



# 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

## AGENDA

Tuesday, June 11, 2024

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

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

### CITY COUNCIL CLOSED SESSION:

1. CLOSED SESSION — PUBLIC COMMENT
2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION
3. CLOSED SESSION — CALL TO ORDER
  - a. **Conference with Labor Negotiators** (Gov. Code Sec. 54957.6)  
Agency designated representatives: James R. Lewis, City Manager  
Employee organizations: Service Employees International Union, Local 620; Mid-Management/Professional Employees; Non-Represented Professional and Management Workers and Confidential Employees

### 4. CLOSED SESSION — ADJOURNMENT

### 5. COUNCIL RETURNS

### 6. CLOSED SESSION — REPORT, if any

Announcement(s) of any reportable action(s) taken in Closed Session that occur(s) after the recess of Regular Session will be made at the beginning of the next Regular City Council meeting as Closed Session is not recorded or videotaped.

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

**PLEDGE OF ALLEGIANCE:** Council Member Newsom

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

**A. CONSENT CALENDAR:** (All items on the consent calendar are considered routine and non-controversial by City staff and will be acted upon by a single action of the City Council unless otherwise requested by an individual Council Member for separate consideration. Public comment on Consent Calendar items will be invited prior to action on the Calendar.)

**1. City Council Draft Minutes – May 28, 2024, Regular Meeting**

- Recommendation: Council approve the May 28, 2024, Draft City Council Regular Meeting Minutes. [City Clerk]

**2. Fiscal Year 2024-2025 Appropriations Limit (Gann)**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution, establishing the annual spending limit for fiscal year 2024-2025. [Administrative Services]

**3. Public Safety Labor Agreements**

- Fiscal Impact: For fiscal year 2024-2025, it is estimated that salary adjustments will cost approximately \$315,000. Fiscal years 2025-2026 and 2026-2027 are expected to cost an additional \$1,500,000.
- Recommendation: Council:
  1. Approve the Memorandum of Understanding for the Atascadero Police Association.
  2. Approve the Memorandum of Understanding for the Atascadero Professional Firefighters Local 3600.
  3. Authorize the Director of Administrative Services to appropriate \$315,000 in General Fund reserves for the salary adjustments for fiscal year 2024-2025. [City Manager]

**4. Adopting List of Projects for Fiscal Year 2024-2025 Funded by SB 1: The Road Repair and Accountability Act of 2017**

- Fiscal Impact: Approval of the Draft Resolution adopting the list of projects for SB 1 funding will allow the City to receive an estimated \$797,214 in 2024-2025 SB 1 funding.
- Recommendation: Council adopt Draft Resolution, adopting a list of projects to be funded with Road Maintenance and Rehabilitation Account revenues from SB 1 (The Road Repair and Accountability Act of 2017) for Fiscal Year 2024-2025. [Public Works]

**5. Authorizing Temporary Road Closures for 2024 Hot El Camino Cruise Nite and Colony Days Parade Routes**

- Fiscal Impact: None.
- Recommendation: Council:
  1. Adopt Draft Resolution A, authorizing temporary road closures and restrictions on August 16, 2024, for the Hot El Camino Cruise Nite.
  2. Adopt Draft Resolution B, authorizing temporary road closures and restrictions on October 5, 2024, for the Colony Days Parade. [Public Works]

**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).)

## **B. PUBLIC HEARINGS:**

### **1. Objective Design Standards**

- Fiscal Impact: None.
- Recommendation: Planning Commission recommends Council introduce, for first reading, by title only, Draft Ordinance to establish objective design standards for multifamily and mixed-use developments and update existing development standards in Title 9 for consistency. [Community Development]

### **2. Economic Development Subsidy – Restaurant Incentive Loan Program**

- Fiscal Impact: This program will use \$1,000,000 in General Funds for the loans and third-party loan administration; all interest income will be put back into the program.
- Recommendation: Council:
  1. Conduct a public hearing to receive public testimony on the Economic Development Subsidy for the City's Restaurant Incentive Loan Program.
  2. Receive and file the information on the Subsidy required pursuant to Government Code Section 53083. [Community Development]

### **3. Downtown Parking and Business Improvement Area (DPBIA) Confirmation of Annual Assessment for Fiscal Year 2024-2025**

- Fiscal Impact: Adopting the staff recommendation will result in the collection of approximately \$14,500 and expenditure of \$14,500 in budgeted DPBIA funds.
- Recommendation: Council adopt Draft Resolution, confirming the annual assessment for the Downtown Parking Business Improvement Area (DPBIA) for Fiscal Year 2024-2025. [Community Services & Promotions]

### **4. Atascadero Tourism Business Improvement District (ATBID) Confirmation of Annual Assessment for Fiscal Year 2024-2025**

- Fiscal Impact: Annual assessments are expected to be approximately \$422,400, and expenditures are budgeted at \$432,470 for fiscal year 2024-2025.
- Recommendation: Council adopt Draft Resolution, confirming the annual assessment for the Atascadero Tourism Business Improvement District (ATBID) for Fiscal Year 2024-2025. [Community Services & Promotions]

## **C. MANAGEMENT REPORTS:**

### **1. General Municipal Election – November 5, 2024**

- Fiscal Impact: \$74,130 in General Funds.
- Recommendation: Council:
  1. Introduce, for first reading, by title only, Draft Ordinance A amending Title 3, Chapter 17 of the Atascadero Municipal Code, extending a

transactions and use tax to be administered by the California Department of Tax and Administration.

2. Introduce, for first reading, by title only, Draft Ordinance B amending Title 2, Chapters 4, 7, 14, and 20 of the Atascadero Municipal Code, stating that the City Treasurer is appointive and authorizing the City Manager to appoint the City Treasurer, subject to adoption by the electorate.
3. Adopt the following Draft Resolutions for the purpose of electing a Mayor, two members to the City Council, and to submit ballot measures to the voters:
  - a) Draft Resolution A, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 5, 2024, for the election of certain officers, approving ballot measure text related to the extension of Measure F-14, and submission to the voters a question relating to the City Treasurer position; and
  - b) Draft Resolution B, requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 5, 2024; and
  - c) Draft Resolution C, setting priorities for filing written arguments regarding the City measures and directing the City Attorney to prepare an impartial analysis; and
  - d) Draft Resolution D, providing for the filing of rebuttal arguments for City measures submitted at Municipal Elections.
4. Authorize the Director of Administrative Services to appropriate \$31,000 of General Fund reserves in fiscal year 2024-2025 to the City Clerk budget for the November 5, 2024, General Municipal Election. [City Clerk]

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

Mayor Moreno

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

Mayor Pro Tem Funk

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

Council Member Bourbeau

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

Council Member Dariz

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

Council Member Newsom

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

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

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

**ADJOURNMENT**



# CITY OF ATASCADERO CITY COUNCIL

## DRAFT MINUTES

Tuesday, May 28, 2024

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

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

Mayor Moreno called the meeting to order at 6:00 P.M. and Council Member Dariz led the Pledge of Allegiance.

### ROLL CALL:

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

Absent: None

Others Present: Treasurer Sibbach

Staff Present: City Manager James R. Lewis, Deputy City Manager/City Clerk Lara Christensen, Administrative Services Director Jeri Rangel, Fire Chief Casey Bryson, Police Chief Dan Suttles, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore, Community Services & Promotions Director Terrie Banish, City Attorney Dave Fleishman, Deputy City Manager – IT Luke Knight, and Planning Manager Kelly Gleason.

### CLOSED SESSION – REPORT (IF ANY)

#### a. May 14, 2024

City Attorney Fleishman reported there was no reportable action.

### A. CONSENT CALENDAR:

#### 1. City Council Draft Minutes – May 14, 2024 Special and Regular Meeting

- Recommendation: Council approve the May 14, 2024, Draft City Council Special and Regular Meeting Minutes. [City Clerk]

#### 2. April 2024 Accounts Payable and Payroll

- Fiscal Impact: \$2,449,550.40.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for April 2024. [Administrative Services]

### 3. **Apple Valley Assessment Districts**

- **Fiscal Impact:** Annual assessments for 2024/2025 will total \$38,500 for road/drainage system maintenance and \$63,000 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. Contributions of \$11,000 for half the cost of the park will be made from the City's General Fund, and an equal revenue source will be recognized from contributions made by the developer.
- **Recommendation:** Council:
  1. Adopt Draft Resolution A, initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2024/2025.
  2. Adopt Draft Resolution B, accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
  3. Adopt Draft Resolution C, declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2024/2025, and to appoint a time and place for the public hearing on these matters.
  4. Adopt Draft Resolution D, initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2024/2025 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
  5. Adopt Draft Resolution E, for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2024/2025.
  6. Adopt Draft Resolution F, declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2024/2025.  
[Administrative Services]

### 4. **De Anza Estates Assessment Districts**

- **Fiscal Impact:** Annual assessments for 2024/2025 will total \$30,562 for road/drainage system maintenance and \$15,875 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The City General Fund will contribute \$1,400 for the fiscal year 2024/2025 for half of the maintenance costs of the trails and open space.
- **Recommendation:** Council:
  1. Adopt Draft Resolution A, initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2024/2025.
  2. Adopt Draft Resolution B, accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
  3. Adopt Draft Resolution C, declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2024/2025, and to appoint a time and place for the public hearing on these matters.
  4. Adopt Draft Resolution D, initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2024/2025 pursuant to the



provisions of Part 2 of Division 15 of the California Streets and Highways Code.

5. Adopt Draft Resolution E, for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2024/2025.
6. Adopt Draft Resolution F, declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2024/2025.  
[Administrative Services]

#### **5. Las Lomas (Woodridge) Assessment Districts**

- Fiscal Impact: Annual assessments for 2024/2025 will total \$101,506 for road/drainage system maintenance and \$76,014 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Las Lomas (Woodridge). The City General Fund will contribute \$2,600 for the fiscal year 2024/2025 for 25% of the maintenance costs of the trails and open space.
- Recommendation: Council:
  1. Adopt Draft Resolution A, initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Las Lomas [Woodridge]) for fiscal year 2024/2025.
  2. Adopt Draft Resolution B, accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Las Lomas [Woodridge]).
  3. Adopt Draft Resolution C, declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Las Lomas [Woodridge]) in fiscal year 2024/2025, and to appoint a time and place for the public hearing on these matters.
  4. Adopt Draft Resolution D, initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Las Lomas [Woodridge]) for fiscal year 2024/2025 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
  5. Adopt Draft Resolution E, for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Las Lomas [Woodridge]) for fiscal year 2024/2025.
  6. Adopt Draft Resolution F, declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Las Lomas [Woodridge]) for fiscal year 2024/2025.  
[Administrative Services]

#### **6. March 2024 Investment Report**

- Fiscal Impact: None.
- Recommendation: Council receive and file the City Treasurer's report for quarter ending March 31, 2024. [City Treasurer]

#### **7. Downtown Parking and Business Improvement Area (DPBIA) Assessment**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution, declaring intent to levy the annual Downtown Parking and Business Improvement Area assessment, and set a public hearing for June 11, 2024. [Community Services & Promotions]

- 8. Atascadero Tourism Business Improvement District (ATBID) Assessment**
- Fiscal Impact: None.
  - Recommendation: Council:
    1. Approve the ATBID Annual Report.
    2. Adopt Draft Resolution, declaring intent to levy an annual Business Improvement District assessment on lodging businesses within the Atascadero Tourism Business Improvement District, and set a public hearing for June 11, 2024. [Community Services & Promotions]
- 9. Annual Military Equipment Report Pursuant to Assembly Bill 481**
- Fiscal Impact: None.
  - Recommendation: Council receive and file the annual Military Equipment Report pursuant to the requirements of Assembly Bill 481. [Police Department]
- 10. Purchase of CCTV Inspection Vehicle for Wastewater Operations**
- Fiscal Impact: \$274,961 of budgeted wastewater funds.
  - Recommendation: Council approve the purchase of one Envirosight High Definition Rover X CCTV Inspection Vehicle from Haaker Equipment Company for \$274,961 for wastewater collection system maintenance and operations. [Public Works]
- 11. Update on Local Emergency Proclamation Related to Early February 2024 Storms**
- Fiscal Impact: There is no fiscal impact related to staff's recommendation. Continuation of the local emergency proclamation is necessary in order to qualify for FHWA Emergency Repair funding for the San Marcos Road landslide repairs. Total costs for this project are estimated to be in the range of \$800,000 to \$1,000,000.
  - Recommendation: Council continue the proclamation of the existence of a local emergency related to early February 2024 storms. [Public Works]
- 12. El Camino Real Downtown Infrastructure Enhancement Project Construction Award**
- Fiscal Impact: Approving staff recommendations will result in estimated combined expenditures up to \$10,824,490 from LTF, Circulation System Fund, General Fund, State Legislative Grant, USHA, RSHA, and 2010 Bond Master Agreement Funds; and up to \$1,118,930 in Wastewater Funds.
  - Recommendation: Council:
    1. Award a construction contract to Souza Construction for the Base Bid and Bid Additive Alternate 1 and 4 schedules for a combined total of \$9,490,234 for the El Camino Real Downtown Infrastructure Enhancement Project, Project No. C2017T01 ("Project").
    2. Award a professional services contract to Filippin Engineering, Inc. for \$729,718 to perform construction management, inspection, and materials testing services for the Project.
    3. Authorize the Director of Administrative Services to allocate an additional \$118,930 in Wastewater Fund Reserves toward the Project for FY2024/25. [Public Works]
- 13. Charles Paddock Zoo Funding for AZA Accreditation Budget**
- Fiscal Impact: \$305,000.
  - Recommendation: Council authorize the Director of Administrative Services to appropriate \$305,000 in General Fund reserves to the Charles Paddock Zoo's Budget for the Association of Zoos and Aquariums (AZA) accreditation process. [Community Services & Promotions]

**PUBLIC COMMENT:**

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

The following persons spoke on this item: None.

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

**MOTION BY:** Bourbeau

**SECOND BY:** Newsom

- 1. Approve Consent Calendar (#A-3: Resolution Nos. 2024-009 through 014) (#A-4: Resolution Nos. 2024-015 through 020) (#A-5: Resolution Nos. 2024-021 through 026) (#A-7: Resolution No. 2024-027) (#A-8: Resolution No. 2024-028) (#A-10: Contract No. 2024-004) (#A-12: Contract Nos. 2024-005 through 006).**

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

***Passed 5-0***

**UPDATES FROM THE CITY MANAGER:**

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

**COMMUNITY FORUM:**

The following persons spoke by telephone or through the webinar: Nicole Bryant, Jessica Applegate, Darcy Price, Geoff Auslen, Will Everett, Sam Mountain, and Kelly Areballo.

**B. PUBLIC HEARINGS:**

**1. Amendments to Fee Schedule**

- Fiscal Impact: There will be an increase in operating revenue resulting from the CPI increase, with an offsetting increase in costs to provide the services.
- Recommendation: Council adopt Draft Resolution, adopting amended fees and deposits to offset costs incurred in planning services, and adopt a schedule of fees and charges for City services. [Administrative Services]

Ex-Parte: None.

Administrative Services Director Rangel gave the report and answered questions from Council.

**PUBLIC COMMENT:**

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

The following persons spoke on this item: None.

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

**MOTION BY:** Bourbeau

**SECOND BY:** Funk

- 1. Adopt Draft Resolution, adopting amended fees and deposits to offset costs incurred in planning services, and adopt a schedule of fees and charges for City services, with the clarification to Fee 24-055B as presented by City staff.**

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

**Passed 5-0**

**C. MANAGEMENT REPORTS:**

**1. Request for Authorization for Amendments to Del Rio Ranch**

- **Fiscal Impact:** If developed with lodging, retail and tourist-oriented uses, this site is likely to become a positive fiscal contribution to the City and may act as a catalyst to attract additional head of household jobs and other tax revenue supporting land uses within the Del Rio vicinity.
- **Recommendation:** Council consider authorization for the applicant team to proceed with amendments to the General Plan Map, Zoning Map, Specific Plan, and Master Plan of Development (Use Permit) for the Del Rio Ranch project site to allow for an RV and glamping resort on the 25-acre site.  
[Community Development]

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

**PUBLIC COMMENT:**

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

The following persons spoke on this item: Irene Dolan, Geoff Auslen, Will Everett

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

**MOTION BY:** Bourbeau

**SECOND BY:** Dariz

- 1. Authorize the applicant team to proceed with amendments to the General Plan Map, Zoning Map, Specific Plan, and Master Plan of Development (Use Permit) for the Del Rio Ranch project site to allow for an RV and glamping resort on the 25-acre site.**

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

**Passed 5-0**

Mayor Moreno recessed the meeting at 8:15 P.M.

Mayor Moreno reconvened the meeting at 8:27 P.M.

**2. Appointive City Treasurer Ballot Measure**

- **Fiscal Impact:** The addition of a ballot measure to the November 2024 ballot is estimated to be \$3,000-\$6,000. If the ballot measure is successful, savings from the elimination of the stipends and health benefit costs for the elected position is estimated to be about \$16,800 annually.
- **Recommendation:** Council direct the City Clerk to bring back to the Council in June 2024 the Resolution required for placing a ballot measure on the ballot for the General Municipal Election to be held on Tuesday, November 5, 2024, asking voters “Shall the City Treasurer be appointive?”.  
[Administrative Services]

Administrative Services Director Rangel gave the report and answered questions from Council.

**PUBLIC COMMENT:**

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

The following persons spoke on this item: None.

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

**MOTION BY:** Bourbeau

**SECOND BY:** Funk

1. **Direct the City Clerk to bring back in June 2024 the resolution required for placing a ballot measure on the ballot for the General Municipal Election to be held on Tuesday, November 5, 2024, asking voters, "Shall the City Treasurer be appointive?"**

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

***Passed 5-0***

**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

3. Homeless Services Oversight Council

Council Member Newsom

2. City / Schools Committee

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

**ADJOURNMENT**

**MINUTES PREPARED BY:**

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Lara K. Christensen  
City Clerk

**APPROVED:**



# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item A2

**Department:** Administrative Services  
**Date:** 6/11/24  
**Placement:** Consent

**TO:** JAMES R. LEWIS, CITY MANAGER

**FROM:** JERI RANGEL, DIRECTOR OF ADMINISTRATIVE SERVICES

**PREPARED BY:** CINDY CHAVEZ, DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES

**SUBJECT:** Fiscal Year 2024-2025 Appropriations Limit (Gann)

### RECOMMENDATION:

Council adopt Draft Resolution, establishing the annual spending limit for fiscal year 2024-2025.

### DISCUSSION:

The City's annual spending limit (Gann Limit) must be approved by Council at the beginning of each fiscal year. Staff calculates the new limit based on the formula set forth in Proposition 111.

The limit was calculated as follows:

A. Prior Year Spending Limit		\$	51,205,862
B. Population Factor (County)	0.9992		
C. Inflation Factor (Assessed Value)	<u>1.1017</u>		
D. Adjustment Factor (B * C)	<u>1.1008</u>		
E. Total Adjustment (A*(D-1))			<u>5,161,551</u>
F. Current Year Limit (A + E)		\$	<u>56,367,413</u>

### FISCAL IMPACT:

None.

### REVIEWED BY OTHERS:

This item has been reviewed by the Director of Administrative Services.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENT:**

1. Draft Resolution

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ADOPTING THE FISCAL YEAR 2024-2025 ANNUAL SPENDING LIMIT**

**WHEREAS**, Proposition 111 revises the methodology used to calculate the Annual Spending Limit; and

**WHEREAS**, the City of Atascadero must select the most appropriate criteria to be used in calculating the annual limit.

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

**SECTION 1.** That the City of Atascadero elects to use the following criteria for fiscal year 2024-2025 in establishing its new Annual Spending Limit:

County Population and  
Growth in Non-Residential Assessed Valuation

**SECTION 2.** That the annual spending limit for 2024-2025 is calculated as follows:

<b>Fiscal Year</b>	<b>Percentage Change</b>	<b>New Limit</b>
2024-2025	10.08%	\$56,367,413

**SECTION 3.** Any judicial action or challenge must be commenced within 45 days of the effective date of this resolution.

**SECTION 4.** Documentation used in determining the Annual Spending Limit is available to the public in the Administrative Services Department, 6500 Palma Avenue, Atascadero, California.

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

CITY OF ATASCADERO:

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

ATTEST:

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





# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item A3

**Department:** City Manager  
**Date:** 6/11/24  
**Placement:** Consent

**TO:** JAMES R. LEWIS, CITY MANAGER  
**FROM:** LARA CHRISTENSEN, DEPUTY CITY MANAGER  
**PREPARED BY:** LARA CHRISTENSEN, DEPUTY CITY MANAGER

**SUBJECT:** Public Safety Labor Agreements

### RECOMMENDATIONS:

Council:

1. Approve the Memorandum of Understanding for the Atascadero Police Association.
2. Approve the Memorandum of Understanding for the Atascadero Professional Firefighters Local 3600.
3. Authorize the Director of Administrative Services to appropriate \$315,000 in General Fund reserves for the salary adjustments for fiscal year 2024-2025.

### DISCUSSION:

Memorandums of Understanding (MOUs) are agreements between the City and the employee associations that set specific language regarding wages, benefits, and working conditions. The City enters into an MOU with each of the bargaining units. Current MOUs for all bargaining units expire on June 30, 2024.

The City had struggled to achieve and maintain competitive salaries. Because the cost of living is high in the area, and neighboring jurisdictions have more resources, the City's wages have in the past been a barrier to successfully attracting, hiring and most importantly, retaining professional employees. This leads to vacancies, loss of institutional knowledge, inefficiencies and additional incurred costs as new employees are trained.

With the addition of Sales Tax Measure D-20, the City has been able to invest more in trying to keep wages competitive while still maintaining fiscal sustainability. The majority of the cost of the labor agreements reflect Cost of Living Adjustments (COLAs), with the intention of trying to keep employees whole as inflation continues to rise.

The Public Safety bargaining units have concluded negotiations, and outlined below are the changes to each of those two labor agreements.

## Police MOU:

- Three Year Agreement
- Effective July 1, 2024:
  - Police Officers will receive a 2.75% COLA salary increase; and
  - Police Sergeants, Public Safety Dispatchers, the Public Safety Lead Dispatcher, Police Recruits, and the Community Service Officer will receive a 2.5% COLA salary increase; and
  - Police Corporals, the Senior Property Evidence Specialist, and the Lead Records Technician will receive a 2.0% COLA salary increase; and
  - Police Sergeants will receive additional adjustments of 2.0%; and
  - Minimum pay for Court Time Standby was increased to 2 hours at straight time (up from 1 hour minimum); and
  - Employees may use the education expense for fees and professional associations, and travel related education expenses; and
  - Bereavement Leave was updated to comply with state law; and
  - Field Training Pay was increased from \$0.87 per hour to \$1.74 per hour, not to exceed \$300 per month; and
  - Acting Watch Commander Pay was increased from \$1 per hour to \$2 per hour; and
  - Annual Uniform Pay was increase from \$1,000 to \$1,200 for Officers, Corporals, Sergeants, the Senior Property Evidence Specialist, and the Community Services Officer; and
  - Annual Uniform Reimbursement allowance was increased from \$200 to \$250 for Public Safety Dispatchers, the Public Safety Lead Dispatcher, and the Lead Records Technician.
- Effective July 1, 2025:
  - Police Officers, Police Sergeants, Public Safety Dispatchers, the Public Safety Lead Dispatcher, Police Recruits, and the Community Service Officer will receive a 3.0% COLA salary increase; and
  - Police Corporals, the Senior Property Evidence Specialist and the Lead Records Technician will receive a 2.5% COLA salary increase.
- Effective July 1, 2026:
  - Police Officers, Police Sergeants, Public Safety Dispatchers, the Public Safety Lead Dispatcher, Police Recruits, and the Community Service Officer will receive a 3.0% COLA salary increase; and
  - Police Corporals, the Senior Property Evidence Specialist and the Lead Records Technician will receive a 2.5% COLA salary increase.

## Fire MOU:

- Three Year Agreement
- Effective July 1, 2024:
  - All Employees covered by the MOU shall receive a 2.0% salary increase; and
  - Paramedic Pay was increased from 10% to 12%; and
  - Specialist I assignment pay was increased from 1% to 2%; and
  - Specialist II assignments pay was increased from 2% to 4%; and

- A daily stipend was added for
    - Fire Equipment Operator - \$25 per day
    - Officer In Charge - \$50 per day
    - Duty Officer - \$75 per day
  - Employees may use the education expense for travel related education expenses; and
  - Bereavement Leave was updated to comply with state law; and
  - The City will work with the State to get the APFA enrolled in State Disability Insurance; and
  - Employees may be able to take advantage of a Mutual Aid Rest Period of up to 48 hours after a Mutual Aid Assignment, under certain conditions, and may use up to 24 hours of accrued sick time off; and
  - Added language for the Duty Officer assignment; and
  - Added two Specialty Assignment positions for the San Luis Obispo Critical Incident Stress Management Team (SLOCISM).
  - Made other minor adjustments.
- Effective July 1, 2025:
    - All Employees covered by the MOU shall receive a 3.0% salary increase.
  - Effective July 1, 2026:
    - All Employees covered by the MOU shall receive a 3.0% salary increase.

**FISCAL IMPACT:**

For fiscal year 2024-2025, it is estimated that salary adjustments will cost approximately \$315,000. Fiscal years 2025-2026 and 2026-2027 are expected to cost an additional \$1.5 million.

**REVIEWED BY OTHERS:**

This item has been reviewed by the Administrative Services Director and the Human Resources Manager.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENTS:**

1. Memorandum of Understanding for Atascadero Police Association (redline)
2. Memorandum of Understanding for Atascadero Professional Firefighters Local 3600 (redline)

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE**

**ATASCADERO POLICE ASSOCIATION**

**AND**

**CITY OF ATASCADERO**

**JULY 1, 202~~14~~4 THROUGH JUNE 30, ~~2024~~2027**

## ARTICLE I - GENERAL PROVISIONS

### SECTION 1.1 PREAMBLE

This Memorandum of Understanding is made and entered into between the City of Atascadero, hereinafter referred to as the “City” and the Atascadero Police Association, hereinafter referred to as the “Association” pursuant to California Government Code Section 3500, et seq. and the City's Employer - Employee Relations Policy. The purpose of this Memorandum of Understanding (MOU) is the establishment of wages, hours and other terms and conditions of employment.

