions of the Planning Commission may be appealed by an applicant, any aggrieved person, or the City Council, and/or any individual member of the City Council. An appeal shall be filed in 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 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 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			
<b>Natural Resources and Processing</b>							
Resource Extraction	CUP	CUP				9-6.147— 9.6-161	
<b>Residential Uses</b>							
Multifamily Housing					A	9-3.175	
Manufactured Home/Mobile Home	A	A	A	A	A	9-6.143	
Mobile Home Parks		CUP	CUP	CUP	CUP	9-6.142, 9-6.143	
Organizational Houses		CUP	CUP	CUP	CUP	9-3.175	
Residential Accessory Uses		A	A	A	A	9-6.106	
Single-Family Dwelling		A	A	A	A	9-6.143, 9-6.184	
Secondary Residential Units		A	A	A		9.5	
Temporary Dwelling		A	A	A	A	9-6.175	
<b>Recreation, Education, and Public Assembly</b>							
Churches and Related Activities		CUP	CUP	CUP	CUP	9-6.121	
Parks and Playgrounds		AUP	AUP	AUP	AUP		
Schools		CUP	CUP	CUP	CUP	9-6.125	
Schools – Business and Vocational		CUP	CUP	CUP	CUP	9-6.125	
Temporary Events	A	A	A	A	A	9-6.177	
<b>Tourism, Lodging, and Dining</b>							
Bed and Breakfast		CUP	CUP	CUP	CUP		
<b>Services-Professional</b>							
Day Care – Small Family Day Care Home		A	A	A	A	9-6.125	
Day Care – Large Family Day Care		A	A	A	A	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 <sup>4</sup>	CUP <sup>4</sup>	A <sup>4</sup>	CUP <sup>4</sup>	CUP <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.103
Adult Day Care Facility	A	A	A					CUP			
Adult Oriented Business			A	A					A	A	9-16
Age Restricted Housing							CUP				
Agricultural Produce Stands	A	A			A	A					9-6.117
Amusement Services		A	A	A		A	A			A	
Animal Hospitals		CUP <sup>7</sup>	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A <sup>5</sup>		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	
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 <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.130
Contract Construction Services (Indoor)				A		A			A	A	
Contract Construction Services (Outdoor)				CUP					CUP	CUP	
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Day Care											
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Farm Equipment and Supplies w/ outdoor storage or 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 <sup>4</sup>		CUP			A <sup>4</sup>	A <sup>4</sup>	9-6.129
General Retail	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Government Offices and Facilities	A	A	A	A	A	A	CUP <sup>9</sup>	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP <sup>9</sup>	A			
Horticultural Specialties w/ outdoor storage or		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 <sup>8</sup>	CUP <sup>8</sup>								9-6.125
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Laundries and Dry Cleaning Plants				A		A			A	A	
Laundromat/Coin-Operated Laundry	CUP	CUP	CUP	CUP	CUP	CUP			A	A	
Libraries, Museums		A	A	A	A		A	A			
Live/Work Unit							A <sup>1</sup>				
Manufacturing and Processing – High Intensity <sup>4</sup>				CUP		CUP			AUP	AUP	
Manufacturing and Processing – Low Intensity		CUP	CUP	A		A			A	A	
Medical Extended Care Services: 6 Residents or Less	CUP	CUP	CUP	CUP	CUP	CUP					9-6.134
Medical Extended Care Services: 7 Residents or More			CUP								9-6.134
Medical Research		CUP		A		A		CUP	A	A	
Membership Organizations			A	A		CUP	CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Mini-Storage				CUP		CUP			A	A	
Mobile Eating and Drinking Vendors <sup>6</sup>	A	A	A	A		A	A		A	A	

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Mixed-Use Development	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>			A <sup>1</sup>	A <sup>1</sup>			
Mortuary Services			A	A					A	A	
Multifamily Dwelling	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>			A <sup>1</sup>	A <sup>1</sup>			
Offices	A	A	A	A	A	A	CUP <sup>9</sup>	A			
Outdoor Recreation Services			CUP	CUP	A	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 <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Recreational Vehicle Parks					A						9-6.180
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	
Residential Care: 6 Residents or Less							A <sup>2</sup>	A <sup>2</sup>			9-6.135
Retail Sales – Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Schools		A	A	A			CUP	CUP			9-6.125
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A <sup>1</sup>	A <sup>1</sup>			
Single-Room Occupancy Units			CUP								9-6.184
Small Family Day Care		A <sup>8</sup>	A <sup>8</sup>	A <sup>8</sup>		A <sup>8</sup>	A <sup>8</sup>				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					CUP	CUP	9-6.131
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Temporary Events	A/ CUP <sup>3</sup>	CUP	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A	A	9-6.177
Temporary Offices		A	A	A							9-6.176
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Towing Services <sup>10</sup>				CUP					A <sup>10</sup>	A <sup>10</sup>	9-6.167
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	
Vehicle and Equipment Storage (Indoor) <sup>4</sup>				A		CUP			A <sup>4</sup>	A <sup>4</sup>	9-6.183
Vehicle and Equipment Storage (Outdoor) <sup>4</sup>				CUP <sup>4</sup>					CUP <sup>4</sup>	CUP <sup>4</sup>	9-6.183
Vehicle and Freight Terminals				CUP					CUP	CUP	
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center <sup>4</sup>		AUP	AUP	A <sup>4</sup>		A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	
Winery – Boutique			A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>		A <sup>4</sup>	A <sup>4</sup>	

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 <sup>4</sup>	A <sup>4</sup>	

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

- 1 Residential uses allowed only on second and third floors. If a project is required to comply with the Americans with Disabilities Act and does not have an elevator, one accessible unit may be located on the ground floor in conjunction with commercial space and shall not exceed the greater of:
  - 500 sf; or
  - 10% of the size of the ground floor commercial space not to exceed 1,000 sf.
- 2 Multifamily dwellings permitted when located on the second floor or above, or within an existing residential structure of historical significance.
- 3 Temporary events requiring more than 3 days for onsite setup and teardown require the approval of a conditional use permit (Section 9-2.110).
- 4 Outdoor commercial and industrial sales and storage developments (as defined by Section 9-9.102) of 10,000 square feet or more require the approval of a conditional use permit (Section 9-2.110), even if such a development is listed as an allowable use in a particular zoning district.
- 5 Handcrafted and artisan food production shall be ancillary to the retail component.
- 6 Mobile food vending permitted on private property with owner’s permission and City review of parking and access on-site. Mobile food trucks used as part of an event may be permitted in the right-of-way with the issuance of an Event Permit.
- 7 When no overnight stays of animals are included.
- 8 Permitted when in association with conforming and legal nonconforming residences.
- 9 Allowed on ground floor south of Atascadero Creek. Conditional use permit required on ground floor on Palma, East Mall, West Mall Entrada, Traffic Way and on El Camino Real north of Atascadero Creek as designated in Figure 3-1, subject to all of the following findings:
  - a. The location and setting of the existing building is not ideal for pedestrian uses such as restaurants, retail or related uses.
  - b. The existing building and site improvements are designed exclusively for office uses and could not accommodate other uses.
  - c. The proposed new office use will be a significant contribution to economic development by providing new jobs, pedestrian traffic, and active uses in the downtown.
  - d. The proposed new office will meet parking, accessibility, and property development standards and will not result in new parking along Atascadero Creek, East Mall or West Mall.
  - e. The proposed new office building will provide a storefront and other architectural features that complement the pedestrian scale and retail environment desired within the downtown.

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

**Zoning District Abbreviations**

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

**Figure 3-1**



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

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



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

**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 fourteen (14) children, including 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 providing the following 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.

**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. Does not include a towing service 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; outdoor festivals, 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) 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.

(2) 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.

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

(4) 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:

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

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

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

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

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

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

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

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

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

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

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

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

(6) Terms Used in Charts.

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

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

(iii) Site Area. Gross site area.

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

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

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

(c) Parking Requirements by Land Uses.