The City and Association agree that the provisions of this MOU shall be applied equally to all employees covered herein without favor or discrimination because of race, creed, color, sex, age, national origin, political or religious affiliations or association memberships. Whenever the masculine gender is used in this MOU, it shall be understood to include the feminine gender.

### SECTION 1.2 RECOGNITION

- a. The City of Atascadero recognizes the Association as the recognized and exclusive representative for the following positions:

#### Police Officer Classification

- Police Officer
- Police Officer – Intermediate POST
- Police Officer – Advanced POST

#### Police Corporal Classification

- Police Corporal
- Police Corporal – Intermediate POST
- Police Corporal – Advanced POST

#### Police Sergeant Classification

- Police Sergeant
- Police Sergeant – Advanced POST
- Police Sergeant – Supervisory POST

#### Property Evidence Specialist Classification

- Senior Property Evidence Specialist
- Senior Property Evidence Specialist - EMD

#### Support Services Classification

- Lead Records Technician
- Public Safety Dispatcher
- Public Safety Dispatcher – EMD
- Public Safety Lead Dispatcher
- Public Safety Lead Dispatcher - EMD

### Other Classifications

- Police Officer- Recruit
- ~~Community Services Officer~~
- ~~Code Enforcement Officer~~

For purposes of this MOU, positions with a POST or EMD designation are hereinafter included in any reference to Police Officer, Police Corporal, Police Sergeant, Senior Property Evidence Specialist, Public Safety Dispatcher, and Public Safety Lead Dispatcher.

- b. This recognition is exclusive of management employees and temporary employees.
- c. The City agrees to meet and confer and otherwise deal exclusively with the Association on all matters relating to the scope of representation under the Meyers-Milias-Brown Act (Government Code Section 3500, et seq.), and as provided under the City's Employer-Employee Relations Policy.

### **SECTION 1.3 SEVERANCE**

- a. If any provision of the Agreement should be found invalid, unconstitutional, unlawful, or unenforceable by reason of any existing or subsequently enacted constitutional or legislative provision shall be severed, and all other provisions of the Agreement shall remain in full force and effect for the duration of the Agreement.
- b. In the event that any provision of the MOU should be found invalid, unconstitutional, unlawful or unenforceable, the City and the Association agree to meet and confer in a timely manner in an attempt to negotiate a substitute provision. Such negotiations shall apply only to the severed provision of the Agreement and shall not in any way modify or impact the remaining provisions of the existing MOU.

### **SECTION 1.4 SOLE AGREEMENTS**

- a. The City and the Association agree that to the extent that any provision addressing wages, hours, and terms and conditions of employment negotiable under the Meyers-Milias-Brown Act found outside this MOU and are in conflict thereof, this MOU shall prevail.
- b. If, during the term of the MOU, the parties should mutually agree to modify, amend, or alter the provisions of this MOU in any respect, any such change shall be effective only if and when reduced to writing and executed by the authorized representatives of the City and the Association. Any such changes validly made shall become part of this MOU and subject to its terms.

### **SECTION 1.5 FULL FORCES AND EFFECT**

- a. All wages, hours, and terms and conditions of employment that are negotiable subjects of bargaining under the Meyers-Milias-Brown Act, including those set in this MOU, shall remain

in full force and effect during the term of this MOU unless changed by mutual agreement.

- b. The City will abide by the Meyers-Milias-Brown Act where and when it applies to the Association.

## **ARTICLE II - RESPECTIVE RIGHTS**

### **SECTION 2.1 ASSOCIATION RIGHTS**

The Association shall have the following rights and responsibilities:

- a. Reasonable advance notice of any City ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council.
- b. Reasonable use of one bulletin board at the Atascadero Police Department.
- c. The right to payroll deductions made for payments or organization dues and for City approved programs.
- d. The use of City facilities for regular, normal and lawful Association activities, providing that approval of the City Manager or his/her designee has been obtained.
- e. Reasonable access to employee work locations for officers of the Association and their officially designated representatives for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Access shall be restricted so as not to interfere with the normal operations of any department or with established safety or security requirements.

### **SECTION 2.2 CITY RIGHTS**

- a. The authority of the City includes, but is not limited to, the exclusive right to determine the standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action for "just cause"; relieve its employees from duty because of lack of work or for other legitimate reason; maintain the efficiency of governmental operations; determine the methods, staffing and personnel by which governmental operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; exercise complete control and discretion over its organizations and the technology of performing its work provided, however, that the exercise and retention of such rights does not preclude employees or their representatives from consulting or raising grievances over the consequences or impact that decisions on these matters may have on wage, hours and other terms of employment.

## **SECTION 2.3 PEACEFUL PERFORMANCE**

- a. The parties to this MOU recognize and acknowledge that the services performed by the City employees covered by this Agreement are essential to the public health, safety and general welfare of the residents of the City of Atascadero. Association agrees that under no circumstances will the Association recommend, encourage, cause or promote its members to initiate, participate in, nor will any member of the bargaining unit take part in, any strike, sit-down, stay-in, sick-out, slow-down, or picketing (hereinafter collectively referred to as "work-stoppage") in any office or department of the City, nor to curtail any work or restrict any production, or interfere with any operation of the City. In the event of any such work stoppage by any member of the bargaining unit, the City shall not be required to negotiate on the merits of any dispute which may have risen to such work stoppage until said work stoppage has ceased.
- b. In the event of any work stoppage during the term of this MOU, whether by the Association or by any member of the bargaining unit, the Association by its officers, shall immediately declare in writing and publicize that such work stoppage is illegal and unauthorized, and further direct its members in writing to cease the said conduct and resume work. Copies of such written notices shall be served upon the City. If in the event of any work stoppage the Association promptly and in good faith performs the obligations of this paragraph, and providing the Association has not otherwise authorized, permitted or encouraged such work stoppage, the Association shall not be liable for any damages caused by the violation of this provision. However, the City shall have the right to discipline, up to and including discharge, any employee who instigates, participates in, or gives leadership to, any work stoppage activity herein prohibited, and the City shall also have the right to seek full legal redress, including damages, against any such employees.

## **ARTICLE III - HOURS OF WORK AND OVERTIME**

### **SECTION 3.1 HOURS OF WORK**

#### **a. Work Period**

In general, employees shall be scheduled to work consecutive days on and consecutive days off. Work schedule changes (e.g., from 5/8 to 4/10, 3/12 or 9/80) require a 30-day notice by the Chief of Police or their designee or the Association. Either party may request a change in work schedules by written notification at least thirty (30) days in advance of proposed changes. The normal work period, pursuant to Section 207 (k) of the Fair Labor Standards Act, shall be fourteen (14) days. All hours worked in excess of the employee's regularly recurring 80-hour biweekly work schedule shall be paid at the overtime rate of one and one-half the employee's regular rate of pay.

#### **b. Mealtime**

Mealtime for shift employees is thirty (30) minutes of paid time.



c. Mealtime Call-out for Shift Employees

Mealtime may be taken during the shift if the workload permits and as authorized and scheduled by the shift supervisor. Shift employees receive mealtime as paid time, and therefore shift employee shall be subject to call out during mealtime.

d. Rest Periods

Rest periods will normally be provided to employees at the rate of fifteen (15) minutes for each four- (4) hours worked. Rest periods are not to be construed as mealtime. Insofar as practical, rest periods shall be in the middle of each work period. Rest periods cannot be used in conjunction with a meal periods, nor may rest periods be taken during the employee's first or last scheduled hour of work.

e. Missed Rest Periods and Mealtime

Rest periods are paid time; therefore nothing in this section provides for or implies any additional compensation or benefits if a rest period is not taken. Mealtime is paid time, therefore nothing in this section provides for or implies any additional compensation or benefit if a meal period is not completed or taken.

f. Medical Attention for On-the-Job Injuries

Employees shall make reasonable attempts to schedule all medical treatment related to on-the-job injuries during non-scheduled work hours. Medical treatment for on-the-job injuries that are required during scheduled work hours shall be paid time. Medical appointments during normal scheduled work hours should be coordinated with the employee's supervisor so the best interests of the department are maintained. At no point will the employee be compensated for medical appointments that are not during his/her normal work shift; nor will employees receive overtime for attending medical appointments.

g. Definition of Shift Employees

Shift employees that are assigned to positions in which duties are performed on a twenty-four (24) hour day, seven (7) days a week basis shall include all classifications identified Section 1.2 of this MOU.

h. Shift Trade

Employees of equal rank will be allowed to trade shifts from time to time as long as the following criteria are met:

1. The trade does not adversely impact the Department's operating needs.
2. The trade does not result in the payment of overtime to the trading employees.
3. The trade is by mutual consent of the employees involved.
4. The trade request must be submitted in writing to the employees supervisor, signed by both employees and approved by the Police Chief or his/her designee.
5. The trade days occur within the same pay period.

## SECTION 3.2 OVERTIME

### a. Rate

Employees shall be paid overtime at the rate of time and one-half his/her regular rate of pay. All overtime shall be recorded and paid in the following manner:

- 1 to 15 minutes, overtime compensation – ¼ hour
- 16 to 30 minutes, overtime compensation – ½ hour
- 31 to 45 minutes, overtime compensation – ¾ hour
- 46 to 60 minutes, overtime compensation – 1 hour

### b. Hours Paid

Paid time off shall be considered time worked for overtime purposes.

### c. Compensatory Time (CT)

Notwithstanding the provisions of this section, employees may be granted CT for overtime credit computed at time and one-half at the mutual convenience of the Police Department and the employee. Employees may accumulate a maximum of one hundred and twenty (120) hours in their CT account.

### d. Scheduling Compensatory Time

Requests to use CT shall be granted with due regard for operational necessity such as staffing levels.

### e. Schools/Training/Qualifications/Department Meetings

Overtime for Police Officers, Police Corporals or Police Sergeants as the result of Department-wide training and meetings authorized by the Chief of Police will be compensated at the time and one-half overtime rate.

Hours traveling, studying, or evening classes shall be paid in accordance with all FLSA provisions.

Travel time for mandatory or department assigned travel events shall be compensated as follows:

When an employee is required to travel outside of San Luis Obispo County, the employee will be compensated for their time spent in travel as paid time. Time spent in travel shall be measured by the difference in the time normally required to travel between the employee's home and the regularly assigned workplace and the time between home and the temporary worksite. Whenever possible the employee's work schedule should be adjusted within the two week work period to accommodate this travel time as straight paid time. Any time spent in travel in excess of the 80 hours shall be compensated as overtime.

Travel time for employee-requested, promotional or other voluntary training shall be compensated as follows:

When an employee is required to travel outside of San Luis Obispo County, the employee may be compensated for their time spent in travel as paid time when the travel time can be accommodated within the employee's 80 hour work-period. Time spent in travel shall be measured by the difference in the time normally required to travel between the employee's home and the regularly assigned workplace and the time between home and the temporary worksite. When it meets the needs of the department, the employee's work schedule should be adjusted within the two week work period to accommodate this travel time as straight paid time. Any time spent in travel for voluntary training in excess of the 80 hour two week work period shall not be compensated.

### **SECTION 3.3 CALLBACK PAY**

Employees who are called to duty at a time they are not working shall be compensated a minimum compensation of two (2) hours at time and one-half rate of pay.

### **SECTION 3.4 COURT TIME/STANDBY TIME**

- a. Employees assigned standby duty shall receive fifty dollars (\$50.00) for each day of standby duty. A day is defined as a 24 hour period.
- b. Employees placed on standby by the court at a time they are not working shall be compensated at the rate of two (2) hours straight time compensation for every four (4) hours of actual time in standby assignment, prorated for more or less than four hours. Minimum compensation will be ~~for for twoone~~ (2+) hours of straight time.
- c. Employees responding to work from standby shall receive a minimum of two hours pay at straight time. Employees working in excess of one hour and twenty minutes once called back shall receive time and one-half pay for hours worked in excess of one hour and twenty minutes, or two hours straight time, whichever is greater.
- d. The Chief of Police may place employees on standby status. Standby duty shall not be considered as hours worked for the purpose of computing overtime.
- e. Employees on standby status shall provide the Public Safety Dispatcher or their designee with a telephone number where he/she can be reached directly; and be able to respond to the predetermined duty assignment within one hour from the time of notification.

## ARTICLE IV - PAY PROVISIONS

### SECTION 4.1 SALARY

~~Year 1— Effective July 1, 2021, all employees covered under this MOU shall receive a 5.0% (five point zero percent) COLA salary increase to base salary. — The City understands and appreciates the need to retain our quality employees and the City acknowledges that the wages paid for certain positions are below the comparable wages for other cities within the County. Because the City hopes to increase retention and attraction of professional employees, the following inequity adjustments will be made:~~

~~a. — The following position will receive a 2.5% (two point five percent) inequity adjustment to base salary in addition to the COLA salary increase above:~~

- ~~————— Support Services Classification~~
- ~~Lead Records Technician~~ ~~Other Classifications~~
- ~~Police Officer — Recruit~~
- ~~Code Enforcement Officer~~

~~b. — The following positions will receive a 7.5% (seven point five percent) inequity adjustment to base salary in addition to the COLA salary increase above:~~

- ~~————— Police Officer Classification~~
  - ~~● — Police Officer~~
  - ~~● — Police Officer — Intermediate POST~~
  - ~~● — Police Officer — Advanced POST~~
- ~~————— Police Corporal Classification~~
  - ~~● — Police Corporal~~
  - ~~● — Police Corporal — Intermediate POST~~
  - ~~● — Police Corporal — Advanced POST~~
- ~~————— Support Services Classification~~
  - ~~● — Public Safety Dispatcher~~
  - ~~● — Public Safety Dispatcher — EMD~~
- ~~————— Other Classifications~~
  - ~~● — Police Officer — Recruit~~
  - ~~● — Code Enforcement Officer~~

~~c. — The following positions will receive a 10.0% (ten point zero percent) inequity adjustment to base salary in addition to the COLA salary increase above:~~

- ~~————— Police Sergeant Classification~~
  - ~~● — Police Sergeant~~
  - ~~● — Police Sergeant — Advanced POST~~
  - ~~● — Police Sergeant — Supervisory POST~~
- ~~————— Support Services Classification~~
  - ~~● — Public Safety Lead Dispatcher~~

- ~~• Public Safety Lead Dispatcher – EMD~~

~~Other Classifications~~

- ~~• Community Services Officer~~

~~d. The following position will receive a 12.5% (twelve point five percent) inequity adjustment to base salary in addition to the COLA salary increase above:~~

~~Property Evidence Specialist Classification~~

- ~~• Senior Property Evidence Specialist~~
- ~~• Senior Property Evidence Specialist – EMD~~

Year 1- Effective July 1, 2024, employees covered under this MOU will receive the following COLA increases to base salary:

a. The following positions will receive a 2.0% (two point zero percent) COLA:

Police Corporal Classification

- Police Corporal
- Police Corporal – Intermediate POST
- Police Corporal – Advanced POST

Property Evidence Specialist Classification

- Senior Property Evidence Specialist
- Senior Property Evidence Specialist – EMD

Support Services Classifications

- Lead Records Technician

b. The following positions will receive a 2.5% (two point five percent) COLA:

Police Sergeant Classification

- Police Sergeant
- Police Sergeant - Advanced POST
- Police Sergeant – Supervisory POST

Support Services Classification

- Public Safety Dispatcher
- Public Safety Dispatcher – EMD
- Public Safety Lead Dispatcher
- Public Safety Lead Dispatcher- – EMD

Other Classifications

- Police Officer Recruit
- Community Services Officer

c. The following positions will receive a 2.75% (two point seven five percent) COLA:

Police Officer Classification

- Police Officer
- Police Officer - Intermediate POST
- Police Officer – Advanced POST

d. The following positions will receive a 2.0% (two point zero percent) additional adjustment:

Police Sergeant Classification

- Police Sergeant
- Police Sergeant - Advanced POST
- Police Sergeant – Supervisory POST

The following monthly salaries are effective July 1, 202~~14~~:

**MONTHLY SALARY**  
**Effective July 1, 2024**

<b>CLASSIFICATION</b>	<b>RANGE</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Community Services Officer	SS17	4,634.68	4,866.41	5,109.73	5,365.22	5,633.48
Police Corporal	PD39	7,925.76	8,322.05	8,738.15	9,175.06	9,633.81
Police Corporal - Intermediate POST	PD39I	8,123.90	8,530.10	8,956.61	9,404.44	9,874.66
Police Corporal- Advanced POST	PD39A	8,322.05	8,738.15	9,175.06	9,633.81	10,115.50
Police Lead Records Technician	SS26	5,746.15	6,033.46	6,335.13	6,651.89	6,984.48
Police Level 3 Reserve Officer	PD35	7,241.75	7,603.84	n/a	n/a	n/a
Police Officer	PD35	7,241.75	7,603.84	7,984.03	8,383.23	8,802.39
Police Officer - Advanced POST	PD35A	7,603.84	7,984.03	8,383.23	8,802.39	9,242.51
Police Officer - Intermediate POST	PD35i	7,422.79	7,793.93	8,183.63	8,592.81	9,022.45
Police Officer Recruit	SS25	5,633.48	-	-	-	-
Police Sergeant	PS46	9,435.51	9,907.29	10,402.65	10,922.78	11,468.92
Police Sergeant - Advanced POST	PS46A	9,671.40	10,154.97	10,662.72	11,195.86	11,755.65
Police Sergeant - Supervisory POST	PS46S	9,907.29	10,402.65	10,922.78	11,468.92	12,042.37
Public Safety Dispatcher	SS25	5,633.48	5,915.15	6,210.91	6,521.46	6,847.53
Public Safety Dispatcher - EMD	SS25E	5,683.48	5,967.65	6,266.04	6,579.35	6,908.31
Public Safety Dispatcher - EMD with Longevity	SS25EL	5,965.15	6,263.41	6,576.59	6,905.42	7,250.69
Public Safety Dispatcher w/Longevity	SS25L	5,915.15	6,210.91	6,521.46	6,847.53	7,189.91
Public Safety Lead Dispatcher	SS29	6,210.91	6,521.46	6,847.53	7,189.91	7,549.41
Public Safety Lead Dispatcher	SS29E	6,260.91	6,573.96	6,902.66	7,247.80	7,610.19
Public Safety Lead Dispatcher - EMD with Longevity	SS29EL	6,571.46	6,900.03	7,245.04	7,607.30	7,987.66
Public Safety Lead Dispatcher w/ Longevity	SS29L	6,521.46	6,847.53	7,189.91	7,549.41	7,926.88
Senior Property Evidence Specialist	SS37	7,512.59	7,888.22	8,282.63	8,696.76	9,131.60
Senior Property Evidence Specialist - EMD	SS37E	7,562.59	7,940.72	8,337.76	8,754.65	9,192.38
Senior Property Evidence Specialist - EMD with Longevity	SS37EL	7,938.22	8,335.13	8,751.89	9,189.49	9,648.96
Senior Property Evidence Specialist w/Longevity	SS37L	7,888.22	8,282.63	8,696.76	9,131.60	9,588.18

**MONTHLY SALARY**  
**Effective July 1, 2021**

<b>CLASSIFICATION</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Code Enforcement Officer	\$ 4,967.80	\$ 5,216.19	\$ 5,477.00	\$ 5,750.85	\$ 6,038.39
Community Services Officer	\$ 3,987.33	\$ 4,186.70	\$ 4,396.04	\$ 4,615.84	\$ 4,846.63
Police Corporal	\$ 6,852.15	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23	\$ 8,328.84
Police Corporal-Intermediate POST	\$ 7,023.46	\$ 7,374.63	\$ 7,743.36	\$ 8,130.53	\$ 8,537.06
Police Corporal-Advanced POST	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23	\$ 8,328.84	\$ 8,745.28
Police Lead Records Technician	\$ 4,967.80	\$ 5,216.19	\$ 5,477.00	\$ 5,750.85	\$ 6,038.39
Police Level 3 Reserve Officer	\$ 6,215.10	\$ 6,525.86	n/a	n/a	n/a
Police Officer	\$ 6,215.10	\$ 6,525.86	\$ 6,852.15	\$ 7,194.76	\$ 7,554.50
Police Officer-Intermediate POST	\$ 6,370.48	\$ 6,689.00	\$ 7,023.45	\$ 7,374.62	\$ 7,743.35
Police Officer-Advanced POST	\$ 6,525.86	\$ 6,852.15	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23
Police Officer Recruit	\$ 4,846.63	\$ —	\$ —	\$ —	\$ —
Police Sergeant	\$ 7,962.26	\$ 8,360.37	\$ 8,778.39	\$ 9,217.31	\$ 9,678.18
Police Sergeant-Advanced POST	\$ 8,161.32	\$ 8,569.39	\$ 8,997.86	\$ 9,447.75	\$ 9,920.14
Police Sergeant-Supervisory POST	\$ 8,360.37	\$ 8,778.39	\$ 9,217.31	\$ 9,678.18	\$ 10,162.09
Public Safety Dispatcher	\$ 4,846.63	\$ 5,088.96	\$ 5,343.41	\$ 5,610.58	\$ 5,891.11
Public Safety Dispatcher-EMD	\$ 4,896.63	\$ 5,141.46	\$ 5,398.54	\$ 5,668.47	\$ 5,951.89
Public Safety Dispatcher w/Longevity	\$ 5,088.96	\$ 5,343.41	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67
Public Safety Dispatcher-EMD w/Longevity	\$ 5,138.96	\$ 5,395.91	\$ 5,665.71	\$ 5,949.00	\$ 6,246.45
Public Safety Lead Dispatcher	\$ 5,343.41	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95
Public Safety Lead Dispatcher-EMD	\$ 5,393.41	\$ 5,663.08	\$ 5,946.24	\$ 6,243.56	\$ 6,555.73
Public Safety Lead Dispatcher w/Longevity	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95	\$ 6,819.70
Public Safety Lead Dispatcher-EMD -w/Longevity	\$ 5,660.58	\$ 5,943.61	\$ 6,240.80	\$ 6,552.84	\$ 6,880.48
Senior Property Evidence Specialist	\$ 6,494.95	\$ 6,819.70	\$ 7,160.69	\$ 7,518.72	\$ 7,894.66
Senior Property Evidence Specialist-EMD	\$ 6,544.95	\$ 6,872.20	\$ 7,215.82	\$ 7,576.61	\$ 7,955.44
Senior Property Evidence Specialist -w/Longevity	\$ 6,819.70	\$ 7,160.69	\$ 7,518.72	\$ 7,894.66	\$ 8,289.39
Senior Property Evidence Specialist-EMD -w/Longevity	\$ 6,869.70	\$ 7,213.19	\$ 7,573.85	\$ 7,952.55	\$ 8,350.17



Year 2- Effective July 1, 2025, employees covered under this MOU will receive the following COLA increases to base salary:

a. The following positions will receive a 2.5% (two point five percent) COLA:

Police Corporal Classification

- Police Corporal
- Police Corporal – Intermediate POST
- Police Corporal – Advanced POST

Property Evidence Specialist Classification

- Senior Property Evidence Specialist
- Senior Property Evidence Specialist – EMD

Support Services Classifications

- Lead Records Technician

b. The following positions will receive a 3.0% (three point zero percent) COLA:

Police Officer Classification

- Police Officer
- Police Officer - Intermediate POST
- Police Officer – Advanced POST

Police Sergeant Classification

- Police Sergeant
- Police Sergeant - Advanced POST
- Police Sergeant – Supervisory POST

Support Services Classification

- Public Safety Dispatcher
- Public Safety Dispatcher – EMD
- Public Safety Lead Dispatcher
- Public Safety Lead Dispatcher- – EMD

Other Classifications

- Police Officer Recruit
- Community Services Officer

~~Year 2-~~

~~Effective July 1, 2022 all employees covered under this MOU shall receive a 4.0% (four point zero percent) COLA increase to base salary. Because the wages paid for certain positions are below the comparable wages for other cities within the County, and because the City hopes to increase retention and attraction of professional employees, an additional 1.0% (one point zero percent) inequity adjustment, for a total of 5% (five~~

~~point zero percent) will be made to base salary for all employees covered under this MOU.~~

The following monthly salaries are effective July 1, 202~~4~~5:

**MONTHLY SALARY**  
**Effective July 1, 2025**

<b>CLASSIFICATION</b>	<b>RANGE</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Community Services Officer	SS17	4,773.73	5,012.42	5,263.04	5,526.19	5,802.50
Police Corporal	PD39	8,123.90	8,530.10	8,956.61	9,404.44	9,874.66
Police Corporal - Intermediate POST	PD39I	8,327.00	8,743.35	9,180.52	9,639.55	10,121.53
Police Corporal- Advanced POST	PD39A	8,530.10	8,956.61	9,404.44	9,874.66	10,368.39
Police Lead Records Technician	SS26	5,889.80	6,184.29	6,493.50	6,818.18	7,159.09
Police Level 3 Reserve Officer	PD35	7,459.00	7,831.95	n/a	n/a	n/a
Police Officer	PD35	7,459.00	7,831.95	8,223.55	8,634.73	9,066.47
Police Officer - Advanced POST	PD35A	7,831.95	8,223.55	8,634.73	9,066.47	9,519.79
Police Officer - Intermediate POST	PD35i	7,645.48	8,027.75	8,429.14	8,850.60	9,293.13
Police Officer Recruit	SS25	5,802.50	-	-	-	-
Police Sergeant	PS46	9,718.58	10,204.51	10,714.74	11,250.48	11,813.00
Police Sergeant - Advanced POST	PS46A	9,961.54	10,459.62	10,982.60	11,531.73	12,108.32
Police Sergeant - Supervisory POST	PS46S	10,204.51	10,714.74	11,250.48	11,813.00	12,403.65
Public Safety Dispatcher	SS25	5,802.50	6,092.63	6,397.26	6,717.12	7,052.98
Public Safety Dispatcher - EMD	SS25E	5,852.50	6,145.13	6,452.39	6,775.01	7,113.76
Public Safety Dispatcher - EMD	SS25EL	6,142.63	6,449.76	6,772.25	7,110.87	7,466.41
Public Safety Dispatcher w/Longevity	SS25L	6,092.63	6,397.26	6,717.12	7,052.98	7,405.63
Public Safety Lead Dispatcher	SS29	6,397.26	6,717.12	7,052.98	7,405.63	7,775.91
Public Safety Lead Dispatcher - EMD	SS29E	6,447.26	6,769.62	7,108.11	7,463.52	7,836.69
Public Safety Lead Dispatcher - EMD with Longevity	SS29EL	6,767.12	7,105.48	7,460.76	7,833.80	8,225.49
Public Safety Lead Dispatcher w/ Longevity	SS29L	6,717.12	7,052.98	7,405.63	7,775.91	8,164.71
Senior Property Evidence Specialist	SS37	7,700.40	8,085.42	8,489.69	8,914.17	9,359.88
Senior Property Evidence Specialist - EMD	SS37E	7,750.40	8,137.92	8,544.82	8,972.06	9,420.66
Senior Property Evidence Specialist - EMD with Longevity	SS37EL	8,135.42	8,542.19	8,969.30	9,417.77	9,888.65
Senior Property Evidence Specialist w/Longevity	SS37L	8,085.42	8,489.69	8,914.17	9,359.88	9,827.87

**MONTHLY SALARY**  
**Effective July 1, 2022**

<b>CLASSIFICATION</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Code Enforcement Officer	\$ 5,216.19	\$ 5,477.00	\$ 5,750.85	\$ 6,038.39	\$ 6,340.31
Community Services Officer	\$ 4,186.70	\$ 4,396.04	\$ 4,615.84	\$ 4,846.63	\$ 5,088.96
Police Corporal	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23	\$ 8,328.84	\$ 8,745.28
Police Corporal—Intermediate POST	\$ 7,374.63	\$ 7,743.36	\$ 8,130.53	\$ 8,537.06	\$ 8,963.91
Police Corporal—Advanced POST	\$ 7,554.50	\$ 7,932.23	\$ 8,328.84	\$ 8,745.28	\$ 9,182.54
Police Lead Records Technician	\$ 5,216.19	\$ 5,477.00	\$ 5,750.85	\$ 6,038.39	\$ 6,340.31
Police Level 3 Reserve Officer	\$ 6,525.86	\$ 6,852.15	n/a	n/a	n/a
Police Officer	\$ 6,525.86	\$ 6,852.15	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23
Police Officer—Intermediate POST	\$ 6,689.01	\$ 7,023.46	\$ 7,374.63	\$ 7,743.36	\$ 8,130.53
Police Officer—Advanced POST	\$ 6,852.15	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23	\$ 8,328.84
Police Officer Recruit	\$ 5,088.96	n/a	n/a	n/a	n/a
Police Sergeant	\$ 8,360.37	\$ 8,778.39	\$ 9,217.31	\$ 9,678.18	\$ 10,162.09
Police Sergeant—Advanced POST	\$ 8,569.38	\$ 8,997.85	\$ 9,447.74	\$ 9,920.13	\$ 10,416.14
Police Sergeant—Supervisory POST	\$ 8,778.39	\$ 9,217.31	\$ 9,678.18	\$ 10,162.09	\$ 10,670.19
Public Safety Dispatcher	\$ 5,088.96	\$ 5,343.41	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67
Public Safety Dispatcher—EMD	\$ 5,138.96	\$ 5,395.91	\$ 5,665.71	\$ 5,949.00	\$ 6,246.45
Public Safety Dispatcher w/Longevity	\$ 5,343.41	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95
Public Safety Dispatcher—EMD w/Longevity	\$ 5,393.41	\$ 5,663.08	\$ 5,946.24	\$ 6,243.56	\$ 6,555.73
Public Safety Lead Dispatcher	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95	\$ 6,819.70
Public Safety Lead Dispatcher—EMD	\$ 5,660.58	\$ 5,943.61	\$ 6,240.80	\$ 6,552.84	\$ 6,880.48
Public Safety Lead Dispatcher w/Longevity	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95	\$ 6,819.70	\$ 7,160.69
Public Safety Lead Dispatcher—EMD	\$ 5,941.11	\$ 6,238.17	\$ 6,550.08	\$ 6,877.59	\$ 7,221.47
Senior Property Evidence Specialist	\$ 6,819.70	\$ 7,160.69	\$ 7,518.72	\$ 7,894.66	\$ 8,289.39
Senior Property Evidence Specialist—EMD	\$ 6,869.70	\$ 7,213.19	\$ 7,573.85	\$ 7,952.55	\$ 8,350.17
Senior Property Evidence Specialist —w/Longevity	\$ 7,160.69	\$ 7,518.72	\$ 7,894.66	\$ 8,289.39	\$ 8,703.86
Senior Property Evidence Specialist—EMD —w/Longevity	\$ 7,210.69	\$ 7,571.22	\$ 7,949.79	\$ 8,347.28	\$ 8,764.64

Year 3- Effective July 1, 2026, employees covered under this MOU will receive the following COLA increases to base salary:

c. The following positions will receive a 2.5% (two point five percent) COLA:

Police Corporal Classification

- Police Corporal
- Police Corporal – Intermediate POST
- Police Corporal – Advanced POST

Property Evidence Specialist Classification

- Senior Property Evidence Specialist
- Senior Property Evidence Specialist – EMD

Support Services Classifications

- Lead Records Technician

d. The following positions will receive a 3.0% (three point zero percent) COLA:

Police Officer Classification

- Police Officer
- Police Officer - Intermediate POST
- Police Officer – Advanced POST

Police Sergeant Classification

- Police Sergeant
- Police Sergeant - Advanced POST
- Police Sergeant – Supervisory POST

Support Services Classification

- Public Safety Dispatcher
- Public Safety Dispatcher – EMD
- Public Safety [Lead Dispatcher](#)
- Public Safety [Lead Dispatcher](#) – EMD

Other Classifications

- Police Officer Recruit
- Community Services Officer

~~Year 3- Effective July 1, 2023 all employees covered under this MOU shall receive a 3.5% (three point five percent) COLA salary increase. Because the wages paid for certain positions are below the comparable wages for other cities within the County, and because the City hopes to increase retention and attraction of professional employees, an additional 1.5% (one point five percent) inequity adjustment, for a total of 5% (five point zero percent) will be made to base salary for all~~

employees covered under this MOU.

The following monthly salaries are effective July 1, 2026:

**MONTHLY SALARY**  
Effective July 1, 2026

CLASSIFICATION	RANGE	STEP A	STEP B	STEP C	STEP D	STEP E
Community Services Officer	SS17	4,916.93	5,162.78	5,420.92	5,691.97	5,976.57
Police Corporal	PD39	8,327.00	8,743.35	9,180.52	9,639.55	10,121.53
Police Corporal - Intermediate POST	PD39I	8,535.18	8,961.94	9,410.04	9,880.54	10,374.57
Police Corporal- Advanced POST	PD39A	8,743.35	9,180.52	9,639.55	10,121.53	10,627.61
Police Lead Records Technician	SS26	6,037.05	6,338.90	6,655.85	6,988.64	7,338.07
Police Level 3 Reserve Officer	PD35	7,682.77	8,066.91	n/a	n/a	n/a
Police Officer	PD35	7,682.77	8,066.91	8,470.26	8,893.77	9,338.46
Police Officer - Advanced POST	PD35A	8,066.91	8,470.26	8,893.77	9,338.46	9,805.38
Police Officer - Intermediate POST	PD35i	7,874.84	8,268.58	8,682.01	9,116.11	9,571.92
Police Officer Recruit	SS25	5,976.57	-	-	-	-
Police Sergeant	PS46	10,010.14	10,510.65	11,036.18	11,587.99	12,167.39
Police Sergeant - Advanced POST	PS46A	10,260.39	10,773.41	11,312.08	11,877.68	12,471.56
Police Sergeant - Supervisory POST	PS46S	10,510.65	11,036.18	11,587.99	12,167.39	12,775.76
Public Safety Dispatcher	SS25	5,976.57	6,275.40	6,589.17	6,918.63	7,264.56
Public Safety Dispatcher - EMD	SS25E	6,026.57	6,327.90	6,644.30	6,976.52	7,325.34
Public Safety Dispatcher - EMD	SS25EL	6,325.40	6,641.67	6,973.76	7,322.45	7,688.57
Public Safety Dispatcher w/Longevity	SS25L	6,275.40	6,589.17	6,918.63	7,264.56	7,627.79
Public Safety Lead Dispatcher	SS29	6,589.17	6,918.63	7,264.56	7,627.79	8,009.18
Public Safety Lead Dispatcher	SS29E	6,639.17	6,971.13	7,319.69	7,685.68	8,069.96
Public Safety Lead Dispatcher	SS29EL	6,968.63	7,317.06	7,682.92	8,067.07	8,470.42
Public Safety Lead Dispatcher w/ Longevity	SS29L	6,918.63	7,264.56	7,627.79	8,009.18	8,409.64
Senior Property Evidence Specialist	SS37	7,892.91	8,287.56	8,701.94	9,137.04	9,593.89
Senior Property Evidence Specialist - EMD	SS37E	7,942.91	8,340.06	8,757.07	9,194.93	9,654.67
Senior Property Evidence Specialist - EMD with Longevity	SS37EL	8,337.56	8,754.44	9,192.17	9,651.78	10,134.36
Senior Property Evidence Specialist w/Longevity	SS37L	8,287.56	8,701.94	9,137.04	9,593.89	10,073.58

**MONTHLY SALARY**  
**Effective July 1, 2023**

<b>CLASSIFICATION</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Code Enforcement Officer	\$ 5,477.00	\$ 5,750.85	\$ 6,038.39	\$ 6,340.31	\$ 6,657.33
Community Services Officer	\$ 4,396.04	\$ 4,615.84	\$ 4,846.63	\$ 5,088.96	\$ 5,343.41
Police Corporal	\$ 7,554.50	\$ 7,932.22	\$ 8,328.83	\$ 8,745.27	\$ 9,182.53
Police Corporal—Intermediate POST	\$ 7,743.36	\$ 8,130.53	\$ 8,537.06	\$ 8,963.91	\$ 9,412.11
Police Corporal—Advanced POST	\$ 7,932.22	\$ 8,328.83	\$ 8,745.27	\$ 9,182.53	\$ 9,641.66
Police Lead Records Technician	\$ 5,477.00	\$ 5,750.85	\$ 6,038.39	\$ 6,340.31	\$ 6,657.33
Police Level 3 Reserve Officer	\$ 6,852.15	\$ 7,194.76	n/a	n/a	n/a
Police Officer	\$ 6,852.15	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23	\$ 8,328.84
Police Officer—Intermediate POST	\$ 7,023.45	\$ 7,374.62	\$ 7,743.35	\$ 8,130.52	\$ 8,537.05
Police Officer—Advanced POST	\$ 7,194.76	\$ 7,554.50	\$ 7,932.23	\$ 8,328.84	\$ 8,745.28
Police Officer Recruit	\$ 5,343.41	n/a	n/a	n/a	n/a
Police Sergeant	\$ 8,778.39	\$ 9,217.31	\$ 9,678.18	\$ 10,162.09	\$ 10,670.19
Police Sergeant—Advanced POST	\$ 8,997.85	\$ 9,447.74	\$ 9,920.13	\$ 10,416.14	\$ 10,936.95
Police Sergeant—Supervisory POST	\$ 9,217.31	\$ 9,678.18	\$ 10,162.09	\$ 10,670.19	\$ 11,203.70
Public Safety Dispatcher	\$ 5,343.41	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95
Public Safety Dispatcher—EMD	\$ 5,393.41	\$ 5,663.08	\$ 5,946.24	\$ 6,243.56	\$ 6,555.73
Public Safety Dispatcher w/Longevity	\$ 5,610.58	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95	\$ 6,819.70
Public Safety Dispatcher—EMD w/Longevity	\$ 5,660.58	\$ 5,943.61	\$ 6,240.80	\$ 6,552.84	\$ 6,880.48
Public Safety Lead Dispatcher	\$ 5,891.11	\$ 6,185.67	\$ 6,494.95	\$ 6,819.70	\$ 7,160.69
Public Safety Lead Dispatcher—EMD	\$ 5,941.11	\$ 6,238.17	\$ 6,550.08	\$ 6,877.59	\$ 7,221.47
Public Safety Lead Dispatcher w/Longevity	\$ 6,185.67	\$ 6,494.95	\$ 6,819.70	\$ 7,160.69	\$ 7,518.72
Public Safety Lead Dispatcher—EMD —w/Longevity	\$ 6,235.67	\$ 6,547.45	\$ 6,874.83	\$ 7,218.58	\$ 7,579.50
Senior Property Evidence Specialist	\$ 7,160.69	\$ 7,518.72	\$ 7,894.66	\$ 8,289.39	\$ 8,703.86
Senior Property Evidence Specialist—EMD	\$ 7,210.69	\$ 7,571.22	\$ 7,949.79	\$ 8,347.28	\$ 8,764.64
Senior Property Evidence Specialist —w/Longevity	\$ 7,518.72	\$ 7,894.66	\$ 8,289.39	\$ 8,703.86	\$ 9,139.05
Senior Property Evidence Specialist—EMD —w/Longevity	\$ 7,568.72	\$ 7,947.16	\$ 8,344.52	\$ 8,761.75	\$ 9,199.83

- a. Steps B, C, D, and E shall be paid upon completion of twelve months of employment at the preceding step where the employee has demonstrated at least satisfactory job progress and normally increasing productivity, and upon recommendation of the Department Head and approval of the City Manager.
- b. Police Officers and Police Corporals who possess a P.O.S.T. Intermediate Certificate shall receive two and one-half percent (2½%) more in base salary than those positions within the same classification without a P.O.S.T. Intermediate Certificate.
- c. Police Officers and Police Corporals who possess a P.O.S.T. Advanced Certificate will receive two and one-half percent (2½%) more in base salary than those positions within the same classification without a P.O.S.T. Advanced Certificate, in addition to 4.1.b above.
- d. Police Sergeants who possess a P.O.S.T. Advanced Certificate will receive two and one-half percent (2½%) more in base salary than those positions within the same classification without a P.O.S.T. Advanced Certificate.
- e. Police Sergeants who possess a P.O.S.T. Supervisory Certificate will receive two and one-half percent (2½%) more in base salary than those positions within the same classification without a P.O.S.T. Supervisory Certificate, in addition to 4.1.d above.
- f. Each Public Safety Dispatcher, Senior Property Evidence Specialist, or Public Safety Lead Dispatcher having the Emergency Medical Dispatch (EMD) Certification will receive the following amounts more in base salary per month than those positions within the same classification without an EMD Certificate:

	Step A	Step B	Step C	Step D	Step E
EMD Pay	\$ 50.00	\$ 52.50	\$ 55.13	\$ 57.89	\$ 60.78

**SECTION 4.2 INCENTIVE PAY**

Employees shall be reimbursed up to a maximum of \$1,600 per fiscal year as follows:

- a. Books, tuition and related educational expenses, including hotel, mileage or travel related expenses, for attending college or other professional training, providing the coursework is job-related, and the employee received a passing grade. Coursework description, proof of passing grade, receipts and proof of payment are required for reimbursement. ~~Hotels, airfare, meals, and other travel related expenses are not eligible for reimbursement.~~ All reimbursements must follow the restrictions outlined in the purchasing policy.
- b. Annual dues, membership fees, and registration and travel related expenses associated with attendance at conferences related to membership in professional associations that are job-related (as determined by the Chief of Police or their designee). All reimbursements must follow the restrictions outlined in the purchasing policy.



- a.c. Gym and fitness memberships: The City will reimburse employees up to 50% of costs to a maximum of \$600 per fiscal year for gym memberships, fitness training classes, jiu jitsu, other similar classes, or memberships as approved by the Chief of Police in advance. Employee must submit membership or class description, receipts or other proof of cost, and proof of employee payment in order to receive reimbursement. This program is voluntary and employees will participate on their own time without compensation from the City.
- b.d. In no instance will an employee be reimbursed more than \$1,600 for expenditures incurred in any fiscal year.
- e.e. Employee shall be responsible for any applicable federal, state or local taxes.
- f. Based on title 2 of the California Code of Regulations Section 571, the health and wellness reimbursement, will not be considered “Special Compensation”, will not be reported to CalPERS as compensation and will not be considered as compensation when calculating an employee’s retirement benefits. In the event that CalPERS at some time in the future determines that the health and wellness reimbursement meets the definition of “Special Compensation”, both parties agree to reopen negotiations related to the financial impacts and implementation of this issue.

### **SECTION 4.3 CONTINUOUS SERVICE PAY**

Employees in the Public Safety Dispatcher, Public Safety Lead Dispatcher, and Senior Property Evidence Specialist classifications, after five years of continuous service in the classification and satisfactory or better evaluations, shall receive five percent (5%) in additional pay to their base salary.

### **SECTION 4.4 RETIREMENT**

#### CalPERS Sworn Safety Members (as defined by CalPERS)

- a. Sworn Safety Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

#### TIER 1

Sworn Safety Member employees including Police Officers, Police Corporals and Police Sergeants hired on or before July 14, 2012 are provided benefits pursuant to the 3% @ 50 Benefit Formula (Government Code Section 21362.2), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

#### TIER 2

Sworn Safety Member employees including Police Officers, Police Corporals and Police Sergeants hired between July 14, 2012 and December 31, 2012, and Sworn Safety Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member

under CalPERS, are provided benefits pursuant to the 3% @ 55 Benefit Formula (G.C. Section 21363.1), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

### TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Sworn Safety Member employees including Police Officers, Police Corporals and Police Sergeants hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to the 2.7% @ 57 Benefit Formula (G.C. Section 7522.25(d)) with Final Compensation 3 Year (G.C. Section 20037). The Sworn Safety Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The CalPERS retirement for Sworn Safety Members (as defined by CalPERS) includes Level Four (4) of the 1959 Survivor's Benefit. The employees shall pay the monthly cost of the benefit.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

### CalPERS Non-Sworn Miscellaneous Members (as defined by CalPERS)

- a. Non-Sworn Safety Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

### TIER 1

Non-sworn Miscellaneous Member employees including Police Officer Recruit, Community Services Officer, Code Enforcement Officer, Public Safety Dispatcher, Senior Property Evidence Specialist, Lead Records Technician, and Public Safety Lead Dispatcher hired on or before July 14, 2012 are provided benefits pursuant to the 2.5% @ 55 Benefit Formula (Government Code Section 21354.4), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Non-sworn Miscellaneous Member employee contribution of 8% (eight percent). Non-sworn Miscellaneous Member employees will pay the employee contribution of 8% (eight percent).

### TIER 2

Non-sworn Miscellaneous Member employees including Police Officer Recruit, Community Services Officer, Code Enforcement Officer, Public Safety Dispatcher, Senior Property Evidence Specialist, Lead Records Technician, and Public Safety Lead Dispatcher hired between July 14, 2012 and December 31, 2012, and Non-sworn Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 2% @ 55 Benefit Formula (G.C. Section 21354), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Non-sworn Miscellaneous Member employee contribution of 7% (seven percent).

percent). Non-sworn Miscellaneous Member employees will pay the employee contribution of 7% (seven percent).

### TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Non-sworn Miscellaneous Member employees including Police Officer Recruit, Community Services Officer, Code Enforcement Officer, Public Safety Dispatcher, Senior Property Evidence Specialist, Lead Records Technician, and Public Safety Lead Dispatcher hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to 2% @ 62 Benefit Formula (G.C. Section 7522.20) with Final Compensation 3 Year (G.C. Section 20037). The Non-sworn Miscellaneous Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The City shall provide CalPERS the Post Retirement Survivor benefit for Miscellaneous Members.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

## **SECTION 4.5 SICK LEAVE/STAY WELL PLAN**

- a. Sick leave accumulates at a rate of eight (8) hours per month. There is no limit to the accumulation.
- b. Employees with 384 or more hours of accumulated sick leave shall be eligible for the Stay Well Bonus. The Stay Well Bonus will be implemented as follows:
  - 1. The sick leave pay-off will occur during the 52-week period beginning the first day after the second pay period in October and ending on the last day of the second pay period in October of the following year after an employee has accumulated and maintained 384 hours sick leave.
  - 2. Once the eligibility requirements have been met, an employee may opt to receive a pay-off equal to one-third (1/3) of the unused annual allotment of sick leave. (The annual allotment is 95.94 hours).
  - 3. Checks will be prepared by December 15 of each year.
- c. In any calendar year, up to 16 hours of sick leave may be used for personal reasons without explanation. These hours are not intended as vacation time and may not be used to extend vacations.
- d. An employee may use in any calendar year accrued sick leave, up to the amount earned during twelve (12) months employment, to attend to the illness of the following family members:
  - 1. The employee's child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis).
  - 2. The employee's parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian).

3. The employee's spouse or domestic partner.

If the employee is performing satisfactorily and the employee's workload would not be negatively impacted, the Department Head may approve additional time off, up to the amount earned during three (3) months of employment, for Family Care.

Family Care leave may also qualify for protection under the FMLA and/or CFRA, and any Family Care leave granted under this section shall run concurrently with FMLA and/or CFRA leave. FMLA/CFRA leave is addressed in a separate City policy.

#### **SECTION 4.6 VACATION LEAVE**

- a. Employees shall be entitled to vacation leave consistent with the City of Atascadero Personnel System Rules.
- b. In addition to the vacation leave accrued as outlined in Section 15.2 B of the City of Atascadero Personnel System Rules, employees shall receive:
  - An additional two days of vacation annually upon completing 15 years of service for a total accrual of 22 days per year or 6.77 hours per pay period; and
  - Two more days of vacation annually upon completing 20 years of service for a total accrual of 24 days per year or 7.38 hours per pay period.

#### **SECTION 4.7 HOLIDAYS**

- a. Employees shall receive twelve (12) holidays per calendar year. Said holidays shall be earned in eight (8) hour increments on the 1<sup>st</sup> day of the first full pay period of each month.
- b. Employees may elect one of the following options with regards to holidays:
  1. **Hours as Earned:** Employees may elect to receive eight hours of holiday time on the 1st day of the first full pay period of each month. This shall be the default option if employees do not select another method of receipt.
  2. **Paid as Earned:** Employees may elect to be paid for eight hours of holiday time as it is earned on the first full pay period of each month
  3. **Front Loading Hours:** Employees may elect to front load their holiday time and be credited with 96 hours of holiday time on the 1st day of the first full pay period in January. Employees who choose this option for front loading will still earn their holiday time in 8 hour increments on the 1st day of the first full pay period of each month. Employees choosing this option who terminate employment during the year shall pay the City back for any hours used but not earned, and will not receive pay for hours credited but not earned. To be eligible for this option an employee must:
    - Sign an agreement with the City of Atascadero acknowledging that the employee is liable for any funds owed to the City upon termination and authorizing a payroll deduction allowing the City to deduct any amounts owed from the employee's final check; and

- Be employed by the City on the last day of the first full pay period in January; and
  - Work (not in a paid leave status) for at least one day during the first full pay period in January; and
  - Receive City Manager approval if they are a probationary employee.
- c. Holidays must be used within the calendar year. Employees may take holiday time off consistent with the scheduling needs of the City and subject to approval of the Chief of Police.
- d. Employees shall be allowed to accrue holiday hours prior to required payoff.
- e. Employees who have not used their accrued holiday time by December 31<sup>st</sup>, will be paid for all accrued holiday hours, no later than the second payday of January.
- f. Employees may elect to apply the value of accrued holiday hours to their deferred compensation account. Election forms must be completed and received no later than December 31<sup>st</sup>, to be processed no later than the second payday of January.

#### **SECTION 4.8 BEREAVEMENT LEAVE**

Employees shall be granted bereavement leave pursuant to the July 2012 City of Atascadero Personnel System Rules.

The City shall provide up to twenty-four (24) hours of paid bereavement leave for bereavement purposes. Bereavement purposes include (1) the death of a member of the employee's immediate family, ~~and~~ (2) the critical illness of a member of the employee's immediate family where death appears to be imminent and (3) reproductive loss. The amount of bereavement leave provided under this section is twenty four (24) hours per family member.

The employee may be required to submit proof of a relative's death or critical illness before final approval of leave is granted.

For purposes of this section, "immediate family" means: spouse or domestic partner, parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian), grandparent, grandchild, child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, aunt, uncle, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or significant other. Reproductive loss includes miscarriage, stillbirth, failed adoption, failed surrogacy or unsuccessful assisted reproduction. Reproductive loss leave time in excess of 20 days within a 12-month period will require additional Department Head approval.

Twenty-four (24) hours of the paid absence shall be considered "bereavement leave", and any remaining time shall be from other paid time off available to the employee. However, the employee may not use more than forty (40) hours of accrued sick leave for bereavement purposes.

Bereavement leave longer than forty (40) hours will require Department Head approval.

~~Twenty-four (24) hours of the paid absence shall be considered "bereavement leave", and any remaining time shall be from other paid time off available to the employee.~~

~~When an employee has exhausted the bereavement leave provided in this section, the employee may submit a request to his/her Department Head and request additional time off work. If approved, the employee must use their other accrued paid leave. The employee may elect which accrued paid leave he/she shall use during the additional leave. However, the employee may not use more than forty (40) hours of accrued sick leave for bereavement purposes. If the additional leave approved by the Department Head is longer than forty (40) hours, the employee is required to use accrued paid leave other than sick leave.~~

#### **SECTION 4.9 MILITARY LEAVE**

Military leave shall be granted in accordance with the provisions of State and Federal law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.

#### **SECTION 4.10 OUT-OF-CLASS PAY**

Employees who are assigned to work out of class for fifteen (15) or more consecutive days shall receive five percent (5%) of current base salary in addition to regular salary in accordance with Personnel System Rules Section 4.10.

#### **SECTION 4.11 CANINE HANDLER PAY**

The time spent by a canine handler in the care, grooming and feeding of his/her assigned police dog shall be hours worked payable at the time and one-half overtime rate per hour of the handler. It is agreed that canine handlers normally spend 7 hours per biweekly pay period performing such work and written authorization from the Police Chief must be obtained to perform such work for more than 7 hours. Such hours worked shall not be interpreted to be (1) shift extension, (2) callback to work, or (3) scheduled work performed in excess of the regular shift for overtime purposes.

#### **SECTION 4.12 FIELD TRAINING OFFICER INCENTIVE PAY**

- a. Police Officers assigned to act in the capacity of Field Training Officer shall be compensated at the rate of \$~~871.74~~ per hour, not to exceed \$~~150300.00~~ per month. Compensation shall be provided only for hours actually spent serving in the capacity of Field Training Officer.
- b. Public Safety Dispatchers assigned to act as a trainer of a newly hired employee shall be compensated at the rate of \$~~81.747~~ per hour not to exceed \$~~150300.00~~ per month. Compensation shall be paid only for hours actually spent serving in the capacity of a trainer.
- c. Compensation shall be provided only when the Chief of Police or designee has specifically authorized the assignment.