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

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

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

(3) Cultural, Educational, and Recreation Uses.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
<b>Active Recreation Facilities</b>			
Amusement parks/fairgrounds	1 per 75 s.f. of use area	Medium	Medium
Arcades (games) and billiards	1 per 100 s.f. of floor area	Medium	N.A.
Bowling alleys	4 per lane	Medium	Low
Dance clubs	1 per 25 s.f. of dance floor	Medium	N.A.
Dance studios	1 per 200 s.f. of floor area	Low	N.A.

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

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

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

(5) Residential Uses.

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

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

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

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Auto and vehicle dealers	1 per 400 s.f. of showroom, 2 per service bay, 1 per 3,000 s.f. of outdoor use area	Medium	Medium
Building materials and hardware, nurseries	1 per 500 s.f. of floor space, 1 per 3,000 s.f. of outdoor use area	Medium	Medium
<b>Eating and Drinking Places</b>			
Restaurants and bars (on-site consumption. With dancing facilities, are also to meet dance club parking requirements)	<b>Customer Spaces</b> 1 per table, 1 per 2 counter stools, plus	High	Medium
	<b>Employee Spaces</b>		



	1 per 6 tables, 1 per 100 s.f. of kitchen		
Fast food (includes drive-ins. If patron tables provided, use must also meet restaurant customer space requirement)	1 per 25 s.f. of kitchen	High	Medium
Food and beverage retail sales	1 per 200 s.f. of floor area, 1 per checkstand	High	Medium
Furniture, home furnishings and equipment	1 per 500 s.f. of sales area, 1 per 1,000 s.f. of storage area	Low	Medium
General merchandise stores	1 per 300 s.f. of sales area, 1 per 600 s.f. of storage area	Medium	Low
Mail order and vending	1 per 1,000 s.f. of use area	Low	Low

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

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Auto repair and service	4 per service bay, 1 per 1,000 s.f. of outdoor active use area	Medium	Low
Equipment rental	1 per 500 s.f. of floor area, 1 per 2,000 s.f. of outdoor use area	Medium	Low
Copying and reproduction	1 per 400 s.f. of floor area	Medium	Low
Contract construction services	1 per 500 s.f. of floor area	Low	Low
Correctional institutions	As determined by Planning Commission		
Financial services	5 per teller window, 3 per service desk	High	Low
Health care	1 space per 200 s.f. of floor area	High	Low
Hospitals	1 per bed, 1 per office space	High	Low
Laundries and Dry Cleaning Plants	1 per 1,000 s.f. of floor area, plus 2 per office space	Low	High
Pick-up	2 per check stand	High	Low
<b>Offices</b>			
Accounting, advertising, agencies, architecture,	1 per 400 s.f.	Medium	N.A.

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

(9) Transient Lodgings.

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

(10) Transportation Uses.

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

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

(11) Wholesale Trade.

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

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

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

(a) Surfacing. Private driveways with an average slope of twelve (12) percent or more shall be surfaced with asphalt or concrete 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, 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. 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 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, 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.

(3) **Appearance and Design.** An accessory structure that exceeds fifty percent (50%) of the gross floor area of the 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 accessory structure is located on a conforming lot or a lot that is one (1) acre (net) or greater;

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

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

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

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

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

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

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

(5) 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.

(6) 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.

(7) Number of Structures. The number of nonexempt accessory structures requiring a building permit shall be limited to three (3) 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), 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) structures permitted

(ii) When multiple exempt accessory structures (less than one hundred twenty (120) square feet) are constructed on the premises that are no longer accessory uses to the primary unit.

(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, 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 fifteen (15) 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 fourteen (14) children, one (1) space per employee, two (2) guest spaces, and an off-street drop-off area 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 fourteen (14) children.

**9-6.135 Residential care facilities.**

- (a) Minimum Site Area. Ten thousand (10,000) 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, 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. Swap meets are subject to the standards of Section 9-6.139.

- (a) General Requirements.

(1) Public Events. No permit is required for free events held at a public park or on other land in public ownership when conducted under the management of a public agency.

(2) Commercial Events. Temporary commercial outdoor 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, provided that all requirements of the City Engineer and Police Department are met.

(b) Time Limit. A temporary event may be held in a single location for a period no longer than twenty (20) cumulative days per year 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 unobstructed access 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. 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.