#### **SECTION 4.13 ACTING WATCH COMMANDER PAY**

- a. Each Police Officer assigned as Acting Watch Commander will receive \$~~12.00~~ per hour for

each hour worked in the capacity of Acting Watch Commander as compensation for additional responsibility.

#### **SECTION 4.14 BILINGUAL PAY**

The City shall pay an additional 2.5% of salary to those employees who are able to speak one of the top two non-English languages as defined by the U.S. Census. A testing mechanism mutually agreed to by both parties will be created to assess language abilities before qualifying for the incentive.

#### **SECTION 4.15 LONGEVITY EXCLUSIVELY AS SECTION 457 CONTRIBUTION**

- a. For those active employees that have attained 10 years of continuous full time employment, the City, consistent with sections (b) through (f) below, shall deposit funds into a separate deferred compensation plan Section 457 account for each employee in ~~the following amounts: the amount of \$100 per year for each whole year of continuous full time employment with the City.~~
  - ~~i. Fiscal Year 2021-2022: \$50 for each whole year of continuous full time employment with the City~~
  - ~~ii. After July 1, 2022: \$100 per year for each whole year of continuous full time employment with the City~~
- b. Only employees who have received an overall rating of “satisfactory” or better on their last evaluation on file will be eligible for the longevity 457 contribution.
- c. Whole years of full time employment shall be determined on September 1<sup>st</sup> of each year for each active employee.
- d. Fractions of a year will be rounded down to the nearest whole year.
- e. ~~For Fiscal Year 2021-2022, deposit into the deferred compensation account shall be made in one lump sum no later than 60 days after execution of this MOU. Thereafter, d~~Deposit into the deferred compensation account shall be made in one lump sum annually no later than the second pay period in September.
- f. Based on title 2 of the California Code of Regulations Section 571, the annual City deferred contribution for longevity into the separate deferred compensation plan, will not be considered special compensation, will not be reported to CalPERS as compensation and will not be considered as compensation when calculating an employee’s retirement benefits. In the event that CalPERS at some time in the future determines that the longevity Section 457 Contribution meets the definition of “Special Compensation”, both parties agree to reopen negotiations related to the financial impacts and implementation of this issue.

#### **SECTION 4.16 POLICE RECRUIT ACADEMY HOUSING REIMBURSEMENT**

- a. If required by the City of Atascadero to attend a POST Academy over 60 miles distance from their place of residence, Police Recruits will receive a housing reimbursement, not to exceed \$600 per month for the duration of their participation in the POST Academy. Police Officer Recruits will be required to submit proof of housing/rental

agreement in order to receive reimbursement. Reimbursement eligibility will cease upon completion or termination from the POST Academy.

- b. Employee shall be responsible for any applicable federal, state or local taxes.
- c. Based on title 2 of the California Code of Regulations Section 571, the housing reimbursement, will not be considered “Special Compensation”, will not be reported to CalPERS as compensation and will not be considered as compensation when calculating an employee’s retirement benefits. In the event that CalPERS at some time in the future determines that the housing reimbursement meets the definition of “Special Compensation”, both parties agree to reopen negotiations related to the financial impacts and implementation of this issue.

## ARTICLE V - HEALTH AND WELFARE

### SECTION 5.1 HEALTH INSURANCE COVERAGE

- a. For unit members who elect to have “Family” coverage, the City shall pay an amount not to exceed ~~\$2,230.552,035.57~~ per month for employees electing Family coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependents. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for dependents based upon HMO plan costs.
- b. For unit members who elect to have “Employee +1” coverage, the City shall pay an amount not to ~~exceed \$1,570.331,513.88~~ per month for employees electing Employee +1 coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependent. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for the dependent based upon HMO plan costs.
- c. For unit members who elect to have “Employee Only” coverage, the City shall pay an amount not to exceed ~~\$1,076.83-\$933.18~~ per month for employees electing Employee Only coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee based upon HMO plan costs.  

For unit members who elect to have “Employee Only” coverage, available funds remaining from the City’s contribution toward insurance coverage shall be paid to an employee hired on or before September 1, 2000 as additional compensation. This amount shall not exceed \$240.56 per month.
- d. The City shall provide term life insurance coverage for each employee in a total amount of fifty thousand dollars (\$50,000).
- e. The City shall provide a term life insurance policy for each eligible dependent enrolled in health coverage in a total amount of one thousand dollars (\$1,000) per dependent during the term of this agreement.



- f. The Medical Insurance Committee may recommend changes in the level of service and service providers to the City during the term of the agreement. Each recognized bargaining unit shall have a representative on the committee, and management will have one representative.
- g. The City shall make available to employees covered by this MOU a Flexible Benefit Plan, in compliance with applicable Internal Revenue Code provisions. The plan will enable an employee, on a voluntary basis, to cover additional out of pocket premium expenses for insurance through pre-tax payroll dollars.
- h. State Disability Insurance – The City has provided State Disability Insurance as a payroll deduction of each employee.

## SECTION 5.2 ANNUAL COUNSELING

The City agrees to provide up to four (4) counseling appointments each fiscal year for members of the Association that choose to see a counselor/psychologist. This program is voluntary and employees will participate on their own time without compensation from the City. The counselor or psychologist must be licensed and under contract with the City. At the request of the Association, the City will consider contracting with additional specific counselors/psychologists.

## SECTION 5.3 UNIFORM/SAFETY EQUIPMENT ALLOWANCE

The purpose of the uniform allowance is for the purchase, replacement, maintenance, and cleaning of uniform clothing.

- a. ~~The City shall provide an annual uniform allowance of one thousand two hundred dollars (\$1,~~0~~200) for employees who hold the following positions: Police Officer, Police Corporal, Police Sergeant, Community Services Officer, and Senior Property Evidence Specialist, and Code Enforcement Officer.~~
- a.
- b. The City will make an upfront lump sum payment of the current fiscal year's uniform allowance no later than the second pay day in July for employees who hold the following positions: Police Officer, Police Corporal, Police Sergeant, Community Services Officer, and Senior Property Evidence Specialist, and Code Enforcement Officer.
- c. For employees who hold the following positions: Police Officer, Police Corporal, Police Sergeant, Community Services Officer, and Senior Property Evidence Specialist, and Code Enforcement Officer— upon initial hire the employee will receive a prorated amount based upon the number of days remaining until July 1. The City would at the same time advance the new employee an amount that when added to his initial uniform allowance would equal the annual uniform allowance. The amount advanced upon hire would then be deducted from the employee's first full uniform allowance check, the following July. (Example: If, in fiscal year 202~~14~~/20225 an employee worked six months in the first fiscal year, he/she would receive \$12900 in that first year and \$550-600 in the second fiscal year. (\$1,~~0~~200 202~~25~~/20236 uniform allowance less repayment of ½ of 202~~14~~/20225 uniform allowance advanced to the employee upon hire) All subsequent years the employee would receive the full \$~~1,000~~1,200 until separation from the City.)

- d. When a Community Services Officer, Senior Property Evidence Specialist, ~~Code Enforcement Officer~~ Police Officer, Police Corporal or Police Sergeant separates from the City, the Uniform Allowance will be prorated based upon the number of days employed in the then current fiscal year and any amounts owed to the City will be deducted from his/her final check.
- e. Uniforms damaged on duty shall be replaced as prorated by the Police Chief. Employees are required to seek reimbursement through the courts with all practical diligence.
- f. The City shall reimburse up to ~~T~~~~w~~~~o~~~~-~~~~h~~~~u~~~~n~~~~d~~~~r~~~~e~~~~d~~~~f~~~~i~~~~f~~~~y~~ (\$~~2~~~~0~~~~5~~~~0~~~~.~~~~0~~~~0~~) Dollars per fiscal year for the purchase of eligible uniform items to employees in the following positions:
- Lead Records Technician,
  - Public Safety Dispatcher,
  - Public Safety Lead Dispatcher

Eligible uniform items include Civilian Uniform Shirts, Civilian Uniform Pants, and Non-Uniform Polo Shirts as approved by the uniform committee and the City Manager. In no instance will the City reimburse employees for clothing that may be worn outside of the Atascadero Police Department work environment.

Proof of purchase is required. Once purchased, such appropriate uniform must be worn while working.

- g. The City shall make available to Police Officers, Police Corporals and Police Sergeants a bulletproof vest. Employees requesting a vest shall certify that they will wear the vest at all times, except in extreme climatic conditions. Vests shall be replaced or refurbished each 4 or 5 years as manufacturer's specifications dictate. Employees already owning a vest shall continue to use them until repair or refurbishment becomes necessary, as determined by the Chief of Police.
- h. The following additional safety equipment shall be provided to all Police Officers, Police Corporals and Police Sergeants by the City:
- Service weapon
  - Baton
  - Duty belt with holster, keeper straps, handcuff case, chemical mace pouch, key ring, baton ring, ammunition pouch, radio holder
  - Helmet with face shield
  - Rain garment: The City shall comply with the requirements of CAL/OSHA as it relates to providing rain gear including rain boots
- i. All City equipment shall be returned to the City upon the employee leaving such service.
- j. The City will purchase the following items required by the Police Academy for employees in the classification of Police Officer Recruit:
- Academy T-shirt
  - Academy Sweatshirt
  - Academy Running Shorts

- Dark Blue Polo Shirt or other shirt as required by the Police Academy.

The total annual monetary value of the uniforms in this subsection (j) is not to exceed \$250.00 per employee.

In addition to the items listed above, the City may provide additional safety equipment as listed in Section 5.2(h) at the discretion of the Police Chief.

## **SECTION 5.4 PROBATION**

The length of the probationary period for employees covered under this MOU shall be in accordance with Rule 9 of July 2012 City of Atascadero Personnel System Rules. Each original and promotional appointment made to a position in the competitive service shall be subject to a probationary period. The length of the original and promotional probationary period shall each be at least 12 month of service in the position for all employees. At the discretion of the Department Head and with the approval of the City Manager, the probationary period may be extended for a maximum of six additional months when the Department Head has determined that the employee has not yet successfully completed his/her probationary period.

## **ARTICLE VI – OTHER**

### **SECTION 6.1 CELL PHONE REIMBURSEMENTS**

The City agrees to reimburse each full-time employee a flat rate of ten dollars (\$10.00) per month for the use of their personal cell phone for City business. This amount will be paid once per year in a lump sum amount. Where applicable, the months will be pro-rated.

### **SECTION 6.2 JOINT COMMITMENT TO FAIR AND REASONABLE CHANGES TO THE CALPERS SYSTEM**

The interests of the City and the Association are generally aligned: both seek fair and reasonable changes to the CalPERS system to ensure long-term sustainability of the system. Needed State-level changes acceptable to both executive management and City labor groups are most likely to be initiated by CalPERS member agencies and labor, working collaboratively.

City and the Association hereby jointly commit to:

- Request state-level membership organizations (e.g., the League of California Cities, state-wide labor affiliates) to alert and engage members, to make this issue a priority, and encourage committing to a set of collaborative solutions;
- Encourage, educate, and engage peers (e.g., other cities, other labor groups) to make this issue a priority and to lend their voice to our request to state-level membership organizations;
- Jointly analyze options with an open mind as to potential solutions; and
- Other potential collaborative efforts as they arise.

### **SECTION 6.3 NO CHANGE TO CALPERS EMPLOYEE CONTRIBUTION**

PEPRA provides that beginning in 2018 an employer may require employees to pay fifty percent (50%) of the total annual normal cost up to an eight percent (8%) contribution rate for miscellaneous employees, and an eleven percent (11%) or twelve percent (12%) contribution rate for safety employees. PEPRA does not require an employer to implement this change but, the employer may do so once the employer has completed the good faith bargaining process as required by law, including any impasse procedures requiring mediation and fact finding. The City agrees that through June 30, 2024~~7~~, the City will not unilaterally ask Tier 1 employees and Tier 2 employees to increase their contribution to CalPERS. Employee contributions to CalPERS (for Tier 1 and Tier 2 employees) may be increased in 2024~~7~~ upon mutual agreement of the Association and the City.

## ARTICLE VII - CLOSING PROVISIONS

### SECTION 7.1 TERM

The term of this MOU shall commence on July 1, 2024~~4~~, and expire on June 30, 2027~~4~~.

### SECTION 7.2 SIGNATURES

This MOU has been ratified and adopted pursuant to the recommendation of the following representatives:

_____	_____	_____	_____
APA	Date	APA	Date

### CITY OF ATASCADERO

_____	_____	_____	_____
Mayor	Date	City Manager	Date

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE**

**ATASCADERO PROFESSIONAL FIREFIGHTERS  
LOCAL 3600**

**AND**

**CITY OF ATASCADERO**

**JULY 1, 20214 – June 30, 202724**

## ARTICLE I - GENERAL PROVISIONS

### SECTION 1.1 PREAMBLE

This Memorandum of Understanding is made and entered into between the City of Atascadero, hereinafter referred to as the “City” and the Atascadero Professional Firefighters Local 3600, hereinafter referred to as the “Association” pursuant to California Government Code Section 3500, et seq. and the City's Employer - Employee Relations Policy. The purpose of this Memorandum of Understanding (MOU) is the establishment of wages, hours and other terms and conditions of employment.

The City and Association agree that the provisions of this MOU shall be applied equally to all employees covered herein without favor or discrimination because of race, creed, color, sex, age, national origin, political or religious affiliations or association memberships. Whenever the masculine gender is used in this MOU, it shall be understood to include the feminine gender.

### SECTION 1.2 RECOGNITION

- a. The City of Atascadero recognizes the Association as the recognized and exclusive representative for the following positions:

#### Firefighter Classification

- Firefighter
- Firefighter/ Specialist I
- Firefighter/ Specialist II
- Firefighter/ FEO
- Firefighter/ FEO/ Specialist I
- Firefighter/ FEO/ Specialist II
- Firefighter/ Paramedic
- Firefighter/ Paramedic/ Specialist I
- Firefighter/ Paramedic/ Specialist II
- Firefighter/ FEO/ Paramedic
- Firefighter/ FEO/ Paramedic/ Specialist I
- Firefighter/ FEO/ Paramedic/ Specialist II

#### Fire Engineer Classification

- Fire Engineer
- Fire Engineer/ Specialist I
- Fire Engineer/ Specialist II
- Fire Engineer/ OIC
- Fire Engineer/ OIC/ Specialist I
- Fire Engineer/ OIC/ Specialist II
- Fire Engineer/ Paramedic
- Fire Engineer/ Paramedic/ Specialist I
- Fire Engineer/ Paramedic/ Specialist II
- Fire Engineer/ OIC/ Paramedic

- Fire Engineer/ OIC/ Paramedic/ Specialist I
- Fire Engineer/ OIC/ Paramedic/ Specialist II

#### Fire Captain Classification

- Fire Captain
- Fire Captain/ Specialist I
- Fire Captain/Specialist II
- Fire Captain/Paramedic
- Fire Captain/Paramedic/ Specialist I
- Fire Captain/Paramedic/ Specialist II

For purposes of this MOU, positions with a FEO, OIC, Paramedic and/or Specialist designation are hereinafter included in any reference to Firefighter, Fire Engineer, and Fire Captain.

- This recognition is exclusive of management employees and temporary employees.
- The City agrees to meet and confer and otherwise deal exclusively with the Association on all matters relating to the scope of representation under the Meyers-Milias-Brown Act (Government Code Section 3500, et seq.), and as provided under the City's Employer-Employee Relations Policy.

### **SECTION 1.3 SEVERANCE**

- If any provision of the Agreement should be found invalid, unconstitutional, unlawful, or unenforceable by reason of any existing or subsequently enacted constitutional or legislative provision shall be severed, and all other provisions of the Agreement shall remain in full force and effect for the duration of the Agreement.
- In the event that any provision of the MOU should be found invalid, unconstitutional, unlawful or unenforceable, the City and the Association agree to meet and confer in a timely manner in an attempt to negotiate a substitute provision. Such negotiations shall apply only to the severed provision of the Agreement and shall not in any way modify or impact the remaining provisions of the existing MOU.

### **SECTION 1.4 SOLE AGREEMENT**

- The City and the Association agree that to the extent that any provision addressing wages, hours, and terms and conditions of employment negotiable under the Meyers-Milias-Brown Act found outside this MOU and are in conflict thereof, this MOU shall prevail.
- If, during the term of the MOU, the parties should mutually agree to modify, amend, or alter the provisions of this MOU in any respect, any such change shall be effective only if and when reduced to writing and executed by the authorized representatives of the City and the Association. Any such changes validly made shall become part of this MOU and subject to its terms.

**SECTION 1.5 FULL FORCE AND EFFECT**

- a. All wages, hours, and terms and conditions of employment that are negotiable subjects of bargaining under the Meyers-Milias-Brown Act, including those set in this MOU, shall remain in full force and effect during the term of this MOU unless changed by mutual agreement.
- b. The City will abide by the Meyers-Milias-Brown Act where and when it applies to the Association.

**ARTICLE II - RESPECTIVE RIGHTS****SECTION 2.1 ASSOCIATION RIGHTS**

The Association shall have the following rights and responsibilities:

- a. Reasonable advance notice of any City ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council.
- b. Reasonable use of one bulletin board at all Fire Department stations.
- c. The right to payroll deductions made for payments or organization dues and for City approved programs.
- d. The use of City facilities for regular, normal and lawful Association activities, providing that approval of the City Manager or his/her designee has been obtained.
- e. Reasonable access to employee work locations for officers of the Association and their officially designated representatives for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Access shall be restricted so as not to interfere with the normal operations of any department or with established safety or security requirements.

**SECTION 2.2 CITY RIGHTS**

- a. The authority of the City includes, but is not limited to, the exclusive right to determine the standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action for "just cause"; relieve its employees from duty because of lack of work or for other legitimate reason; maintain the efficiency of governmental operations; determine the methods, staffing and personnel by which governmental operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; exercise complete control and discretion over its organizations and the technology of performing its work provided, however, that the exercise and retention of such rights does not preclude employees or their representatives from consulting or raising grievances over the consequences or impact that decisions on these matters may have on wage, hours and other terms of employment.



## SECTION 2.3 PEACEFUL PERFORMANCE

- a. The parties to this MOU recognize and acknowledge that the services performed by the City employees covered by this Agreement are essential to the public health, safety and general welfare of the residents of the City of Atascadero. Association agrees that under no circumstances will the Association recommend, encourage, cause or promote its members to initiate, participate in, nor will any member of the bargaining unit take part in, any strike, sit-down, stay-in, sick-out, slow-down, or picketing (hereinafter collectively referred to as "work-stoppage") in any office or department of the City, nor to curtail any work or restrict any production, or interfere with any operation of the City. In the event of any such work stoppage by any member of the bargaining unit, the City shall not be required to negotiate on the merits of any dispute which may have risen to such work stoppage until said work stoppage has ceased.
- b. In the event of any work stoppage, during the term of this MOU, whether by the Association or by any member of the bargaining unit, the Association by its officers, shall immediately declare in writing and publicize that such work stoppage is illegal and unauthorized, and further direct its members in writing to cease the said conduct and resume work. Copies of such written notices shall be served upon the City. If, in the event of any work stoppage, the Association promptly and in good faith performs the obligations of this paragraph, and providing the Association has not otherwise authorized, permitted or encouraged such work stoppage, the Association shall not be liable for any damages caused by the violation of this provision. However, the City shall have the right to discipline, up to and including discharge, any employee who instigates, participates in, or gives leadership to, any work stoppage activity herein prohibited, and the City shall also have the right to seek full legal redress, including damages, against any such employees.

## ARTICLE III - - HOURS OF WORK AND OVERTIME

### SECTION 3.1 HOURS OF WORK

#### a. Work Period

The normal work period, pursuant to Section 207 (k) of the Fair Labor Standards Act, shall be twenty-eight (28) days for all full-time permanent sworn safety positions. All hours worked in excess of the employee's regularly recurring work schedule shall be paid at the overtime rate of one and one-half of the employee's regular rate of pay.

#### b. Definition of Shift Employees

Shift employees are assigned to positions which duties are performed on a twenty-four (24) hour day, seven (7) days a week basis, and include:

- Firefighter
- Fire Engineer
- Fire Captain

**SECTION 3.2 OVERTIME**

- a. Rate  
Employees shall be paid overtime at the rate of time and one-half his/her regular rate of pay.
- b. Hours Paid  
Paid time off shall be considered time worked for overtime purposes.
- c. Compensatory Time (CT)  
Notwithstanding the provisions of this section, employees may be granted CT for overtime credit computed at time and one-half at the mutual convenience of the Fire Department and the employee. Employees may accumulate up to six (6) shifts (144 hours) of Compensatory Time.
- d. Scheduling Compensatory Time Off (CT)  
Requests to use CT shall be granted with due regard for operational necessity such as staffing levels.
- e. Compensatory Time (CT) Payoff  
CT may be paid off at the option of the employee. The payoff shall be included in the next regularly scheduled bi-weekly payroll period following the request.

**SECTION 3.3 CALLBACK PAY**

Employees who are called to duty at a time they are not working shall be compensated a minimum compensation of two (2) hours at time and one-half rate of pay.

**SECTION 3.4 STANDBY TIME**

- a. Employees assigned standby duty shall receive twenty-five dollars (\$25.00) for each day of standby duty. A day is defined as a 24-hour period.
- b. Employees responding to work from standby shall receive time and one-half pay with a minimum of one hour and twenty minutes once called back. Employees responding to work as a result of an emergency callback request shall receive time and one-half pay with a minimum of two hours pay.
- c. Employees on standby status shall monitor both radio and alpha numeric pages at all times; and be able to respond to the predetermined duty assignment within twenty minutes from the time of notification.

**SECTION 3.5 ON THE JOB MEDICAL TREATMENT**

Employees shall make reasonable efforts to schedule all medical treatment related to the on-the-job injuries during non-scheduled work hours. For medical treatment related to on-the-job injuries scheduled during work hours, the employee shall be required to use sick leave or other paid leave time to cover any time absent from the scheduled work except in the following circumstances:

- When required to be paid 4850 time in accordance with workers compensation law; or

- When working a light duty shift, such that scheduling medical treatment during non-scheduled work hours is not practical (i.e. Monday through Friday 40/hr. week), absences related to medical treatment for on-the-job injuries that are required during scheduled work hours shall be paid time; or
- When an employee is required, by a supervisor or by the Human Resources Official, to receive medical treatment or evaluation during scheduled work hours, that time shall be paid time.

Medical appointments during normal scheduled work hours should be coordinated with the employee's supervisor so the best interests of the department are maintained.

Any paid time for an absence related to medical treatment related to an on-the-job injury should be noted on the employee's time card. At no point will the employee be compensated for medical appointments that are not during his/her normal work shift; nor will employees receive overtime for attending medical appointments.

## **ARTICLE IV - PAY PROVISIONS**

### **SECTION 4.1 SALARY**

This three (3) year agreement shall provide salary increases according to the following formula and schedule:

Year 1- Effective July 1, 2024 all employees covered under this MOU shall receive a 5.0% (five two-point zero percent) salary increase to base pay. The following monthly salaries become effective July 1, 2024:

**MONTHLY SALARY**  
**Effective July 1, 2024**

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Firefighter	—5,782.50	—6,071.63	—6,375.21	—6,693.97	—7,028.67
Firefighter Specialist I	—5,840.33	—6,132.35	—6,438.97	—6,760.92	—7,098.97
Firefighter Specialist II	—5,898.15	—6,193.06	—6,502.71	—6,827.85	—7,169.24
Firefighter/FEO	—5,898.15	—6,193.06	—6,502.71	—6,827.85	—7,169.24
Firefighter/FEO/Specialist I	—5,955.98	—6,253.78	—6,566.47	—6,894.79	—7,239.53
Firefighter/FEO/Specialist II	—6,013.80	—6,314.49	—6,630.21	—6,961.72	—7,309.81
Firefighter/Paramedic	—6,360.75	—6,678.79	—7,012.73	—7,363.37	—7,731.54
Firefighter/Paramedic/Specialist I	—6,418.58	—6,739.51	—7,076.49	—7,430.31	—7,801.83
Firefighter/Paramedic/Specialist II	—6,476.40	—6,800.22	—7,140.23	—7,497.24	—7,872.10
Firefighter/Paramedic/FEO	—6,476.40	—6,800.22	—7,140.23	—7,497.24	—7,872.10
Firefighter/Paramedic/FEO/Specialist I	—6,534.23	—6,860.94	—7,203.99	—7,564.19	—7,942.40
Firefighter/Paramedic/FEO/Specialist II	—6,592.05	—6,921.65	—7,267.73	—7,631.12	—8,012.68
Fire Engineer	—6,223.41	—6,534.58	—6,861.31	—7,204.38	—7,564.60
Fire Engineer Specialist I	—6,285.64	—6,599.92	—6,929.92	—7,276.42	—7,640.24
Fire Engineer Specialist II	—6,347.88	—6,665.27	—6,998.53	—7,348.46	—7,715.88
Fire Engineer/OIC	—6,347.88	—6,665.27	—6,998.53	—7,348.46	—7,715.88
Fire Engineer/OIC/Specialist I	—6,410.11	—6,730.62	—7,067.15	—7,420.51	—7,791.54
Fire Engineer/OIC/Specialist II	—6,472.35	—6,795.97	—7,135.77	—7,492.56	—7,867.19
Fire Engineer/Paramedic	—6,845.75	—7,188.04	—7,547.44	—7,924.81	—8,321.05
Fire Engineer/Paramedic/Specialist I	—6,907.99	—7,253.39	—7,616.06	—7,996.86	—8,396.70
Fire Engineer/Paramedic/Specialist II	—6,970.22	—7,318.73	—7,684.67	—8,068.90	—8,472.35
Fire Engineer/Paramedic/OIC	—6,970.22	—7,318.73	—7,684.67	—8,068.90	—8,472.35
Fire Engineer/Paramedic/OIC/Specialist I	—7,032.45	—7,384.07	—7,753.27	—8,140.93	—8,547.98
Fire Engineer/Paramedic/OIC/Specialist II	—7,094.69	—7,449.42	—7,821.89	—8,212.98	—8,623.63
Fire Captain	—7,380.10	—7,749.11	—8,136.57	—8,543.40	—8,970.57
Fire Captain Specialist I	—7,453.90	—7,826.60	—8,217.93	—8,628.83	—9,060.27
Fire Captain Specialist II	—7,527.70	—7,904.09	—8,299.29	—8,714.25	—9,149.96
Fire Captain/Paramedic	—8,118.11	—8,524.02	—8,950.22	—9,397.73	—9,867.62
Fire Captain/Paramedic/Specialist I	—8,191.91	—8,601.51	—9,031.59	—9,483.17	—9,957.33
Fire Captain/Paramedic/Specialist II	—8,265.71	—8,679.00	—9,112.95	—9,568.60	—10,047.03

**MONTHLY SALARY**  
**Effective July 1, 2024**

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Fire Captain	8,337.68	8,754.56	9,192.29	9,651.90	10,134.50
Fire Captain Specialist I	8,504.43	8,929.65	9,376.13	9,844.94	10,337.19
Fire Captain/Paramedic	9,338.20	9,805.11	10,295.37	10,810.14	11,350.65
Fire Captain/Paramedic/Specialist I	9,504.96	9,980.21	10,479.22	11,003.18	11,553.34
Fire Captain/Paramedic/Specialist II	9,671.71	10,155.30	10,663.07	11,196.22	11,756.03
Fire Engineer	7,030.93	7,382.48	7,751.60	8,139.18	8,546.14
Fire Engineer Specialist I	7,171.55	7,530.13	7,906.64	8,301.97	8,717.07
Fire Engineer Specialist II	7,312.17	7,677.78	8,061.67	8,464.75	8,887.99
Fire Engineer/OIC	7,171.55	7,530.13	7,906.64	8,301.97	8,717.07
Fire Engineer/OIC/Specialist I	7,312.17	7,677.78	8,061.67	8,464.75	8,887.99
Fire Engineer/OIC/Specialist II	7,452.79	7,825.43	8,216.70	8,627.54	9,058.92
Fire Engineer/Paramedic	7,874.64	8,268.37	8,681.79	9,115.88	9,571.67
Fire Engineer/Paramedic/OIC	8,015.26	8,416.02	8,836.82	9,278.66	9,742.59
Fire Engineer/Paramedic/OIC/Specialist I	8,155.88	8,563.67	8,991.85	9,441.44	9,913.51
Fire Engineer/Paramedic/OIC/Specialist II	8,296.50	8,711.33	9,146.90	9,604.25	10,084.46
Fire Engineer/Paramedic/Specialist I	8,015.26	8,416.02	8,836.82	9,278.66	9,742.59
Fire Engineer/Paramedic/Specialist II	8,155.88	8,563.67	8,991.85	9,441.44	9,913.51
FireCaptain Specialist II	8,671.19	9,104.75	9,559.99	10,037.99	10,539.89
Firefighter	6,532.79	6,859.43	7,202.40	7,562.52	7,940.65
Firefighter Specialist I	6,663.45	6,996.62	7,346.45	7,713.77	8,099.46
Firefighter Specialist II	6,794.10	7,133.81	7,490.50	7,865.03	8,258.28
Firefighter/FEO	6,663.45	6,996.62	7,346.45	7,713.77	8,099.46
Firefighter/FEO/Specialist I	6,794.10	7,133.81	7,490.50	7,865.03	8,258.28
Firefighter/FEO/Specialist II	6,924.76	7,271.00	7,634.55	8,016.28	8,417.09
Firefighter/Paramedic	7,316.72	7,682.56	8,066.69	8,470.02	8,893.52
Firefighter/Paramedic/FEO	7,447.38	7,819.75	8,210.74	8,621.28	9,052.34
Firefighter/Paramedic/FEO/Specialist I	7,578.04	7,956.94	8,354.79	8,772.53	9,211.16
Firefighter/Paramedic/FEO/Specialist II	7,708.69	8,094.12	8,498.83	8,923.77	9,369.96
Firefighter/Paramedic/Specialist I	7,447.38	7,819.75	8,210.74	8,621.28	9,052.34
Firefighter/Paramedic/Specialist II	7,578.04	7,956.94	8,354.79	8,772.53	9,211.16

Year 2 - Effective July 1, 202~~5~~2, all positions covered under this MOU shall receive a ~~4~~3.0% (~~four~~ three point zero percent) salary increase to base pay. The following monthly salaries become effective July 1, 202~~5~~2:

**MONTHLY SALARY**  
**Effective July 1, 2022**

<b>CLASSIFICATION</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Firefighter	—6,013.80	—6,314.49	—6,630.21	—6,961.72	—7,309.81
Firefighter Specialist I	—6,073.94	—6,377.64	—6,696.52	—7,031.35	—7,382.92
Firefighter Specialist II	—6,134.08	—6,440.78	—6,762.82	—7,100.96	—7,456.01
Firefighter/FEO	—6,134.08	—6,440.78	—6,762.82	—7,100.96	—7,456.01
Firefighter/FEO/Specialist I	—6,194.21	—6,503.92	—6,829.12	—7,170.58	—7,529.11
Firefighter/FEO/Specialist II	—6,254.35	—6,567.07	—6,895.42	—7,240.19	—7,602.20
Firefighter/Paramedic	—6,615.18	—6,945.94	—7,293.24	—7,657.90	—8,040.80
Firefighter/Paramedic/Specialist I	—6,675.32	—7,009.09	—7,359.54	—7,727.52	—8,113.90
Firefighter/Paramedic/Specialist II	—6,735.46	—7,072.23	—7,425.84	—7,797.13	—8,186.99
Firefighter/Paramedic/FEO	—6,735.46	—7,072.23	—7,425.84	—7,797.13	—8,186.99
Firefighter/Paramedic/FEO/Specialist I	—6,795.59	—7,135.37	—7,492.14	—7,866.75	—8,260.09
Firefighter/Paramedic/FEO/Specialist II	—6,855.73	—7,198.52	—7,558.45	—7,936.37	—8,333.19
Fire Engineer	—6,472.36	—6,795.98	—7,135.78	—7,492.57	—7,867.20
Fire Engineer Specialist I	—6,537.08	—6,863.93	—7,207.13	—7,567.49	—7,945.86
Fire Engineer Specialist II	—6,601.81	—6,931.90	—7,278.50	—7,642.43	—8,024.55
Fire Engineer/OIC	—6,601.81	—6,931.90	—7,278.50	—7,642.43	—8,024.55
Fire Engineer/OIC/Specialist I	—6,666.53	—6,999.86	—7,349.85	—7,717.34	—8,103.21
Fire Engineer/OIC/Specialist II	—6,731.25	—7,067.81	—7,421.20	—7,792.26	—8,181.87
Fire Engineer/Paramedic	—7,119.60	—7,475.58	—7,849.36	—8,241.83	—8,653.92
Fire Engineer/Paramedic/Specialist I	—7,184.32	—7,543.54	—7,920.72	—8,316.76	—8,732.60
Fire Engineer/Paramedic/Specialist II	—7,249.04	—7,611.49	—7,992.06	—8,391.66	—8,811.24
Fire Engineer/Paramedic/OIC	—7,249.04	—7,611.49	—7,992.06	—8,391.66	—8,811.24
Fire Engineer/Paramedic/OIC/Specialist I	—7,313.77	—7,679.46	—8,063.43	—8,466.60	—8,889.93
Fire Engineer/Paramedic/OIC/Specialist II	—7,378.49	—7,747.41	—8,134.78	—8,541.52	—8,968.60
Fire Captain	—7,675.30	—8,059.07	—8,462.02	—8,885.12	—9,329.38
Fire Captain Specialist I	—7,752.05	—8,139.65	—8,546.63	—8,973.96	—9,422.66
Fire Captain Specialist II	—7,828.81	—8,220.25	—8,631.26	—9,062.82	—9,515.96
Fire Captain/Paramedic	—8,442.83	—8,864.97	—9,308.22	—9,773.63	—10,262.31
Fire Captain/Paramedic/Specialist I	—8,519.58	—8,945.56	—9,392.84	—9,862.48	—10,355.60
Fire Captain/Paramedic/Specialist II	—8,596.34	—9,026.16	—9,477.47	—9,951.34	—10,448.91

**SALARY WORKSHEET**  
**MONTHLY SALARY**  
**Effective July 1, 2025**

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Fire Captain	8,587.80	9,017.19	9,468.05	9,941.45	10,438.52
Fire Captain Specialist I	8,759.56	9,197.54	9,657.42	10,140.29	10,647.30
Fire Captain/Paramedic	9,618.34	10,099.26	10,604.22	11,134.43	11,691.15
Fire Captain/Paramedic/Specialist I	9,790.09	10,279.59	10,793.57	11,333.25	11,899.91
Fire Captain/Paramedic/Specialist II	9,961.85	10,459.94	10,982.94	11,532.09	12,108.69
Fire Engineer	7,241.85	7,603.94	7,984.14	8,383.35	8,802.52
Fire Engineer Specialist I	7,386.69	7,756.02	8,143.82	8,551.01	8,978.56
Fire Engineer Specialist II	7,531.52	7,908.10	8,303.51	8,718.69	9,154.62
Fire Engineer/OIC	7,386.69	7,756.02	8,143.82	8,551.01	8,978.56
Fire Engineer/OIC/Specialist I	7,531.52	7,908.10	8,303.51	8,718.69	9,154.62
Fire Engineer/OIC/Specialist II	7,676.36	8,060.18	8,463.19	8,886.35	9,330.67
Fire Engineer/Paramedic	8,110.87	8,516.41	8,942.23	9,389.34	9,858.81
Fire Engineer/Paramedic/OIC	8,255.71	8,668.50	9,101.93	9,557.03	10,034.88
Fire Engineer/Paramedic/OIC/Specialist I	8,400.55	8,820.58	9,261.61	9,724.69	10,210.92
Fire Engineer/Paramedic/OIC/Specialist II	8,545.38	8,972.65	9,421.28	9,892.34	10,386.96
Fire Engineer/Paramedic/Specialist I	8,255.71	8,668.50	9,101.93	9,557.03	10,034.88
Fire Engineer/Paramedic/Specialist II	8,400.55	8,820.58	9,261.61	9,724.69	10,210.92
FireCaptain Specialist II	8,931.31	9,377.88	9,846.77	10,339.11	10,856.07
Firefighter	6,728.77	7,065.21	7,418.47	7,789.39	8,178.86
Firefighter Specialist I	6,863.35	7,206.52	7,566.85	7,945.19	8,342.45
Firefighter Specialist II	6,997.92	7,347.82	7,715.21	8,100.97	8,506.02
Firefighter/FEO	6,863.35	7,206.52	7,566.85	7,945.19	8,342.45
Firefighter/FEO/Specialist I	6,997.92	7,347.82	7,715.21	8,100.97	8,506.02
Firefighter/FEO/Specialist II	7,132.50	7,489.13	7,863.59	8,256.77	8,669.61
Firefighter/Paramedic	7,536.22	7,913.03	8,308.68	8,724.11	9,160.32
Firefighter/Paramedic/FEO	7,670.80	8,054.34	8,457.06	8,879.91	9,323.91
Firefighter/Paramedic/FEO/Specialist I	7,805.37	8,195.64	8,605.42	9,035.69	9,487.47
Firefighter/Paramedic/FEO/Specialist II	7,939.95	8,336.95	8,753.80	9,191.49	9,651.06
Firefighter/Paramedic/Specialist I	7,670.80	8,054.34	8,457.06	8,879.91	9,323.91
Firefighter/Paramedic/Specialist II	7,805.37	8,195.64	8,605.42	9,035.69	9,487.47

Year 3 - Effective July 1, 202~~6~~<sup>3</sup>, all positions covered under this MOU shall receive a 3.05% (three point ~~zero~~<sup>five</sup> percent) salary increase to base pay. The following monthly salaries become effective July 1, 202~~6~~<sup>3</sup>:

**MONTHLY SALARY**  
**Effective July 1, 2023**

<b>CLASSIFICATION</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Firefighter	—6,224.28	—6,535.49	—6,862.26	—7,205.37	—7,565.64
Firefighter Specialist I	—6,286.52	—6,600.85	—6,930.89	—7,277.43	—7,641.30
Firefighter Specialist II	—6,348.77	—6,666.21	—6,999.52	—7,349.50	—7,716.98
Firefighter/FEO	—6,348.77	—6,666.21	—6,999.52	—7,349.50	—7,716.98
Firefighter/FEO/Specialist I	—6,411.01	—6,731.56	—7,068.14	—7,421.55	—7,792.63
Firefighter/FEO/Specialist II	—6,473.25	—6,796.91	—7,136.76	—7,493.60	—7,868.28
Firefighter/Paramedic	—6,846.71	—7,189.05	—7,548.50	—7,925.93	—8,322.23
Firefighter/Paramedic/Specialist I	—6,908.95	—7,254.40	—7,617.12	—7,997.98	—8,397.88
Firefighter/Paramedic/Specialist II	—6,971.19	—7,319.75	—7,685.74	—8,070.03	—8,473.53
Firefighter/Paramedic/FEO	—6,971.19	—7,319.75	—7,685.74	—8,070.03	—8,473.53
Firefighter/Paramedic/FEO/Specialist I	—7,033.44	—7,385.11	—7,754.37	—8,142.09	—8,549.19
Firefighter/Paramedic/FEO/Specialist II	—7,095.68	—7,450.46	—7,822.98	—8,214.13	—8,624.84
Fire Engineer	—6,698.88	—7,033.82	—7,385.51	—7,754.79	—8,142.53
Fire Engineer Specialist I	—6,765.87	—7,104.16	—7,459.37	—7,832.34	—8,223.96
Fire Engineer Specialist II	—6,832.86	—7,174.50	—7,533.23	—7,909.89	—8,305.38
Fire Engineer/OIC	—6,832.86	—7,174.50	—7,533.23	—7,909.89	—8,305.38
Fire Engineer/OIC/Specialist I	—6,899.85	—7,244.84	—7,607.08	—7,987.43	—8,386.80
Fire Engineer/OIC/Specialist II	—6,966.84	—7,315.18	—7,680.94	—8,064.99	—8,468.24
Fire Engineer/Paramedic	—7,368.77	—7,737.21	—8,124.07	—8,530.27	—8,956.78
Fire Engineer/Paramedic/Specialist I	—7,435.76	—7,807.55	—8,197.93	—8,607.83	—9,038.22
Fire Engineer/Paramedic/Specialist II	—7,502.75	—7,877.89	—8,271.78	—8,685.37	—9,119.64
Fire Engineer/Paramedic/OIC	—7,502.75	—7,877.89	—8,271.78	—8,685.37	—9,119.64
Fire Engineer/Paramedic/OIC/Specialist I	—7,569.73	—7,948.22	—8,345.63	—8,762.91	—9,201.06
Fire Engineer/Paramedic/OIC/Specialist II	—7,636.72	—8,018.56	—8,419.49	—8,840.46	—9,282.48
Fire Captain	—7,943.92	—8,341.12	—8,758.18	—9,196.09	—9,655.89
Fire Captain Specialist I	—8,023.36	—8,424.53	—8,845.76	—9,288.05	—9,752.45
Fire Captain Specialist II	—8,102.80	—8,507.94	—8,933.34	—9,380.01	—9,849.01
Fire Captain/Paramedic	—8,738.31	—9,175.23	—9,633.99	—10,115.69	—10,621.47
Fire Captain/Paramedic/Specialist I	—8,817.75	—9,258.64	—9,721.57	—10,207.65	—10,718.03
Fire Captain/Paramedic/Specialist II	—8,897.19	—9,342.05	—9,809.15	—10,299.61	—10,814.59



**SALARY WORKSHEET**  
**MONTHLY SALARY**  
**Effective July 1, 2026**

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Fire Captain	8,845.43	9,287.70	9,752.09	10,239.69	10,751.67
Fire Captain Specialist I	9,022.34	9,473.46	9,947.13	10,444.49	10,966.71
Fire Captain/Paramedic	9,906.88	10,402.22	10,922.33	11,468.45	12,041.87
Fire Captain/Paramedic/Specialist I	10,083.79	10,587.98	11,117.38	11,673.25	12,256.91
Fire Captain/Paramedic/Specialist II	10,260.70	10,773.74	11,312.43	11,878.05	12,471.95
Fire Engineer	7,459.11	7,832.07	8,223.67	8,634.85	9,066.59
Fire Engineer Specialist I	7,608.29	7,988.70	8,388.14	8,807.55	9,247.93
Fire Engineer Specialist II	7,757.47	8,145.34	8,552.61	8,980.24	9,429.25
Fire Engineer/OIC	7,608.29	7,988.70	8,388.14	8,807.55	9,247.93
Fire Engineer/OIC/Specialist I	7,757.47	8,145.34	8,552.61	8,980.24	9,429.25
Fire Engineer/OIC/Specialist II	7,906.66	8,301.99	8,717.09	9,152.94	9,610.59
Fire Engineer/Paramedic	8,354.20	8,771.91	9,210.51	9,671.04	10,154.59
Fire Engineer/Paramedic/OIC	8,503.39	8,928.56	9,374.99	9,843.74	10,335.93
Fire Engineer/Paramedic/OIC/Specialist I	8,652.57	9,085.20	9,539.46	10,016.43	10,517.25
Fire Engineer/Paramedic/OIC/Specialist II	8,801.75	9,241.84	9,703.93	10,189.13	10,698.59
Fire Engineer/Paramedic/Specialist I	8,503.39	8,928.56	9,374.99	9,843.74	10,335.93
Fire Engineer/Paramedic/Specialist II	8,652.57	9,085.20	9,539.46	10,016.43	10,517.25
FireCaptain Specialist II	9,199.25	9,659.21	10,142.17	10,649.28	11,181.74
Firefighter	6,930.63	7,277.16	7,641.02	8,023.07	8,424.22
Firefighter Specialist I	7,069.24	7,422.70	7,793.84	8,183.53	8,592.71
Firefighter Specialist II	7,207.86	7,568.25	7,946.66	8,343.99	8,761.19
Firefighter/FEO	7,069.24	7,422.70	7,793.84	8,183.53	8,592.71
Firefighter/FEO/Specialist I	7,207.86	7,568.25	7,946.66	8,343.99	8,761.19
Firefighter/FEO/Specialist II	7,346.47	7,713.79	8,099.48	8,504.45	8,929.67
Firefighter/Paramedic	7,762.31	8,150.43	8,557.95	8,985.85	9,435.14
Firefighter/Paramedic/FEO	7,900.92	8,295.97	8,710.77	9,146.31	9,603.63
Firefighter/Paramedic/FEO/Specialist I	8,039.53	8,441.51	8,863.59	9,306.77	9,772.11
Firefighter/Paramedic/FEO/Specialist II	8,178.14	8,587.05	9,016.40	9,467.22	9,940.58
Firefighter/Paramedic/Specialist I	7,900.92	8,295.97	8,710.77	9,146.31	9,603.63
Firefighter/Paramedic/Specialist II	8,039.53	8,441.51	8,863.59	9,306.77	9,772.11

- a. Steps B, C, D, and E may be paid upon completion of twelve months of employment at the preceding step where the employee has demonstrated at least satisfactory job progress and normally increasing productivity, and upon recommendation of the Department Head and approval of the City Manager.
- b. Employees who are trained, qualified and assigned by the Fire Chief to E.M.T. Paramedic duties shall receive ~~ten~~ **twelve** percent (~~12~~**10**%) more in base salary than those positions within the same classification without paramedic duties.
- c. Employees who are assigned to Fire Equipment Operator (FEO) duty (as outlined in Section 6.4

below) shall receive two percent (2%) more in base salary than those positions within the same classification which are not appointed as FEO.

d. Employees who are assigned to Officer in Charge (OIC) duty (as outlined in Section 6.5 below) shall receive two percent (2%) more in base salary than those positions within the same classification which are not appointed as OIC.

e. Employees working at the request of the Fire Chief in the capacity of Fire Equipment Operator (FEO), Officer in Charge (OIC) or Duty Officer (DO) when not assigned to that position and where all qualifications for the position have been met, will receive the following daily stipend while working in this capacity:

FEO Stipend - \$25 per day

OIC Stipend - \$50 per day

DO Stipend - \$75 per day

This daily stipend is subject to City operational needs when job classification cannot be filled by those appointed to the job classification (first priority) or during an emergency. The stipend may be stopped or denied at the discretion of the Fire Chief.

~~e.f.~~ Employees who are assigned to Specialist I duty (as outlined in Section 6.6 below) shall receive ~~one-two~~ percent (~~12~~%) more in base salary than those positions within the same classification which are not appointed as a Specialist I.

~~e.g.~~ Employees who are assigned to Specialist II duty (as outlined in Section 6.6 below) shall receive ~~two-four~~ percent (~~24~~%) more in base salary than those positions within the same classification which are not appointed as a Specialist II.

## SECTION 4.2 EDUCATION INCENTIVE PAY

Employees shall be reimbursed up to \$1,600 per fiscal year for books, tuition and related educational expenses, including hotel, mileage or travel related expenses, for attending college or other professional training, providing the coursework is job-related and the employee received a passing grade. All reimbursements must follow the restrictions outlined in the Purchasing Policy.

## SECTION 4.3 RETIREMENT

a. Employees are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

### CLASSIC MEMBERS TIER 1

Sworn Safety Member employees including Firefighters, Fire Engineers, and Fire Captains hired on or before July 14, 2012 are provided benefits pursuant to the 3% @ 50 Benefit Formula (Government Code Section 21362.2), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965).

The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee

contribution of 9% (nine percent).

Sworn Safety Members shall also contribute an additional 3% (three percent) of cost sharing toward the employer rate pursuant to Section 20516. These contributions are credited to each member's account as normal contributions. The contributions are made on a pre-tax basis as allowed under Internal Revenue Service Code Section 414 (h) (2) or as otherwise permitted by law.

### CLASSIC MEMBERS TIER 2

Sworn Safety Member employees including Firefighters, Fire Engineers, and Fire Captains hired between July 14, 2012 and December 31, 2012, and Sworn Safety Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 3% @ 55 Benefit Formula (G.C. Section 21363.1), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965).

The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees the employee contribution of 9% (nine percent).

Sworn Safety Members shall also contribute an additional 3% (three percent) of cost sharing toward the employer rate pursuant to Section 20516. These contributions are credited to each member's account as normal contributions. The contributions are made on a pre-tax basis as allowed under Internal Revenue Service Code Section 414 (h) (2) or as otherwise permitted by law.

### NEW MEMBERS TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Sworn Safety Member employees including Firefighters, Fire Engineers, and Fire Captains hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to the 2.7% @ 57 Benefit Formula (G.C. Section 7522.25(d)) with Final Compensation 3 Year (G.C. Section 20037). The Sworn Safety Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The CalPERS retirement for Sworn Safety Members (as defined by CalPERS) includes Level Four (4) of the 1959 Survivor's Benefit. The employees shall pay the monthly cost of the benefit.
- c. Qualifying employee contributions shall be contributed to CalPERS on a pre-tax basis to the extent permitted by law.
- d. The City shall provide the Military Service Credit as Public Service (Section 21024 of the Government Code) and Military Service Credit for Retired Persons (Section 21027 of the government Code), provided there is no direct cost to the City.

#### SECTION 4.4 SICK LEAVE/STAY WELL PLAN

- a. Unit members shall earn and use sick leave subject to the provisions of the City of Atascadero Personnel System Rules. It is agreed that nothing herein shall be construed as providing any vested right, monetary or otherwise, to any unused sick leave existing at time of discharge or voluntary separation from City service, except at time of retirement in accordance with the City's Public Employees Retirement System contract.
- b. Sick leave accumulates at a rate of 5.54 hours per pay period. There is no limit to the accumulation.
- c. In any calendar year, up to 16 hours of sick leave may be used for personal reasons without explanation. These hours are not intended as vacation time and may not be used to extend vacations.
- d. Employees with 576.16 or more hours of accumulated sick leave shall be eligible for the Stay Well Bonus. The Stay Well Bonus will be implemented as follows:
  1. The sick leave pay-off will occur during fifty-two (52) week period beginning the first day after the second pay period in October and ending on the last day of the second pay period in October of the following year after an employee has accumulated and maintained 576.16 hours of sick leave.
  2. Once the eligibility requirements have been met, an employee may opt to receive a pay-off equal to one-third (1/3) of the unused annual allotment of sick leave. (The annual allotment is 144.04 hours).
  3. Checks will be prepared by December 15 of each year.

#### SECTION 4.5 LONGEVITY EXCLUSIVELY AS SECTION 457 CONTRIBUTION

- a. For those active employees that have attained 10 years of continuous full time employment, the City, consistent with sections (b) through (f) below, shall deposit funds into a separate deferred compensation plan Section 457 account for each employee in the following amounts:
  - ~~i. Fiscal Year 2021-2022: \$50 for each whole year of continuous full-time employment with the City~~
  - i. After July 1, 2022: \$100 per year for each whole year of continuous full-time employment with the City
- b. Only employees who have received an overall rating of "satisfactory" or better on their last evaluation on file will be eligible for the longevity 457 contribution.
- c. Whole years of full time employment shall be determined on September 1<sup>st</sup> of each year for each active employee.
- d. Fractions of a year will be rounded down to the nearest whole year.
- e. ~~For Fiscal Year 2021-2022, deposit into the deferred compensation account shall be made in one lump sum no later than 60 days after execution of this MOU. Thereafter, d~~Deposit into the deferred compensation account shall be made in one lump sum annually no later than the second pay period in September.

- f. Based on title 2 of the California Code of Regulations Section 571, the annual City deferred contribution for longevity into the separate deferred compensation plan, will not be considered special compensation, will not be reported to CalPERS as compensation and will not be considered as compensation when calculating an employee's retirement benefits. In the event that CalPERS at some time in the future determines that the longevity Section 457 Contribution meets the definition of "Special Compensation", both parties agree to reopen negotiations related to the financial impacts and implementation of this issue.

#### **SECTION 4.6 VACATION LEAVE**

- a. Paid vacation leave accrues from the date of hire on a bi-weekly basis and increases after completion of the required years of service as follows:

<u>Years of Service</u>	<u>Accrual Rate</u>
Less than 3 years	5.00 shifts/yr or 4.61 hrs/pp
3 years completed	5.60 shifts/yr or 5.17 hrs/pp
5 years completed	6.53 shifts/yr or 6.03 hrs/pp
7 years completed	7.59 shifts/yr or 7.01 hrs/pp
9 years completed	8.40 shifts/yr or 7.75 hrs/pp
11 years completed	9.33 shifts/yr or 8.61 hrs/pp
15 years completed	10.26 shifts/yr or 9.47 hrs/pp
20 years completed	11.20 shifts/yr or 10.34 hrs/pp

The above schedule is based on full-time employment.