(d) Guarantee of Site Restoration. A bond or cash deposit 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 additions must have a minimum ten (10) feet of shared common wall. 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.



# **Atascadero City Council**

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## **Staff Report – City Manager’s Office**

### **The Taxpayer Protection and Government Accountability Act Initiative No. 21-0042A1**

#### **RECOMMENDATIONS:**

Council adopt Draft Resolution opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

#### **DISCUSSION:**

In February 2023, the “Taxpayer Protection and Government Accountability Act,” or Initiative No. 21-0042A1, sponsored primarily by the California Business Roundtable, qualified for the November 5, 2024, General Election ballot. This measure would amend the California Constitution with provisions that limit voters’ authority and input, adopt new and stricter rules for raising taxes and fees, and may make it more difficult to impose fines and penalties for violation of state and local laws.

If approved, this measure puts billions of local government tax and fee revenues at risk statewide with related core public service impacts. This measure would have significant negative impacts on the City of Atascadero’s operations and core service delivery. The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative. Additionally, the initiative conflicts with the City Legislative Platform’s guiding principles of “Promoting Fiscal Responsibility” and “Maintaining Local Control.”

#### **Major Provisions**

##### *Effective Date*

Any new or increased tax or fee adopted by the Legislature, a city council, or the local voters after January 1, 2022, must comply with the measure’s new rules or are void unless reenacted. These new provisions could have a direct impact on the extension of the City’s sales tax, F-14, if it is placed on the ballot and approved to be extended.

##### *State and Local Government Taxes*

- Amends the State Constitution to expand and define all state and local levies, charges, and fees as a tax or exempt charges.
- Increases the requirements for voter approval of new or increased state and local taxes:

- Legislature proposed taxes must be approved by a two-thirds of each house and a majority vote of the statewide electorate. The increased vote requirements would not apply to citizen-initiated state ballot measures.
- Local taxes, whether sought by the local governing body or the electorate, must be approved by two-thirds vote of the local electorate.
- New or increased taxes adopted after January 1, 2022, must include a sunset date.
- Bars local governments that have adopted charters from adopting charter amendments that provide for the imposition, extension, or increase of a tax or exempt charge.
- Expressly prohibits local advisory measures. No measure may appear on the ballot allowing local voters to express a preference for how local general tax dollars should be spent.
- Requires voter approval to expand existing taxes (e.g., Utility, Transient Occupancy) to new territory (e.g., annexations) or to expand the tax base (e.g., new utility service)

#### *State and Local Government Fees and Charges*

- Except for licensing and other regulatory fees, fees and charges may not exceed the “actual cost” of providing the product or service for which the fee is charged. “Actual cost” is the “minimum amount necessary.” The burden to prove the fee or charge does not exceed “actual cost” is changed to “clear and convincing” evidence. Current law requires that these charges not exceed the “reasonable cost” of providing the related service or activity, to be proven “by a preponderance of the evidence”. This would likely increase the number of challenges to fees which would require significant city staff time and could significantly increase the City’s legal fees. It may likely result in a reduction in service delivery as well if fees could not be established to cover reasonable costs.
- Requires fees and charges paid for the use of local and state government property and the amount paid to purchase or rent government property must be “reasonable.” These fees and charges are currently allowed to be market-based. Whether the amount is “reasonable” (introducing a new legal standard aiming to force below market fee and charge amounts) must be proved by “clear and convincing evidence.” The new standard may significantly reduce the amount large companies (e.g., oil, utilities, gas, railroads, garbage/refuse, cable, and other corporations) will pay for the use of local public property and may again significantly increase the City’s legal costs.
- No fee or charge or exaction regulating vehicle miles traveled (“VMT”) can be imposed as a condition of property development or occupancy. This would mean that VMT, the official measure for evaluating greenhouse gas emissions under CEQA, could no longer be mitigated via payment of a fee. This would likely impact the ability for new development projects to move forward, as VMT would

either be mitigated solely through improvements and programs or declared unmitigable. Because of the impracticability of mitigation solely through improvements and programs, permitting jurisdictions would likely be forced to declare these impacts unmitigable and issue a CEQA Statement of Overriding Considerations. This introduces additional risk and uncertainty to the development process, potentially creating barriers to new development, including critical housing.