- b. Employees shall be entitled to vacation leave consistent with the City Personnel System Rules.
- c. It is agreed and understood that the taking of vacation shall be as scheduled by the Fire Chief subject to the needs of the City.

#### **SECTION 4.7 HOLIDAYS**

- a. Employees shall receive five and 6/10 (5.6) shifts annually or 5.17 hours bi-weekly. Said holidays shall be credited in accordance with procedures established by the Personnel Officer.
- b. Holiday time may be used as either paid time off or paid in cash at the option of the employee with the approval of the Fire Chief.

#### **SECTION 4.8 BEREAVEMENT LEAVE**

Employees shall be granted bereavement leave pursuant to the July 2012 City Personnel System Rules.

The City shall provide up to twenty-four (24) hours of paid bereavement leave for non-Fire suppression personnel or two (2) shifts of bereavement leave for Fire suppression personnel for

bereavement purposes. Bereavement purposes include (1) the death of a member of the employee's immediate family, ~~and~~ (2) the critical illness of a member of the employee's immediate family where death appears to be imminent, and (3) reproductive loss. The amount of bereavement leave provided under this section is twenty four (24) hours or two (2) shifts per family member.

The employee may be required to submit proof of a relative's death or critical illness before final approval of leave is granted.

For purposes of this section, "immediate family" means: spouse or domestic partner, parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian), grandparent, grandchild, child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, aunt, uncle, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or significant other.

Reproductive loss includes miscarriage, stillbirth, failed adoption, failed surrogacy or unsuccessful assisted reproduction. Reproductive loss leave time in excess of 20 days within a 12-month period will require additional Department Head approval.

Twenty-four (24) hours for non-Fire suppression personnel or forty-eight (48) hours, two (2) shifts, for Fire suppression personnel of the paid absence shall be considered "bereavement leave", and any remaining time shall be from other paid time off available to the employee. However, the employee may not use more than forty (40) hours of accrued sick leave for non-Fire suppression personnel or forty-eight (48) hours of accrued sick leave for Fire suppression personnel for bereavement purposes.

Bereavement leave longer than forty (40) hours for non-Fire suppression personnel and forty-eight (48) hours for Fire suppression personnel will require Department Head approval.

~~Twenty four (24) hours or two (2) shifts of the paid absence shall be considered "bereavement leave", and any remaining time shall be from other paid time off available to the employee.~~

~~When an employee has exhausted the bereavement leave provided in this section, the employee may submit a request to his/her Department Head and request additional time off work. If approved, the employee must use their other accrued paid leave. The employee may elect which accrued paid leave he/she shall use during the additional leave. However, the employee may not use more than forty eight (48) hours or two (2) shifts of accrued sick leave for bereavement purposes. If the additional leave approved by the Department Head is longer than forty eight (48) hours or two (2) shifts, the employee is required to use accrued paid leave other than sick leave.~~

## **SECTION 4.9 MILITARY LEAVE**

Military leave shall be granted in accordance with the provisions of State and Federal law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.

## SECTION 4.10 COMMON MESS ARRANGMENT

Unit employees under a common mess arrangement, agree to contribute to congregate meals at the station house in the amount required to cover the cost of those meals, irrespective of whether the employee chooses to eat the meal.

## SECTION 4.11 BILINGUAL PAY

The City shall pay an additional 2.5% of salary to those employees who are able to speak one of the top two non-English languages as defined by the U.S. Census. A testing mechanism mutually agreed to by both parties will be created to assess language abilities before qualifying for the incentive.

## ARTICLE V - HEALTH AND WELFARE

### SECTION 5.1 HEALTH INSURANCE COVERAGE

- a. Effective January 1, 202~~4~~<sup>1</sup>, for unit members who elect to have “Family” coverage, the City shall pay an amount not to exceed ~~\$2,029.342,230.55~~ per month for employees electing Family coverage.. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependents. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for dependents based upon HMO plan costs.
- b. Effective January 1, 202~~4~~<sup>1</sup> for unit members who elect to have ‘Employee +1’ coverage, the City shall pay a an amount not to exceed ~~\$1,507.651,570.33~~ per month for employees electing Employee +1 coverage and. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependent. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for the dependent based upon HMO plan costs.
- c. Effective January 1, 202~~4~~<sup>1</sup>, for unit members who elect to have “Employee Only” coverage, the City shall pay an amount not to exceed ~~\$933.181,149.57~~ per month for employees electing Employee Only coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee based upon HMO plan costs.

For unit members who elect to have “Employee Only” coverage, available funds remaining from the City’s contribution toward insurance coverage shall be paid to an employee hired on or before September 1, 2000 as additional compensation. This amount shall not exceed \$319.53 per month.

- d. ~~The City shall provide term life insurance coverage for each employee in a total amount of fifteen thousand dollars (\$15,000) from July 1, 2021 through December 31, 2021.~~ The City

shall provide term life insurance coverage for each employee in a total amount of fifty thousand dollars (\$50,000). ~~beginning January 1, 2022 and through the remaining term of this agreement.~~

- e. The City shall provide a term life insurance policy for each eligible dependent enrolled in health coverage in a total amount of one thousand dollars (\$1,000) per dependent during the term of this agreement.
- f. The Medical Insurance Committee shall be comprised of one representative from each of the bargaining units (as designated by the bargaining unit) and one from the City. The Committee shall regularly review the health plan and study health insurance issues including, but not limited to, Health Maintenance Organizations (HMO's), cost containment, etc., and make recommendations to the City Manager.
- g. The City shall make available to employees covered by this MOU a Flexible Benefit Plan, in compliance with applicable Internal Revenue Code provisions. The plan will enable an employee to, on a voluntary basis, cover additional out of pocket premium expenses for insurance through pretax payroll dollars.
- ~~g.h.~~ State Disability Insurance – The City will work with the employees in this bargaining unit and the State of California to implement a payroll deduction for all classifications of employees covered under this agreement if eligible. The City will work diligently to have the payroll deduction in place by July 1, 2025.

## SECTION 5.2 UNIFORM ALLOWANCE

The purpose of the uniform allowance is for the purchase, replacement, maintenance and cleaning of uniform clothing, including t-shirts and hats.

- a. The City shall provide an annual uniform allowance of nine hundred fifteen dollars (\$915) for each Association employee.
- b. The City will make an up-front lump-sum payment of the current calendar year's uniform allowance no later than the second pay day in January.
- c. Upon initial hire the employee will receive a prorated amount based upon the number of days remaining until January 1. The City would at the same time advance the new employee an amount that, when added to his initial uniform allowance, would equal \$915. The amount advanced upon hire would then be deducted from the employee's first full uniform allowance check received the following January. (Example: If an employee worked six months in the first calendar year, he/she would receive \$915 in that first year and \$457.50 in the second calendar year. All subsequent years the employee would receive the full \$915 until separation from the City.)

When an employee separates from the City, the uniform allowance will be prorated based upon the number of days employed in the then current calendar year and any amounts owed to the City will be deducted from his/her final check.



### **SECTION 5.3 PHYSICAL FITNESS**

The parties agree to establish a committee consisting of an equal number of representatives from the City and the Association for the purpose of developing a physical fitness program that will be implemented in the Fire Department for all employees in the unit. The committee will meet as needed to develop recommendations for the Fire Chief. The physical fitness program will include the following elements: 1) Mandatory participation, 2) Established standards, and 3) City-provided physicals.

### **SECTION 5.4 HEALTH AND WELLNESS EXAMS**

The City shall include in the Fire Department budget ~~three hundred seventy five dollars (\$375) per~~ for full-time employee ~~for~~ health and wellness exams according to the following schedule:

- Annually for Fire Department safety personnel aged 40 and over
- Every other year for Fire Department safety personnel aged 30-39
- Every three years for Fire Department safety personnel aged 20-29

The total amount budgeted will be coordinated in cooperation with the City. This amount will be paid directly to the health care professional or medical group and not to the employee.

### **SECTION 5.5 – RETIREE MEDICAL EXPENSE REIMBURSEMENT PLAN**

The City will administer employee payroll deductions that are directed to a Medical Expense Reimbursement Plan selected by the Association, with City approval, which lawfully permits employee contributions by payroll deductions (e.g., Retiree Medical Trust, Retiree Health Savings Account). The City shall not incur or be liable for any costs or contributions associated with such a plan. The City will only administer payroll deductions toward a qualifying employee benefit plan under the Internal Revenue Code.

The Association shall indemnify, defend and hold harmless the City from any claim, complaint, assessment, penalty, or damages asserted by any person or entity, including any state or federal authority, arising out of Association participation in such a plan, including, but not limited to fines, fees, or penalties issued by a state or federal taxing authority against the City due to employee payroll deductions or compensation payouts that are directed to the plan.

### **SECTION 5.6 MUTUAL AID REST PERIOD**

In the event an employee or crew has been on assignment for 14 days or greater, the Duty Officer may allow the shift employees to take the remainder of the shift off, up to a maximum of 48 hours. Shift employees have the option to utilize up to 24 hours of sick leave for rehabilitation and mental health awareness or any other form of personnel accrued time. Shift employees have the option to rehab on duty for the remainder of the shift cycle with the exception of emergency response.

A request will not be granted if it would create mandatory overtime for another shift employee.

## ARTICLE VI – OTHER

### SECTION 6.1 PROBATION

The length of the probationary period for employees covered under this MOU shall be in accordance with Rule 9 of July 2012 City of Atascadero Personnel System Rules. Each original and promotional appointment made to a position in the competitive service shall be subject to a probationary period. The length of the original and promotional probationary period shall each be at least 12 month of service in the position for all employees. At the discretion of the Department Head and with the approval of the City Manager, the probationary period may be extended for a maximum of six additional months when the Department Head has determined that the employee has not yet successfully completed his/her probationary period.

### ~~SECTION 6.2 PROMOTIONAL OPPORTUNITIES~~

Upon completion of the probationary period, qualified employees ~~in the classification of Firefighter~~ will be provided an opportunity to be examined and promoted to the next classification ~~of Fire Engineer~~ provided there is a vacancy. ~~There shall be a maximum of ten (10) Fire Engineer positions funded.~~

### SECTION 6.32 CELL PHONE REIMBURSEMENT

The City agrees to reimburse each full-time employee a flat rate of twenty dollars (\$20.00) per month for the use of their personal cell phone for City business. This amount will be paid once per year in a lump sum amount. Where applicable, the months will be pro-rated.

### SECTION 6.34 FIRE EQUIPMENT OPERATOR (FEO) ASSIGNMENT

There will be a maximum of one (1) FEO position compensated at any one time. Based on current staffing, departmental needs, and budgetary constraints, the Fire Chief, with written approval of the City Manager, may appoint additional FEO positions to be compensated.

Selection will be based on completion of department FEO qualification process and appointment will solely be the decision of the Fire Chief.

In order to be eligible for the FEO assignment, employees must meet the following minimum qualifications.

1. Employee must have completed Firefighter Probation
2. Employee must have completed AFD Driver/Operator and Ladder Truck modules
3. Employee must have completed CSFM Driver/Operator Certification or equivalent as approved by Fire Chief
4. Employee must have passed the Fire Engineer Promotional Test or FEO Equivalency Test (Minimum 80% cumulative, minimum 70% on any individual section)

5. Employee must have obtained a FEO Qualification - approved by Fire Chief
6. Every two years, employees must re-qualify by:
  - a. Completing a Fire Engineer Promotional Test with a passing score; or
  - b. At the Fire Chief's discretion, either completing an FEO equivalency test with a passing score or completing Fire Chief required FEO training.
 Failure to re-qualify every two years will result in revocation of assignment.

### **SECTION 6.45 OFFICER IN CHARGE (OIC) ASSIGNMENT**

There will be a maximum of four (4) OIC positions compensated at any one time. Based on current staffing, departmental needs, and budgetary constraints, the Fire Chief, with written approval of the City Manager, may appoint additional OIC positions to be compensated.

Selection will be based on completion of department OIC qualification process and appointment will solely be the decision of the Fire Chief.

~~There will be a maximum of four (4) OIC positions compensated at any one time. Selection will be based on completion of department OIC qualification process and appointment will solely be the decision of the Fire Chief.~~

In order to be eligible for the OIC assignment, employees must meet the following minimum qualifications:

1. Employee must meet minimum qualifications listed for Engine Company Officer per SLO County Fire Services Mutual Aid Plan. Including requirements for SLO County Incidents and Strike Team assignments
2. Employee must have completed Atascadero Fire & Emergency OIC Taskbook
3. Employee must have obtained OIC Trainee Qualification- Approved by Fire Chief
4. Employee must have passed the Fire Captain Promotional Test or OIC Equivalency Test (Minimum 80% cumulative, minimum 70% on any individual section)
5. Employee must have completed 3 months of OIC Trainee Training in the presence of a Fire Captain
6. Employee must have obtained an OIC Qualification- Approved by Fire Chief
7. Every two years, employees must re-qualify by completing:
  - a. A Fire Captain Promotional Test with a passing score; or
  - b. At the Fire Chief's discretion, either completing an OIC equivalency test with a passing score or completing Fire Chief required OIC training.
 Failure to re-qualify every two years will result in revocation of assignment.

### **SECTION 6.5 DUTY OFFICER**

Fire Captains who have completed the below requirements maybe eligible for stipend pay for duty officer when assigned by the Fire Chief. Selection will be based on the completion of the department Duty Officer qualification process and appointment will solely be at the decision of

the Fire Chief.

In order to be eligible for the Duty Officer assignment, employees must meet the following minimum qualifications:

- Employee must be a Fire Captain and completed 4 years in rank
- Employee must have completed the following qualifications:
  - CSFM Company Officer
  - NWCG Single Resource Boss/Engine Boss
- San Luis Obispo County Company Officer
- Employee must have completed the following classes:
  - ICS-400, Advanced ICS Command and General Staff
  - NIMS IS700
  - NIMS IS800
  - All the required classes in the Fire Department Fire Captain Career Development Guide
- Employee must have completed the Atascadero Fire & Emergency Services Duty Officer Taskbook
- Employee must have obtained Duty Officer Qualification – Approved by the Fire Chief
  - Every two years, employees must re-qualify by completing:
  - A minimum of four 24-hour shifts as Duty Officer; or At the Fire Chief’s discretion, completing a prescribed training assignment that includes review of administrative and operational knowledge, and emergency simulations.

Failure to re-qualify every two years will result in revocation of eligibility for stipend pay.

## **SECTION 6.66 SPECIALIST ASSIGNMENT**

- a. Employees may serve in a specialist assignment.
- b. Specialist assignments shall include only the following members associated with:
  - San Luis Obispo Hazardous Response Team (SLOHIRT)
  - San Luis Obispo Fire Investigation Strike Team (SLOFIST)
  - North County Urban Search and Rescue Team (NCUSAR)
  - San Luis Obispo Critical Incident Stress Management Team (SLOCISM)
  - ~~Technical Rescue Team (TRT)~~
  - Field Training Officer (FTO): Paramedic members assigned to provide skills, training and recertification to interns, paramedics and EMT’s. Provide department representations to the SLOEMSA to assist in implementing policies and procedures associated with emergency medicine.
- c. Employees serving in one specialist assignment shall be entitled to receive Specialist I pay as outlined in Section 4.1
- d. Employees serving in more than one specialist assignment shall be entitled to receive Specialist II pay as outlined in Section 4.1

- e. The number of employees serving in a specialist assignment shall be limited as follows:
- San Luis Obispo Hazardous Response Team (SLOHIRT)- up to a maximum of three (3) employees assigned
  - San Luis Obispo Fire Investigation Strike Team (SLOFIST)- up to a maximum of three (3) employees assigned
  - ~~Technical Reseue Team (TRT)~~North County Urban Search and Rescue Team (NCUSAR)- up to a maximum of eight (8) employees assigned
  - San Luis Obispo Critical Incident Stress Management Team (SLOCISM)- up to a maximum of two (2) employees assigned
  - Field Training Officer (FTO)- up to a maximum of three (3) employees assigned
  - In rare instances, based on the needs of the department and availability of funding, the Fire Chief, with the written approval of the City Manager, may assign an additional employee to a specialty assignment.
- f. Quarterly, the association shall submit to Human Resources a list of all employees serving in a specialist assignment, including effective dates of each assignment.

## **SECTION 6.7 LICENSE REIMBURSEMENT**

City agrees to either pay directly on behalf of or reimburse (receipts required) each full-time employee for the following fees, costs and licenses required for their position and job responsibilities:

1. DMV physicals and lab-tests from a provider approved by the City
2. DMV license renewal
3. EMT-Paramedic license renewal
4. EMT- Basic license renewal
5. Haz-Mat physicals and lab-tests from a provider approved by the City

## **ARTICLE VII – OTHER**

### **SECTION 7.1 COMPARISON JURISDICTIONS**

- a. The Association and the City recognize that the Memorandums of Understanding in the years since 1998 have been incremental steps in correcting salary inequities between Atascadero employees and the comparisons within San Luis Obispo County. It is further recognized that the salary schedule is a continuing attempt to bring Atascadero salaries to the mean with the surveyed cities following the initial inequity adjustment, and may be subject to change in future negotiations.
- b. The City recognizes that the Association would like the City to consider comparisons with cities outside the County including the City of Salinas, the City of Hollister and the City of Santa Maria. The City recognizes that with existing fire schedule, fire personnel may work

at a jurisdiction some distance away and continue to live in the Atascadero area. The Association may submit salary and benefit information from jurisdictions outside the County and that information will be reviewed and discussed by the City during negotiations.

**ARTICLE VIII - CLOSING PROVISIONS**

**SECTION 8.1 TERM**

The term of this MOU shall commence on the first full pay period following ratification and approval by the City Council, and expire on June 30, 2027~~4~~.

**SECTION 8.2 SIGNATURES**

This MOU has been ratified and adopted pursuant to the recommendation of the following representatives:

_____	_____	_____	_____
APF Local 3600	Date	APF Local 3600	Date

**CITY OF ATASCADERO**

_____	_____	_____	_____
Heather Moreno, Mayor	Date	<del>Rachelle Riekard</del> <u>James R. Lewis</u> ,	City Manager
Date			



# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item A4

**Department:** Public Works  
**Date:** 6/11/24  
**Placement:** Consent

**TO:** JAMES R. LEWIS, CITY MANAGER  
**FROM:** NICK DE BAR, PUBLIC WORKS DIRECTOR/CITY ENGINEER  
**PREPARED BY:** RYAN HAYES, PUBLIC WORKS DEPUTY DIRECTOR

**SUBJECT:** Adopting a List of Projects for Fiscal Year 2024-2025 Funded by SB 1:  
The Road Repair and Accountability Act of 2017

### RECOMMENDATION:

Council adopt Draft Resolution, adopting a list of projects to be funded with Road Maintenance and Rehabilitation Account revenues from SB 1 (The Road Repair and Accountability Act of 2017) for Fiscal Year 2024-2025.

### REPORT IN BRIEF:

The Road Repair and Accountability Act of 2017 (SB 1) provides funding for local and state jurisdictions to address roadway maintenance and rehabilitation needs, as well as other transportation related projects. This act became law in April 2017 and annual reporting guidelines for local agencies (cities and counties) were finalized in August 2017. Pursuant to these SB 1 annual reporting guidelines, this report summarizes the SB 1 budgeted and estimated revenues FY 17/18 through FY 24/25 and recommends project allocation for the FY 24/25 SB 1 funds.

### DISCUSSION:

SB 1 was designed intentionally to provide the most flexibility to local agencies as to how to use these funds, but with a “fix it first” approach to roadway improvements. Annual funds can be used on multiple projects, or a single project can be funded with multiple annual revenue allocations. “Betterment” improvement projects can be funded with SB 1 funds but require local agencies’ roadway systems to have a comprehensive Pavement Condition Index (PCI) of 80 or higher – Atascadero’s last comprehensive PCI was 50 (2019), with a new comprehensive pavement evaluation currently underway.



In general, staff recommends directing SB 1 revenues to fund roadway repairs, maintenance, and rehabilitation on arterial and collector functional classification roadways. These roadways receive the heaviest use in town and are driven by most of the public compared to residential functional

classification roadways. Furthermore, Measure F14 funds have been used exclusively on collectors and residential (local) roadways. Arterials and collectors are typically more expensive to repair, support commerce and business activities, have enhanced improvements (sidewalks, bike lanes, etc.), and have higher risk for liability if in disrepair. Staff believes committing additional funding to arterials and collectors will allow the City to continue to improve the busiest and most visible roads in Atascadero.

SB 1 guidelines require local agencies to pass a resolution each year that identifies a list of projects for SB 1 funding. The following table summarizes the SB 1 budgeted and estimated revenues FY 17/18 through FY 24/25.

Fiscal Year	Budgeted	Actual / Estimated*	Difference
2017-2018	\$ 178,070	\$ 181,060	\$ 2,990
2018-2019	530,440	\$ 571,180	\$ 40,740
2019-2020	511,890	\$ 526,611	\$ 14,721
2020-2021	568,200	\$ 557,213	\$ (10,987)
2021-2022	577,400	\$ 602,956	\$ 25,556
2022-2023	594,140	\$ 686,955	\$ 92,815
2023-2024	760,910	\$ 746,658 *	\$ (14,252)
2024-2025	813,410	\$ 797,214 *	\$ (16,196)
Total	\$ 4,534,460	\$ 4,669,847	\$ 135,387

In accordance with the adopted budget, staff recommends allocating the FY 24/25 SB 1 funds toward the following projects:

- Traffic Way Pavement Rehabilitation - North. This project includes heavy pavement rehabilitation, drainage improvements, pavement markings, traffic signage, and other miscellaneous and related work for 1.09 miles of Traffic Way between Chico Road and Santa Cruz Road. Any remaining SB 1 Funds not needed for the El Camino Real (South) Pavement Resurfacing Project will be allocated to this project.
- Santa Lucia Road Pavement Rehabilitation - Segments B and C. This project involves pavement rehabilitation, drainage improvements, culvert replacement, pavement markings, traffic signage, and other miscellaneous and related work for 2.0 miles of Santa Lucia Road between Portola Road and Llano Road.
- El Camino Real Pavement Rehabilitation – North (Phase II). This project includes pavement rehabilitation, culvert replacement, pavement markings, traffic signage and other miscellaneous and related work for 0.55 miles of El Camino Real between San Benito Road and Del Rio Road.

The attached Draft Resolution (Attachment 1) will provide the necessary documentation required to be included with the submitted project list to the California Transportation Commission (CTC), which is due on July 1, 2024.



**ALTERNATIVES TO THE STAFF RECOMMENDATION:**

Council may direct staff to allocate all or part of the estimated FY 24/25 SB 1 funds to another budgeted capital project.

**FISCAL IMPACT:**

Approval of the Draft Resolution adopting the list of projects for SB 1 funding will allow the City to receive an estimated \$797,214 in 2024-2025 SB 1 funding.

**REVIEWED BY OTHERS:**

This item has been reviewed by the Administrative Services Director.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENT:**

1. Draft Resolution

## DRAFT RESOLUTION

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2024-2025 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

**WHEREAS**, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multimodal transportation funding shortfalls statewide; and

**WHEREAS**, SB 1 includes accountability and transparency provisions that will ensure the residents of the City are aware of the projects proposed for funding in the community and which projects have been completed each fiscal year; and

**WHEREAS**, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

**WHEREAS**, the City will receive an estimated \$813,410 of RMRA funding in Fiscal Year 2023-2024 from SB 1; and

**WHEREAS**, the City has undergone a public process to ensure public input into the community's transportation priorities and capital improvement plans; and

**WHEREAS**, the City used a Pavement Management System to assist in the development of the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

**WHEREAS**, the funding from SB 1 will help the City maintain and rehabilitate 139 centerline miles of roads, 20 bridges, and add active transportation infrastructure throughout the City this year and hundreds of similar projects in the future; and

**WHEREAS**, the 2019 Pavement Management Program found that the City's streets and roads are in a "fair" condition and the revenue will help increase the overall quality of the road system over the next decade, with the anticipation of bringing the streets and roads into a "good" condition; and

**WHEREAS**, without revenue from SB 1, the City's streets and roads may continue to degrade into a condition that would require higher costs and expenses to maintain and repair; and

**WHEREAS**, if the Legislature and Governor failed to act, city streets and county roads would have continued to deteriorate, resulting in many and varied negative impacts on the community; and

**WHEREAS**, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment an individual opens the front door to drive to work, bike to

school, or walk to the bus station, they are dependent upon a safe, reliable local transportation network; and

**WHEREAS**, modernizing the local street and road system provides well-paying construction jobs and boosts local economies; and

**WHEREAS**, the local street and road system is also critical for farm to market needs, interconnectivity, multimodal needs, and commerce; and

**WHEREAS**, police, fire, and emergency medical services all need safe reliable roads to react quickly to emergency calls and a few minutes of delay can be a matter of life and death; and

**WHEREAS**, maintaining and preserving local streets and the road system will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduced vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

**WHEREAS**, restoring roads before they fail reduces construction time, which results in less air pollution from heavy equipment and less water pollution from site run-off; and

**WHEREAS**, the overall investment in the local streets, roads, and complete streets infrastructure, with a focus on basic maintenance and safety, using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

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

**SECTION 1.** That the recitals set forth hereinabove are true, correct and valid.

**SECTION 2.** The following list of newly proposed projects will be funded in-part or solely with Fiscal Year 2024-25 Road Maintenance and Rehabilitation Account revenues:

Project: Traffic Way Pavement Rehabilitation - North

Description: Heavy pavement rehabilitation, drainage improvements, pavement markings, traffic signage, and other miscellaneous and related work for 1.1 miles of Traffic Way.

Location: Chico Road to Santa Cruz Road

Estimated Useful Life: 10 to 20 years

Estimated Project Schedule (Design & Construction): Spring 2023 – Summer 2024

*AND*

Project: Santa Lucia Road Pavement Rehabilitation – Segments B and C

Description: Heavy pavement rehabilitation, drainage and culvert improvements, pavement markings, traffic signage, and other miscellaneous and related work for 2.0 miles of Santa Lucia Road.

Location: Portola Road to Llano Road

Estimated Useful Life: 10 to 20 years

Estimated Project Schedule (Design & Construction): Spring 2023 – Fall 2025

AND

Project: El Camino Real Pavement Rehabilitation – North (Phase II)

Description: Heavy pavement rehabilitation, culvert replacement, pavement markings, traffic signage and other miscellaneous and related work for 0.55 miles of El Camino Real.

Location: San Benito Road to Del Rio Road

Estimated Useful Life: 10 to 20 years

Estimated Project Schedule (Design & Construction): Spring 2025 – Summer 2026

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

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

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

CITY OF ATASCADERO:

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

ATTEST:

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



# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item A5

**Department:** Public Works  
**Date:** 6/11/24  
**Placement:** Consent

**TO:** JAMES R. LEWIS, CITY MANAGER

**FROM:** NICK DEBAR, PUBLIC WORKS DIRECTOR/CITY ENGINEER

**PREPARED BY:** NICK DEBAR, PUBLIC WORKS DIRECTOR/CITY ENGINEER

**SUBJECT:** Authorizing Temporary Road Closures for 2024 Hot El Camino Cruise Nite and Colony Days Parade Routes

### RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A, authorizing temporary road closures and restrictions on August 16, 2024, for the Hot El Camino Cruise Nite.
2. Adopt Draft Resolution B, authorizing temporary road closures and restrictions on October 5, 2024, for the Colony Days Parade.

### DISCUSSION:

Historically, the City participates in two special events each year that require encroachment permits from Caltrans: Hot El Camino Cruise Nite and the Colony Days Parade. Both of these events require the closure of Highway 41 at El Camino Real and the closure of the US 101 northbound Highway 41 exit. In order to obtain a Caltrans encroachment permit, the City must provide Caltrans with a traffic control and detour plan for the Highway 41 closures. In addition, Caltrans requires a City Council resolution authorizing the temporary road closure of El Camino Real and the other streets affected along the routes. No significant impacts to these events are expected from El Camino Real construction since the bidding documents require the City's contractor, Souza Construction, to accommodate both events.

#### ***HOT EL CAMINO CRUISE NITE: FRIDAY, AUGUST 16, 2024 (EVENT 6:30 TO 8:30 P.M.)***

This event begins at 6:30 p.m. but requires temporary road closures in advance of the start time to secure and clear the event route. The following road segments are proposed to be closed from 5:00 p.m. until 9:00 p.m. for the Hot El Camino Cruise Nite event:

- El Camino Real from Curbaril Avenue to Traffic Way
- San Luis Avenue from Curbaril Avenue to Pueblo Avenue
- Pueblo Avenue from San Luis Avenue to Sinaloa Avenue
- East Mall from El Camino Real to Palma Avenue
- West Mall from El Camino Real to Palma Avenue
- Entrada Avenue from El Camino Real to Lewis Avenue
- Traffic Way from El Camino Real to Lewis Avenue

- Palma Avenue from Traffic Way to West Mall

The Hot El Camino Cruise Nite event attracts tourists and spectators who line El Camino Real to view the vehicles that participate in this historically popular event.

The following evening, “Dancing in the Streets,” a popular event that debuted in 2016, will have street closures that will only impact the downtown area from West Mall to Traffic Way. “Dancing in the Streets” is tentatively planned for Saturday, August 17, 2024 from 5:00 p.m. to 9:00 p.m. A resolution is not needed for this event since Caltrans highway operations are unaffected by the event.

***COLONY DAYS PARADE: SATURDAY, OCTOBER 5, 2024 (EVENT 10:00 A.M. TO 1:00 P.M.)***

The Colony Days Parade route will begin on El Camino Real near Pueblo Avenue and travel northbound on El Camino Real, then turn east on West Mall ending at Lewis Avenue near City Hall. Required road closures are very similar to Hot El Camino Cruise Nite except Lewis Avenue (between Entrada Avenue and East Mall) and West Mall (between Lewis Avenue and Olmeda Avenue) will also be closed, while Traffic Way, Entrada Avenue, and Palma Avenue (between Traffic Way and Entrada Avenue), will remain open.

Road closures for the Colony Days Parade occurs in two stages. The first stage occurs at 8:00 a.m. and is a “soft” closure that closes a portion of the parade route to allow floats and other participants to set up. The second stage occurs at 9:30 a.m. and is a “hard” closure that prohibits all unauthorized vehicles from driving through the parade route or any closed road.

A detail of each of the road closures is included in the Draft Resolutions (Attachments 1 & 2) and on the proposed route for Hot El Camino Cruise Nite and Colony Days (Attachment 3). Discussion of the item’s background, City/Council action up to this point, and what is needed next.

**FISCAL IMPACT:**

Cruise Nite incurs no net fiscal impact. The City cost of conducting the event is approximately \$15,000 and is included in the adopted budget. It is anticipated that these costs will be fully recovered through budgeted sponsorships and entry fees.

The Colony Days closure of the parade route is expected to take over 100 hours of budgeted staff time for road closure applications, set-up, and oversight of the road closure. Colony Days is a non-profit event co-sponsored by the City.

**REVIEWED BY OTHERS:**

This item has been reviewed by the Administrative Services Director as well as the Community Services Director.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENTS:**

1. Draft Resolution A – Hot El Camino Cruise Nite
2. Draft Resolution B - Colony Days Parade
3. Maps - Proposed Routes for Hot El Camino Cruise Nite and Colony Days Parade

**DRAFT RESOLUTION A**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING TEMPORARY ROAD CLOSURES AND RESTRICTIONS FOR HOT EL CAMINO CRUISE NITE**

**BE IT RESOLVED**, by the City Council of the City of Atascadero that the Hot El Camino Cruise Nite route is hereby established as: El Camino Real from Curbaril Avenue to Entrada Avenue to Palma Avenue to Traffic Way and returning to El Camino Real. Additionally, San Luis Avenue from Curbaril Avenue to Pueblo Avenue, and Pueblo Avenue from San Luis Avenue to El Camino Real, will be closed for participant registration and check-in activities.

**BE IT FURTHER RESOLVED** that in order to provide a closed route for the Cruise, the area described above is designated as a “No Parking” and tow-away zone from 5:00 p.m. until 9:00 p.m., on August 16, 2024.

**BE IT FURTHER RESOLVED** that the City Engineer is authorized to make modifications to the above road restrictions and associated traffic control plan as necessary to address conflicts, improve efficiencies, and for public health, welfare, and safety purposes.

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

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

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

CITY OF ATASCADERO:

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

ATTEST:

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



**DRAFT RESOLUTION B**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING TEMPORARY ROAD CLOSURES AND RESTRICTIONS FOR COLONY DAYS PARADE ROUTE**

**BE IT RESOLVED** by the City Council of the City of Atascadero that the Colony Days Parade route is hereby established as El Camino Real from Curbaril Avenue to West Mall and ending at Lewis Avenue with the Colony Day Festivities centered at the Sunken Gardens. Additionally, San Luis Avenue from Curbaril Avenue to Pueblo Avenue and Pueblo Avenue from Luis Avenue to El Camino Real will be closed for Colony Days Parade staging area.

**BE IT FURTHER RESOLVED** that in order to provide a reserved route for the Parade, staging and associated activities, the following actions are required:

**Friday, October 4, 2024 through Saturday, October 5, 2024 – 24 hours**  
**Establish “No Parking” and tow-away zone**

- East Mall – South side only, from El Camino Real to Palma Avenue

**Saturday, October 6, 2024 – 6:00 a.m. until 5:00 p.m.**  
**Establish road closure and tow-away zone**

- East Mall, from El Camino Real to Palma Avenue
- West Mall, from El Camino Real to Lewis Avenue
- Palma Avenue, from East Mall to West Mall

**Saturday, October 6, 2024 – 8:00 a.m. until 1:00 p.m. (Hard closure at 9:30 a.m.)**  
**Establish road closure and tow-away zone**

- El Camino Real, from Curbaril Avenue to Entrada Avenue
- San Luis Avenue, from Curbaril Avenue to Pueblo Avenue
- Pueblo Avenue, from San Luis Avenue to El Camino Real
- Lewis Avenue, from Entrada Avenue to East Mall (close at 10:00 a.m.)
- West Mall, from Lewis Avenue to Olmeda Avenue (close at 10:00 a.m.)

**BE IT FURTHER RESOLVED** that the City Engineer is authorized to make modifications to the above road restrictions and associated traffic control plan as necessary to address conflicts, improve efficiencies, and for public health, welfare, and safety purposes.

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

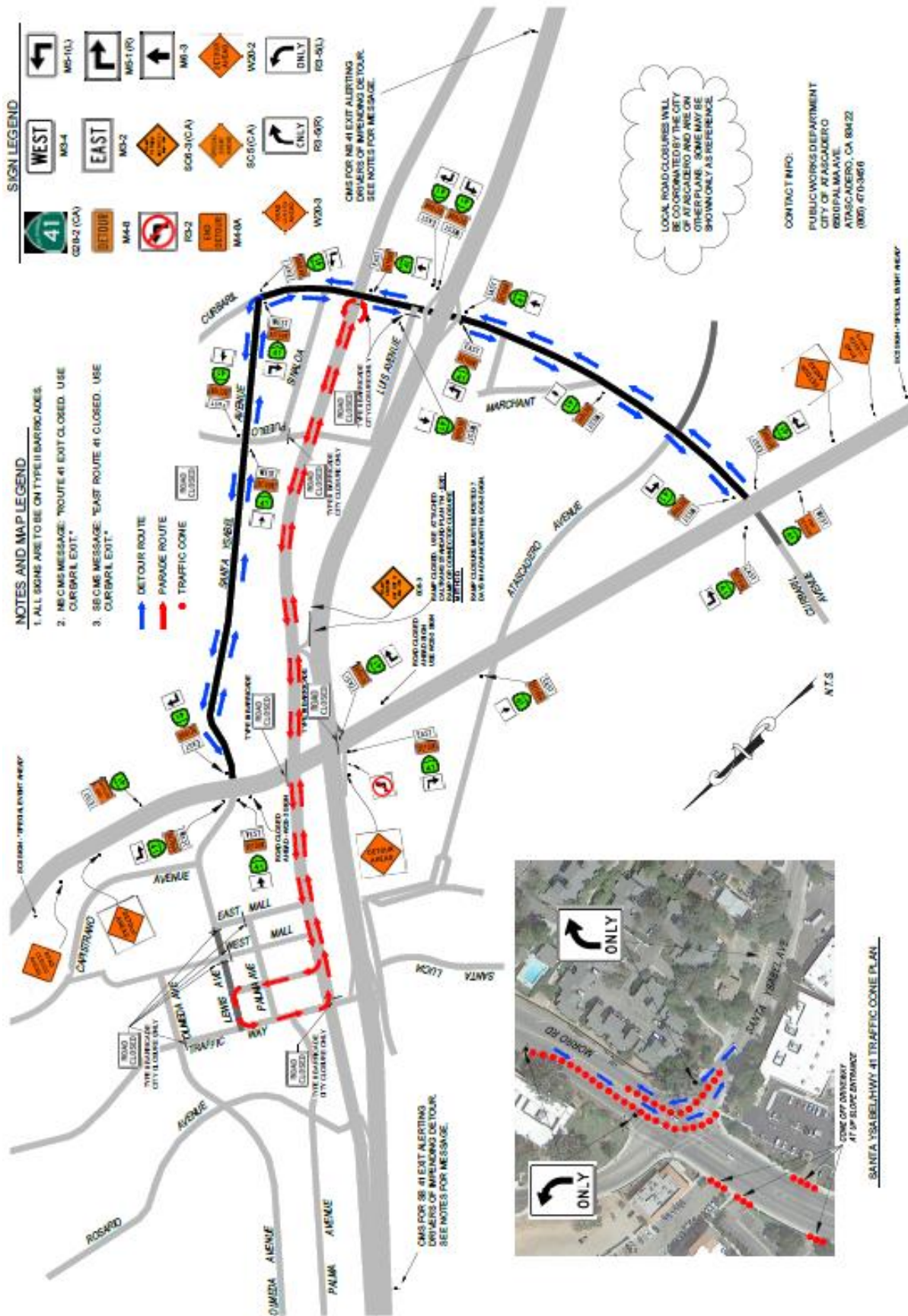
CITY OF ATASCADERO:

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

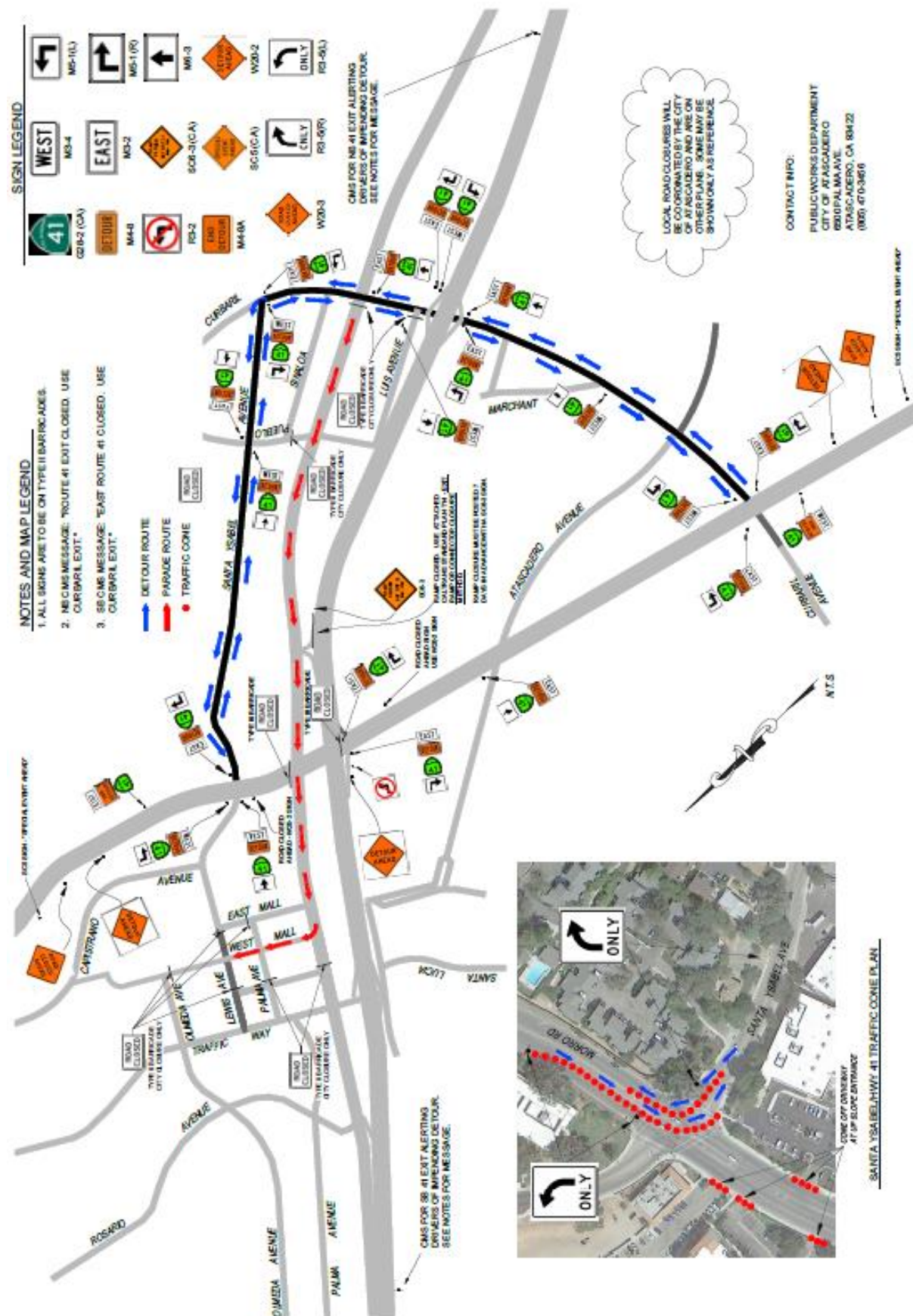
ATTEST:

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

Colony Days Parade



Colony Days Parade





# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item B1

**Department:** Community  
Development  
**Date:** 6/11/24  
**Placement:** Public Hearing

**TO:** JAMES R. LEWIS, CITY MANAGER

**FROM:** PHIL DUNSMORE, COMMUNITY DEVELOPMENT DIRECTOR

**PREPARED BY:** KELLY GLEASON, PLANNING MANAGER

**SUBJECT:** Objective Design Standards

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### RECOMMENDATION:

*Planning Commission recommends:*

Council introduce, for first reading, by title only, Draft Ordinance to establish objective design standards for multifamily and mixed-use developments and update existing development standards in Title 9 for consistency.

### REPORT IN BRIEF:

This report summarizes Objective Building Design Standards for Multi-Family and Mixed-Use Developments as well as changes to existing standards in Title 9 related to site design and development. Recent State laws limit cities to applying only standards that are objective and adopted as code to residential projects. Adoption of these standards will allow the city to maintain quality projects throughout our multi-family and mixed-use neighborhoods.

### DISCUSSION:

#### **BACKGROUND**

The Objective Design Standards (ODS) project establishes a set of quantifiable design criteria for multi-family residential projects, including mixed-use developments within commercial districts. These standards are intended to make the requirements that apply to residential projects predictable and clearly defined to streamline the process for decision-makers, City staff, applicants, and members of the public. Qualifying projects that can follow the standards will be processed with a construction permit without the need for a use permit or DRC review. Projects that are not consistent with the design standards would be subject to a conditional use permit instead of the streamlined review offered by these standards. These standards are being established in response to several recent State laws that require streamlined review for certain residential projects as well as to provide community consistency.

Any multi-family or mixed-use development project with 2 or more residential units would be subject to ODS. Existing development standards are also being updated for consistency with the proposed objective design requirements. The adoption of ODS aims to:

- **Develop objective standards:** Transform *subjective* context-based design criteria into *objective* design standards to help create clearer expectations for both developers and City decision-makers.
- **Streamline review processes:** Eliminating the discretionary process for qualifying projects.
- **Impress local influence:** Allow Atascadero to create tailored standards to ensure quality projects that reflect our community.

ODS will become a new, separate section of the Zoning Ordinance. The standards are designed to be tiered design standards with a menu of options for various types of projects. However, since property development standards are integrated throughout the Municipal Code, there are many other amendments that are triggered within Title 9 (Planning and Zoning) to help integrate ODS and provide consistency. These changes will include new regulations such as fractional density calculations, cottage cluster (small lot) development standards, landscape requirements, provisions for solid waste, and other related changes to property development standards.

The staff report references proposed amendments with a brief description. Full changes can be found in the attachment to the draft resolution. To aid in the review process, a checklist for the standards is being proposed (Attachment 2). Checklists are intended to summarize standards for applicants and designers for ease of implementation, especially those standards that can have an impact on early site planning.

In an introductory hearing on September 27, 2022, the Council provided initial direction to the ODS project. The draft standards were subsequently reviewed by the DRC and Planning Commission. Standards were refined after initial feedback and were brought before the Planning Commission on May 7, 2024, for recommendation to City Council. The Planning Commission's motion included suggested modifications to street tree standards to provide flexibility by creating a menu of options similar to the proposed building and open space standards. Dissenting Commissioners speculated that a city tax district could be established to cover tree plantings and maintenance in the right-of-way over installation on private property. The modified standards are included in the "street tree" section below.

## **ANALYSIS:**

Key outcomes of the proposed code amendments include:

- Objective standards that are designed to provide a ministerial (construction permit only) path forward for housing projects.
- Under the current code, only residential projects with less than 12 units qualify as ministerial projects, allowing them to proceed without a use permit. With the implementation of ODS, projects with less than 50 units may qualify as ministerial projects. This change implements Housing Element program 3.C.
- All mixed-use developments outside of Downtown, regardless of size, require conditional use permit approval. This would remain unchanged with ODS unless different standards are incorporated following the General Plan Update.

- Objective standards are designed to be a flexible menu of options to accommodate multiple design themes and building types.

Recently adopted state laws are designed to streamline the approval of housing developments and generally limit a city's ability to deny projects or reduce project density if they comply with adopted standards. With the adoption of objective design standards consistent with this State direction, code amendments are proposed to change the discretionary trigger for multi-family developments from 12 units up to 50 units for projects that can meet the objective standards. This would provide most multi-family projects in Atascadero a ministerial path but would maintain use permit review of larger projects and for projects of any size that cannot, or do not want to, meet objective standards. It is important to note that, while the city can require a discretionary process for housing projects, the city may not deny or reduce the density of these developments if they are consistent with objective local development standards. If compliant with objective standards, the use permit review would be limited to the implementation of design goals that do not affect the feasibility of the project and address potential environmental and neighborhood impacts. Some housing projects may still trigger a discretionary review if they decide to subdivide, create condominiums, or rezone the property, but the city will be limited in its scope of review.

### **OBJECTIVE STANDARDS**

Objective design standards provide building form, massing, and material standards in addition to site design and landscaping requirements. The proposed building standards provide a *menu* of options to allow *flexibility* while maintaining quality design. Elements and topic areas of focus were selected based on City Council direction given at their September 27, 2022, meeting. At that meeting, the following key elements of design were identified:

- *Transitions (between different land uses such as high-density and low-density)*
- *Tradition*
- *Outdoor gathering spaces*
- *Pedestrian vitality in downtown*
- *Eclectic design*
- *Streamlined review*

Based on this direction, MIG and City staff identified design criteria that are reflected in the following design standards:

1. *Multi-Family and Mixed-Use Building Design Standards*
2. *Cottage Cluster Standards*
3. *Unit size/fractional density*
4. *Property Development Standards*

These new standards would be applied to all multi-family residential projects, whether those projects are within a residential zone or a commercial zone as a mixed-use development. If a development plan cannot meet the objective standards or an applicant wants to propose an alternative design, they can do so through a use permit process.

### 1. **Multi-Family and Mixed-Use Building Design Standards**

The objective standards recognize that larger-scale buildings require a greater level of articulation and detail to achieve a pedestrian scale. The standards propose a menu of design options with a greater number of options required for larger-scale buildings. There are tiers of features based on project type and size and then there are additional standards in the code that apply to all multi-family development.

The 4 tiers:

1. Required Components
2. Wall Plane Variation
3. Fenestration and Materials
4. Roofs

Each tier contains several design elements that applicants can choose from to create unique and quality building designs, while maintaining flexibility in design theme. The minimum number of required design strategies is based on **building type** (mixed-use, multi-plex, or smaller multi-family structure) coupled with **building length** to ensure that larger buildings incorporate a greater number of variations across the elongated wall plane (**Table 1**).

**Table 1: Number of Design Strategies per building type.**

Building Type	Minimum Number of Required Design Strategies			
	Tier 1	Tier 2 <i>Wall Plane</i>	Tier 3 <i>Fenestration</i>	Tier 4 <i>Roofs</i>
<b>Mixed-use in Commercial Zones:</b>				
Buildings 25 ft or less in width	All	0	3	1
Buildings between 25 ft - 50 ft in width	All	1	3	1
Buildings more than 50 ft in width	All	2	3	2
<b>Mixed Use in DC or DO Zones:</b>				
Buildings 25 ft or less in width	All	0	3	1
Buildings between 25 ft - 50 ft in width	All	1	3	1
Buildings more than 50 ft in width	All	2	3	1
<b>Multiplex (5+ units):</b>				
Buildings 50 ft or less in width	All	1	3	2
Buildings more than 50 ft in width	All	2	3	2
<b>Duplex, Triplex, Fourplex, or Cottage Cluster</b>	All	0	2	1

***Tier 1 - Required Components, Section 9-4.130(f)(2):***

All multi-family and mixed-use buildings that contain two or more units are required to incorporate Tier 1 components. This tier includes a focus on ground floor height in mixed-use buildings to maintain viable commercial spaces, minimum transparency (windows and doors) for buildings, and limitations on blank walls.

**Tier 2 - Wall Plane Variation, Section 9-4.130(f)(3):**

Tier 2 components are triggered for buildings that exceed 25 feet in frontage width or any multi-plex building. The wall plane variation section is designed to ensure that buildings provide variety along the primary façade to create visual interest and break up larger masses. A greater number of design components is required for longer buildings, as listed in the chart above, recognizing that longer buildings have a greater visual impact, and more design features are needed to break up the larger mass. Options for accomplishing the required articulation include building setbacks, the addition of balconies, massing breaks, the use of material to break up masses, and the incorporation of plazas.

**Tier 3 - Fenestration and Materials, Section 9-4.130(f)(4):**

Tier 3 components apply to all buildings. This section includes additive features to the wall plane to provide visual interest and to create greater areas of shade and shadow across the facade. Awnings, enhanced window material and trim detailing, and secondary cladding are included as options from which applicants may choose to comply with this section.

**Tier 4 - Roofs, Section 9-4.130(f)(5):**

This tier applies to all buildings and focuses on roof forms and variation. This section recognizes differing roof styles to provide flexibility in design style. The feature menu includes options for flat and sloped roofs and focuses on variations of roof heights and profiles, overhangs and projections, and cornice treatments.

**Additional Definitions and Standards, Section 9-4.130**

The objective standards include definitions and refinements related to certain design features. These include standards for awnings and balconies (when part of the design concept), roofs, mechanical equipment, and detached accessory structures in addition to appropriate entry features based on building typology, and color and material standards. Within this section is a list of allowed and prohibited materials aimed at ensuring quality and lasting exterior building treatments.

**Transitions to Single-family zones, Section 9-4.130(j)**

A key factor in the implementation of objective design standards is the treatment of transitions between higher-intensity land uses and single-family residential properties. Design standards have been incorporated into the code language to address adjacencies to single-family properties aimed at minimizing visual impacts to the extent feasible while retaining viable development opportunities. Standards include a required building setback for portions of any building greater than 25-feet, limitations on balcony orientation to minimize overlook, and landscape buffering.

**Cottage Cluster and Small Lot Subdivisions, Section 9-4.130(l)**

A new “cottage cluster” development type is introduced with the proposed ODS which allows for community-oriented design and small lot subdivisions that may consist of detached cottages or duplexes oriented around shared outdoor amenity space. Using these standards, the pedestrian and community spaces would be emphasized and the space devoted to vehicular access and private yards would be minimized. The proposed code would not only set *design* standards for cottage cluster developments but would also allow subdivision of these projects outside of the Planned Development process, supporting future small lot subdivisions and increasing



homeownership opportunities without having to rezone land go through an extensive City application process.