#### *Fines and Penalties*

- May require voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

### **Local Government Impacts**

#### *Fees and Taxes*

Local governments levy a variety of fees and other charges to provide core public services. Major examples of affected fees and charges are:

- Nuisance abatement charges, such as for weed, rubbish, and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
- Commercial franchise fees.
- Emergency response fees, such as in connection with DUI.
- Advanced Life Support (ALS) transport charges.
- Document processing and duplication fees.
- Facility use charges, fees for parks and recreation services, classes, or activities.

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities and to absorb direct costs being charged related to the provision of services such as fuel, costs of goods, etc. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies, including council-adopted increases to simply accommodate inflation, League of California Cities estimates the amount of local government fee and charge revenue at risk is approximately \$2 billion per year including those adopted since January 1, 2022. Over ten years, \$20 billion of local government fee and charge revenues will be at heightened legal peril.

Hundreds of local tax measures were approved in 2022 that likely do not comply with the provisions of the initiative. Nearly \$2 billion of annual revenues from these voter-approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures, unless the tax is re-submitted for voter approval. To be clear, if measure F-14 were placed on the ballot to be extended and it was passed by voters, an election would again need to take place following these new restrictive rules even though voters had already cast votes.

Reductions on local government tax revenues have impacts on core services and infrastructure including fire and emergency response, law enforcement, streets and roads, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention, and mental health services.

For example, in 2020, Atascadero voters approved Measure D-20, a one-cent sales tax increase to help fund essential City services such as public safety, and aging infrastructure improvements. Measure D-20 passed with 58.6 percent of voters saying yes. Under the proposed initiative, Measure D-20 would not have passed. A sunset date for collecting these critical funds would have also been required, limiting the City's ability to rely on these funds for ongoing expenses and personnel costs.

### *Fines and Penalties*

Under existing law, cities are required to provide due process before imposing a penalty or fine for violation of its municipal code:

1. A local agency must adopt administrative procedures that govern imposing fines and penalties, including providing a reasonable period of time for a person responsible for a violation to correct or remedy the violation [Gov't Code 53069.4].
2. Notice must be given to the violating party before imposing the penalty; and give the party an opportunity to be heard and present any facts or arguments [*Merco Construction Engineers v. Los Angeles Unified School District* (1969) 274 CA 2d 154, 166].
3. The fine may not be "excessive" [U.S. Constitution amendments VIII and XIV].

The initiative converts administratively imposed fines and penalties into taxes unless a new, undefined, and ambiguous "adjudicatory due process" is followed. This provision jeopardizes the City's current authority to impose fines and penalties for violations of state and local law.

### **Conclusion**

As discussed, if approved, this measure could lead to lower annual state and local revenues, potentially substantially lower, by making it more difficult to recover costs through fees and generate revenue for critical government services through voter-approved tax measures. The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative.

Additionally, the initiative conflicts with the City Legislative Platform's priority policy areas of "Infrastructure Funding" and "Maintaining Local Control." This is most evident under the City's Government Administration & Budget/Finance Policy Statement which is to protect and secure local authority and revenue sources to preserve existing infrastructure and community programs.

The ability to offset these program expenses through fees and charges allows the City to allocate general discretionary funds to Council. Reduced cost recovery would, in turn, lead directly to a reduction in services levels in areas that are currently revenues offset (e.g., facility rentals, recreational programming, development permitting and inspections, etc.). Likely results are reduced community services and programs, reduced development services staffing resulting in additional permitting and inspection delays, and a potential loss of sales tax revenue for important infrastructure improvements such as road maintenance and rehabilitation, to name a few.

In addition to severely limiting the City's ability to continue its current model of effective and appropriate cost recovery, any future tax measures put forward by the City would be subject to increased approval thresholds and reduced transparency for voters. Any tax measure approved would be subject to new sunset requirements, severely limiting the ability of the City to rely on those dollars for ongoing costs. Further, any tax measure approved by the voters after January 1, 2022 (and prior to the effective date of the initiative) that does not comply with the requirements of the initiative would have to be readopted in compliance. Failure to readopt a tax measure in compliance with the initiative would result in voiding of the original tax measure, one year after the effective date of the initiative. Given that these tax measures were approved by the voters under then applicable laws, forcing an additional vote under new standards does not enhance democracy, it undermines it.

For these reasons, staff recommends adopting the Draft Resolution to oppose Initiative No. 21-0042A1.

**FISCAL IMPACT:**

There is no current fiscal impact. The Taxpayer Protection and Government Accountability Act will take billions of dollars away from local government services statewide.

If approved by the voters, the initiative would significantly limit the City's ability to recover costs incurred providing necessary and in-demand public services. In addition to severely limiting the City's ability to continue its current model of effective and appropriate cost recovery, any future tax measures put forward by the City would be subject to increased approval thresholds and reduced transparency for voters.

**ATTACHMENTS:**

1. Draft Resolution
2. Initiative No. 21-0042A1

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, OPPOSING BALLOT INITIATIVE  
NO. 21-0042A1 “TAXPAYER PROTECTION AND GOVERNMENT  
ACCOUNTABILITY ACT.”**

**WHEREAS**, an association representing California’s wealthiest corporations and developers is spending millions of dollars to promote a deceptive ballot measure currently eligible for the November 2024 statewide ballot, Initiative No. 21-0042A1; and

**WHEREAS**, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, which could force residents and taxpayers to pay more to maintain services; and

**WHEREAS**, the measure puts billions of dollars currently dedicated to local government services at risk and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

**WHEREAS**, reduced cost recovery in Atascadero, specifically, would lead directly to a reduction in service levels in areas that are currently revenue-offset by cost recovery, likely resulting in reduced community services and programs, reduced development services staffing resulting in additional permitting and inspection delays, and a potential loss of sales tax revenue for important infrastructure improvements such as road maintenance and rehabilitation; and

**WHEREAS**, the measure includes provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, provisions that retroactively cancel measures recently passed by voters, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

**WHEREAS**, the measure would make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

**WHEREAS**, the measure contains intentionally vague language that will encourage frivolous lawsuits against cities and local governments – costing taxpayers millions of dollars and blocking investments in vital local services, development, and long-term planning; and

**WHEREAS**, the measure is opposed by hundreds of local governments, teachers, firefighters, working families and local elected officials.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATASCADERO:**

**SECTION 1.** The City Council opposes Initiative #21-0042A1, the Taxpayer Protection and Government Accountability Act.

**SECTION 2.** The City Council will join the “Stop the Corporate Tax Trick” coalition, a growing coalition of public safety, education, labor, local government, and infrastructure groups throughout the state.

**SECTION 3.** The City Manager is directed to submit a copy of this Resolution, opposing Initiative No. 21-0042A1, to the League of California Cities.

**PASSED AND ADOPTED** at a regular scheduled meeting of the City Council held on the \_\_\_\_\_th day of \_\_\_\_\_ 2024.

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

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

CITY OF ATASCADERO:

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

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



BELL, McANDREWS & HILTACHK, LLP

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21-0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Anabel Renteria  
Initiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

21 - 0042 Amdt. #1

## The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

### Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

### Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 billion in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

### Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) (b) As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, ~~except the following:~~

(e) As used in this section, "exempt charge" means only the following:

(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.

(1) (2) A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

(2) (3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.

(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

(5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.

(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.

(f) (e) Any tax or exempt charge adopted after January 1, ~~2010~~ 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(g) (1) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. ~~that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(c) (a)~~ "General tax" means any tax imposed for general governmental purposes.

~~(d)~~ "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

~~(e) (b)~~ "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g) (e)~~ "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(h) (d)~~ "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

~~(i) (e)~~ As used in this article, and in Section 9 of Article II, "tax" means every any-levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge, except the following:

~~(i)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2) (3)~~ A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3) (4)~~ A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4) (5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5) (6)~~ A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

~~(6) (7)~~ An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b). (d) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (j) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed by ~~any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.



(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.