## **2. Title 9 Site Design and Development Standards**

Several property development and site planning standards go hand-in-hand with objective design standards. These include standards for the use and enjoyment of a property as well as technical aspects such as parking allocations and building setbacks. Sections with substantive changes are outlined and referenced below.

### ***Fractional Density and Building Size Limits (Sections 9-3.252(b)(2) and 9-3.331(b)(2)***

Fractional Density is a method of utilizing unit size to determine the allowed number of units (density) on a property. In theory, it allows for a greater number of units if the units are smaller, therefore incentivizing affordability by design, while retaining a consistent massing standard for the property. Current zoning does not factor in the unit size to determine density; therefore a 450 square-foot studio apartment is treated as the same density as a four-bedroom 2,800 square-foot residence.

Under the current code, the practical buildable area of a site is constrained by parking, open space, and lot coverage standards. As unit density does not consider unit size, developers will often construct larger units on each site to maximize return on the investment per structure. In a fractional density scenario, multiple units may be built before reaching a single unit of density. This type of zoning or objective standard can be designed to incentivize smaller, thus encouraging greater density and, in some cases, helping to promote affordability (by design) within the multi-family districts and/or within commercial districts that allow for mixed-use. Fractional density may also encourage the redevelopment or infill of older multi-family sites by allowing additional smaller units to offset demolition or remodel costs. The Council's direction was to consider ways to incentivize affordability by design, such as fractional units.

The objective design standards code amendments include amendments to the existing zoning regulations to incorporate fractional density. Under the current proposed amendments, fractional density would be applied as follows:

- ***Units up to 600 square feet = 0.50 units***
- ***Units of 601 square feet up to 1,000 square feet = 0.66 units***
- ***Units over 1,000 square feet = 1 unit***

Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential. This standard incentivizes smaller units while providing additional opportunities for density and, thus, creating greater financial feasibility for development.

As initially proposed, fractional density would be applied only to the high-density multi-family zoning designation and all mixed-use projects. In the multi-family zones, there are two levels of allowed density:

- RMF-10 (Medium Density) allows for a density of up to 10 units per acre.
- RMF-24 (High Density) allows for up to 24 units per acre and requires a minimum density of 20 units per acre.

The attached ordinance allows for fractional density to apply to **all** multi-family and mixed-use districts. In the future, there will likely be 3 levels of multi-family density, following adoption of the new General Plan. These designations may have density ranges from 5 to 36 units per acre.

***Maximum Average Unit Size, Section 9-3.331(g)***

As part of the Council’s direction to consider ways to incentivize affordability by design, maximum unit size was discussed. The Council directed that a maximum average unit size should not be considered in multi-family zones but would be appropriate in the Downtown Districts (DO and DC). As such, the aggregated maximum **average** size of all dwelling units within a new mixed-use project in the Downtown Districts (DO or DC) is proposed to be 1,200 square feet. This will encourage affordable-by-design units and higher densities with smaller units while still allowing for some larger units to be constructed. It is important to note that this standard sets an “average” unit size limitation, not a 1,200 square foot cap on all units.

***Height, Section 9-4.113***

The current code sets a maximum building height which can preclude good roof design. The proposed objective design standards provide options for architectural features that may rise above the maximum height to allow for varied roof forms and items such as towers. In addition, in the Downtown Commercial zoning district, the existing height limit is 45 feet and not to exceed three stories. The Code update would retain the 45-foot height limit but would eliminate reference to the maximum number of stories to allow for design flexibility. Additional height will be a topic of discussion for the General Plan update later this year and may be incorporated into a future zoning update.

***Open space, Sections 9-3.262(c) and 9-3.331(h)***

The current code requires that open space for multi-family projects be provided at a ratio of 300 square feet per unit. Smaller projects can use private open space areas to meet this standard while larger projects must provide communal open spaces. The current code does not include specific standards for the design or the provision of amenities nor does it include standards for mixed-use projects.

Providing recreational or private outdoor spaces in a project can work in opposition to maximizing density on a particular site. To continue to meet State housing goals and reduce barriers to achieving housing density, the Council provided direction to reduce the ratio of open space required per unit while incorporating standards to ensure that the resulting spaces provided quality and usable amenities.

Proposed standards for open space in multi-family developments are organized into a tiered menu option similar to the objective building design standards. This allows for spaces tailored to a specific site or project design while ensuring that basic amenities and features are provided. Consistent with objective design standards, larger projects are required to provide more open-space features.

<b>Project Size</b>	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
2-4 units	1	1	1
5-9 units	1	2	1
10+ units	1	2	2

**Tier 1**

Tier 1 amenity standards include the below-listed options. All projects must incorporate a minimum of one tier 1 option.

- a. Shared courtyard
- b. Shaded patio or amenity space
- c. Provision of public art
- d. Preservation of mature trees on-site

**Tier 2**

Smaller projects must incorporate a minimum of one tier 2 option while larger projects must incorporate at least two. Options include:

- a. Outdoor seating
- b. Dog run area with appropriate provisions for dog waste and dog washing
- c. Children's play area
- d. Sports court
- e. Pool or spa
- f. Outdoor kitchen
- g. Fire pit area
- h. Paved patio space
- i. Preservation of existing native trees

**Tier 3**

Tier 3 includes options focused on landscaping and greenery. Projects with less than 10 units must incorporate at least 1 tier 3 option while larger projects must incorporate at least 2 tier 3 options. Options include:

- a. Incorporation of vertical landscaping, such as a green wall
- b. Community garden with gardening amenities
- c. Incorporation of flowering or edible plants
- d. 100% drought-tolerant landscaping (exceptions made for incorporation of some edible plants)
- e. Incorporation of interpretative or educational information
- f. Provision of a nature trail (minimum 1/4 mile)

The modified standards also allow for the use of indoor recreation space to count toward the required open space for projects of 50 units or more. Indoor recreation amenity space can count for up to 25% of the total open space requirement.

Open space standards are proposed for mixed-use developments in commercial districts, but at a much lower ratio and with reduced amenity requirements to ensure that these projects can

provide a higher intensity of development along commercial corridors. Projects with 4 or fewer units within commercial zones, or developments of 10 or fewer units within the Downtown Zoning districts, are exempt from open space requirements. Standards include open space to be provided at a cumulative ratio of 30 square feet per unit. For larger projects (50+ units), 50% of the open space must be provided as a common amenity. This can be spaces dedicated to residential use only or can be a shared commercial plaza or courtyard.

***Landscape Standards, Section 9-4.125, 9-3.262, and 9-4.119(f)***

Landscaping and lot coverage percentage standards have been eliminated in favor of quality-focused requirements that have been incorporated in the open space and landscape requirements. This allows for maximum use of a property with maximum flexibility while retaining high-quality design features on site. In addition, to streamline development approvals landscaping requirements in parking lots were simplified to focus on adequate shade tree spacing in flexible locations rather than design with landscape “fingers”.

***Street Tree Standards, Section 9-4.125***

The City of Atascadero allows for a variety of street tree installation types, focusing on sidewalk trees in the Downtown core. Outside of Downtown, street trees are planted between the sidewalk and buildings. While some areas of the city have area within the right-of-way to accommodate these types of street trees, many do not, thus, private property is used to establish trees and landscape.

The multi-family residential zoning districts have a primary street setback of 15-feet and a corner street setback of 12-feet minimum. These setback areas allow for street trees and landscape. The street tree menu (detailed below) as recommended by the Planning Commission accommodates varied setbacks and will allow for buildings to be placed at the setback line.

For commercial development, current code requires street trees at a maximum spacing of 30-feet on-center but these zones also have a 0-foot minimum setback, creating a conflict between building envelope and planting area.

- The proposed menu of options will allow for portions of the building to be placed at the property line while ensuring that some areas as retained for street trees.
- The menu allows for greater spacing for larger trees, thus allowing more of the building at the property line or with a minimal setback or smaller trees at a closer spacing with minimal uniform setback.

This will allow for flexibility based on site location and characteristics as well as building use needs.

**Proposed Standards:**

*Menu of Options. All projects shall provide street trees along street frontages between the public right of way and building face. Any street trees within the public right-of-way must be approved by the City Engineer. Projects may choose one of the options listed in Subsection a, b, or c to fulfill this requirement. Trees within the below listed tree size categories shall be those trees listed in the City’s Engineering standard list, or as otherwise*

*approved by the City based on similar size characteristics (height and spread) and appropriateness for urban planting.*

- a. *Large Trees. Large Trees shall be planted within an unpaved planting area and in compliance with Section 9-4.126 as follows:*
  1. *With a maximum spacing of seventy (70) feet on center between trees;*
  2. *With a three (3)-foot minimum distance from back of sidewalk; and*
  3. *With a twelve (12)-foot minimum distance to buildings on all sides.*
  4. *Encroachment with flatwork for outdoor amenity spaces may occur provided that a minimum 6-feet by 6-feet open planter area is maintained.*
- b. *Medium Trees. Medium Trees shall be planted within an unpaved planting area and in compliance with Section 9-4.126 as follows:*
  1. *Within a maximum spacing of forty (40) feet on center between trees;*
  2. *With a three (3)-foot minimum distance from back of sidewalk; and*
  3. *With an eight (8)-foot minimum distance to buildings on all sides.*
  4. *Encroachment with flatwork for outdoor amenity spaces may occur provided that a minimum 6-feet by 6-feet open planter area is maintained.*
- c. *Accent Trees. Accent Trees shall be planted within an unpaved planting area and in compliance with Section 9-4.126 as follows:*
  1. *Within a maximum spacing of twenty-five (25) feet on center between trees;*
  2. *With a three (3)-foot minimum distance from back of sidewalk; and*
  3. *With a five (5)-foot minimum distance to buildings on all sides.*
  4. *Encroachment with flatwork for outdoor amenity spaces may occur provided that a minimum 6-feet by 6-feet open planter area is maintained.*

***Driveway Standards, Section 9-4.117(a)(3)***

Driveway standards are proposed to be updated to comply with current engineering and traffic standards. Specifically, the minimum distance between two driveways for a single development project is being increased for safety. Shared access between multiple sites will continue to be encouraged with exemptions for certain landscape setback requirements if shared access is provided.

***Garage Standards, Section 9-4.116(d)***

Standards for multi-family development were updated last year to eliminate the requirements for covered parking. With new State law allowances for ADU conversions and a shift toward more pedestrian-based neighborhoods with quality open space, code language is proposed to limit the number of units that can have individual private attached garages and to limit the size of attached garages to reduce the visual impact of larger garage doors and to reduce the amount of site pavement dedicated to vehicular traffic.

***Solid Waste Standards, Section 9-4.129***

The current code does not have specific requirements related to accommodations for solid waste collection. While the State has enacted requirements related to food waste and compostables, cities must develop standards for trash enclosure and design. The proposed code amendments specify that individual waste bins are only permitted for projects of 1 or 2 units. For projects of 3 units or greater, consolidated shared facilities will be required. This will allow for centralized enclosures and will reduce conflicts with neighborhood parking and access. Standards are also proposed to require trash enclosures to be designed consistent with the primary building architecture and include a roof or cover. To allow flexibility, trash enclosures may also be allowed to encroach into a front setback if heightened design standards can be met.

***Setbacks, Section 9-4.106, 9-4.107, 9-4.108***

Setbacks around the perimeter of the site determine the developable area of a property. Setbacks can also be used to create a more unified streetscape, provide areas for street tree plantings and play a key role in buffering between adjacent uses.

In general, commercial properties tend to have less restrictive setbacks than residential developments. Commercial areas that are pedestrian-oriented (i.e. Downtown) also tend to encourage or require that buildings be constructed directly at the back of the sidewalk with no setback.

A zero setback is maintained for commercial properties, but street tree standards are clarified to ensure that street trees are installed at the back of the sidewalk where in-sidewalk trees are not preferred or allowed. (See Section 9-4.125(a)(5).)

Side and Rear Setbacks (Sections 9-4.107 and 9-4.108): The setback section has also been updated to reference objective design standards intended to provide greater setbacks and landscape buffers when higher-density projects are adjacent to single-family residential zones.

***Storage, Section 9-3.262(b) and 9-3.331(e)***

The storage requirement for residential units is proposed to be increased from 100 cubic feet to 130 cubic feet to accommodate bicycles and other types of similar-sized items. Storage standards also require that the storage area must be accessible from the outside to increase usability for outdoor items. If community bike storage is provided, this requirement can be reduced or eliminated.

***Lighting, Section 9-4.137***

Proposed lighting standards would require full shielding of all parking lot lights. The standards would allow for an exception for decorative low-level lighting within outdoor use areas. Standards reference requirements for dark sky-compliant fixtures and motion sensors with dimmers for parking lot lighting to reduce light intensity at night. Exceptions may be granted by the Community Development Director for areas where security concerns require higher-level lighting, such as ATMs.

**CONCLUSION:**

Implementation of Objective Design Standards and associated modifications is intended to help streamline the design and review of multi-family and mixed-use residential projects. The proposed building design standards are organized into a menu-style list, where projects are required to select a certain number of objective features based on the size, scale, or zoning of the project. The menu style list of design standards allows for flexibility while allowing for design standards that are scaled to the project scope. Standards have been reviewed by a local architect and past projects have been compared against the objective standards to ensure feasibility.

**ALTERNATIVES:**

1. The City Council may make modifications regarding the proposed text amendments. Any proposed modifications should be clearly restated in any vote on any of the attached resolutions.
2. The City Council may determine that more information is needed on some aspect of the amendments and may refer the entire text amendments or a portion thereof back to staff and the consultant to develop the additional information. The Council should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
3. The City Council may deny all or a portion of the proposed amendments.

**FISCAL IMPACT:**

None.

**REVIEWED BY OTHERS:**

This item has been reviewed by the City Attorney, as well as the Community Development Director, Phil Dunsmore, and the Planning Commission at their May 7<sup>th</sup> Hearing.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENTS:**

1. Draft Ordinance
  - 1A. Objective Design Standards
  - 1B. Title 9 Amendments
2. Draft Objective Design Standards Mixed-use Project Checklist
3. Draft Objective Design Standards Multifamily Project Checklist

## DRAFT ORDINANCE

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9: PLANNING & ZONING, TO ADOPT OBJECTIVE DESIGN STANDARDS AND OTHER RELATED AMENDMENTS FOR CONSISTENCY

#### OBJECTIVE DESIGN STANDARDS (CPP21-0053)

**WHEREAS**, the 2021-2028 6<sup>th</sup> Cycle Housing Element was adopted by the City Council on November 10, 2020, and found by the California Department of Housing and Community Development to be in substantial compliance with State housing element law; and

**WHEREAS**, on November 10, 2020, the City Council authorized application for and entering into agreement for the Regional Early Action Planning (REAP) Grant Program funds with the San Luis Obispo Council of Governments (SLOCOG) and Association of Monterey Bay Area Governments (AMBAG); and

**WHEREAS**, the REAP Grant Program is focused on helping jurisdiction implement programs to the accelerate housing production and meet 6<sup>th</sup> Cycle Housing Element Regional Housing Needs Allocation (RHNA) requirements; and

**WHEREAS**, the City of Atascadero was awarded REAP Grant Program funds to implement activities identified in the 6<sup>th</sup> Cycle Housing Element, including Objective Design Standards; and

**WHEREAS**, State law defines objective design and development standards as those that involve no personal or subjective judgement by a public official, and are uniformly verifiable by reference to an external and uniform benchmark and criterion available and knowable by both the development applicant or proponent and public official; and

**WHEREAS**, the Housing Accountability Act (HAA), Government Code section 65589.5, limits a municipality's ability to deny, reduce the density of, or make infeasible a housing development project (2 or more units), emergency shelter, or transitional/Supportive housing that are consistent objective design and development standards; and

**WHEREAS**, California Senate Bill 35, Government Code section 65913.4, and Assembly Bill 2011, Government Code section 65912.110-140 require that qualifying multi-unit residential or mixed-use projects be ministerially approved if in compliance with objective design and development standards; and

**WHEREAS**, the City of Atascadero (6500 Palma Avenue, Atascadero, CA 93422), is considering Zone Change Text Amendments to Title 9 to adopted Objective Design Standards; and



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

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

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

**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 9 Atascadero Municipal Code amendments on May 7, 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 June 11, 2024, considered testimony and reports from staff and the public and introduced for first reading, by title only, an Ordinance amending 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:

A. Findings for Zone Text Amendment:

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 updates are consistent with the General Plan.

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 establishes objective design standards for multi-family and mixed-use developments, consistent with State law, and makes other minor modifications to Title 9 for consistency.

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

FACT: The proposed text amendment establishes design standards consistent with State law and will not result in an environment impact.

**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: Objective Design Standards (Establishment of AMC section 9-4.130)

Exhibit B: Title 9 Amendments

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

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

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

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

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

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

**INTRODUCED** at a regular meeting of the City Council held on June 11, 2024, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_ 2024.

CITY OF ATASCADERO:

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Dave Fleishman, City Attorney

ATASCADERO OBJECTIVE DESIGN STANDARDS

**EXHIBIT A: Objective Design Standards (establishment of AMC 9-4.130)**

**Title 9 Planning and Zoning**

**Section 9-4.130 Multifamily and Mixed-use Building Design Standards**

- (a) **Purpose.** This Section establishes objective design standards (ODS) intended to facilitate high-quality site planning and building design and to accelerate housing production through the clear communication of design objectives and efficient permitting process for qualifying residential and mixed-use development projects.
- (b) **Applicability.** This Section applies to:
  - (1) New multifamily residential development consisting of two or more units and mixed-use development pursuant to any provision of state law which references objective design standards, including but not limited to Government Code Section 65589.5 (Housing Accountability Act) and Section 65913.4, as may be amended from time to time; and
  - (2) The following remodels and additions to multifamily residential or mixed-use development:
    - (i) Any upper story addition;
    - (ii) An addition of more than forty percent (40%) of the existing floor area or greater than five thousand (5,000) square-feet, whichever is less;
    - (iii) Remodels where alterations remove more than fifty percent (50%) of the exterior walls or remove more than fifty percent (50%) of the roof framing; and
    - (iv) Conversion of existing nonresidential space to a residential use.
- (c) **Alternative Review Process.** Projects that elect to deviate from the objective design standards in this Section shall be subject to the approval of a Conditional Use Permit.
- (d) **Relationship to Other Standards and Requirements.** Development projects subject to this Section shall also comply with all other applicable standards and requirements of Title 9 (Planning and Zoning) for the zoning district in which a proposed project is located. Where a conflict exists between the objective design standards set forth in this Section and other Title 9 requirements, these provisions shall apply.
- (e) **Building Types.** The objective design standards establish regulations for the following general building types within a multifamily or mixed-use development: Mixed-use, Duplex, Triplex, Fourplex, Multiplex (5+ units), and Cottage Cluster. Where these regulations do not state which standards apply to a particular building type, the standards shall apply to all building types.

**Table 9.4.130-1: Allowable Building Type by Zoning District**

Zoning Districts that Allow Multifamily Residential	Allowable Building Types
Downtown Commercial (DC)	Mixed-use
Downtown Office (DO)	
Commercial Neighborhood (CN)	
Commercial Professional (CP)	
Commercial Retail (CR)	
Commercial Service (CS)	

ATASCADERO OBJECTIVE DESIGN STANDARDS

**Table 9.4.130-1: Allowable Building Type by Zoning District**

Zoning Districts that Allow Multifamily Residential	Allowable Building Types
RMF-24 – High-Density Residential Multifamily	Duplex / Triplex / Fourplex Multiplex (5+ units)
RMF-10 – Medium Density Residential Multifamily	Duplex / Triplex / Fourplex Multiplex (5+ units) / Cottage Cluster

(f) **Building Design and Articulation.**

- (1) **Number of Strategies Required by Building Type.** All buildings shall incorporate the number of design strategies indicated in Table 9-4.130-2. Where “all” is indicated, all design strategies in that Subsection must be incorporated. Where a number is indicated, projects must include that number of design strategies, choosing from the design strategy options listed in respective Subsections (3), (4), and (5) below.

**Table 9-4.130-2: Minimum Required Number of Design Strategies by Building Type**

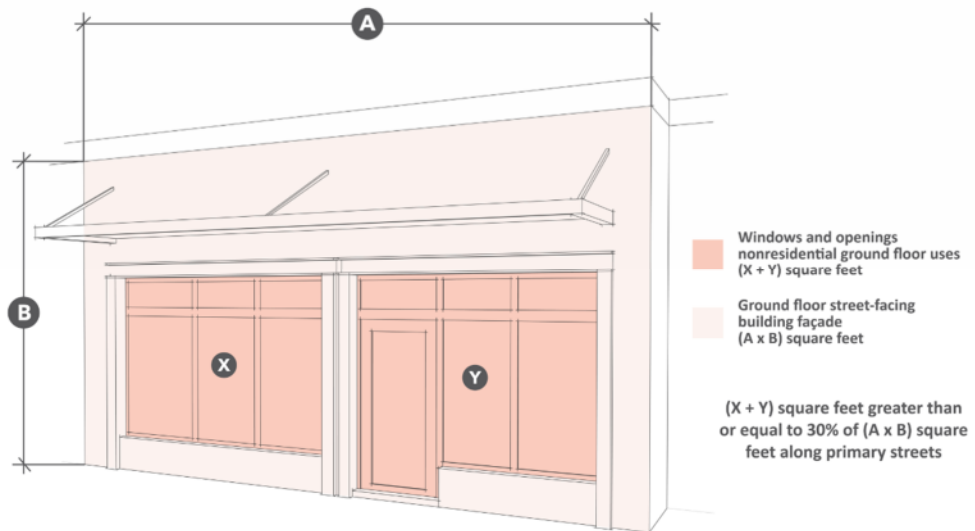
Building Type	Minimum Number of Required Design Strategies Incorporated			
	Tier 1	Tier 2	Tier 3	Tier 4
Mixed-use in Commercial Zones:				
Buildings 25 ft or less in width	All	0	3	1
Buildings between 25 ft - 50 ft in width	All	1	3	1
Buildings more than 50 ft in width	All	2	3	2
Mixed Use in DC or DO Zones				
Buildings 25 ft or less in width	All	0	3	1
Buildings between 25 ft - 50 ft in width	All	1	3	1
Buildings more than 50 ft in width	All	2	3	1
Multiplex (5+ units):				
Buildings 50 ft or less in width	All	1	3	2
Buildings more than 50 ft in width	All	2	3	2
Duplex, Triplex, Fourplex, or Cottage Cluster	All	0	2	1

- (2) **Tier 1 Design Strategies: Required Components.** Projects shall comply with all standards listed in this Subsection, as required by Table 9.4.130-2.
- (i) **Minimum Ground Floor Height in Nonresidential Zoning Districts.**
    - a. **Ground Floor Height.** The minimum floor-to-unfinished ceiling height of ground floor spaces shall be ten (10) feet.
    - b. **Measured.** Floor-to-ceiling height shall be measured from the top of the finished floor to the bottom of the ceiling joists.
  - (ii) **Transparencies.** All façades that face streets or pedestrian plazas shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses as follows:
    - a. **Nonresidential Ground-Floor Uses.**

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1. Windows and openings of nonresidential uses on the ground floor facing primary streets shall constitute a minimum of thirty percent (30%) of the ground floor street-facing building façade.
2. Windows and openings of nonresidential uses on the ground floor facing a street other than a primary street shall constitute a minimum of twenty percent (20%) of the ground floor street-facing building façade.

Figure 4-a: Transparencies



3. Windows shall provide a clear and transparent view into ground-floor nonresidential uses, or shall display merchandise to reinforce a pedestrian scale. See Section 9-4.130(i)(2)(ii) regarding allowed tinting.
4. The ground floor street-facing building façades shall be measured from the ground floor of the first story to the finished floor of the second story.
  - b. Nonresidential Upper-Floor Uses. Windows and openings of nonresidential uses on upper floors that face streets shall constitute a minimum of fifteen percent (15%) of upper floor street-facing building façades. Upper-floor street-facing building façades shall be measured from the finished floor of the second story to the finished ceiling of the uppermost story.
  - c. Residential Uses. Windows and openings of residential uses shall constitute a minimum of fifteen percent (15%) of all street-facing and common area facing building façades.
- (iii) Windows. A minimum of eighty percent (80%) of windows (based on window square footage) shall be inset by at least two (2) inches from face of glass to face of trim (or to face of exterior wall if there is no trim).
- (iv) Blank Walls. The maximum length of any blank wall that is visible to adjacent properties or rights of way, (meaning without a window, opening, or other massing

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break), shall be limited to twenty (20) feet in length, applicable to each story of any development.

- (v) Corner Treatments. For mixed-use projects, the corner(s) of a building located at the intersection of two streets (or a street and a public plaza) shall incorporate at least two (2) of the features listed below within twenty-five (25) feet of the corner of the building:
  - a. An entry to ground floor retail or primary building entrance.
  - b. Change in material from the rest of the façade, applied to a minimum of eighty (80) percent of the building height. See Section 9-4.130(i)(1).
  - c. Change in color from the rest of the façade, applied to a minimum of eight (80) percent of the building height. Colors shall be returned at least four (4) feet from exterior corners or dead end into a projecting or recessed massing break on the perpendicular wall, whichever is less. (This option may not be chosen as one of the two required features if a change in material is chosen as the other required feature.)
  - d. Change in fenestration pattern from the rest of the façade, applied to a minimum of eight (80) percent of the building height.
  - e. A three-dimensional tower element, which extends between three (3) and six (6) feet in height above the top of the adjacent building façades or a change in height of at least four (4) feet above or below the height of the abutting adjacent façade; and/or
  - f. A different roof type from the roof type associated with the abutting adjacent façade. (see section 9-4.130(g)(3))

(3) **Tier 2 Articulation/Design Strategies: Wall Plane Variation.** All façades facing the public right-of-way shall include variation that cumulatively equals at least twenty-five percent (25%) of the total façade plane area that faces the public right-of-way. To achieve the twenty-five percent (25%) wall plane variation, projects shall incorporate, at a minimum, the number of design strategies identified in Table 9.4.130-2 for Tier 2, choosing from the list of design strategies in Subsection (f)(3)(i).

- (i) Menu of Wall Plane Variation Design Strategy Options.
  - a. Plaza or forecourt. Provide a plaza or forecourt framing the entrance. The minimum dimensions of a plaza or forecourt shall be a minimum of twelve (12) feet in depth by twenty percent (20%) in length, measured as a percentage of the building façade's length.
  - b. Upper story setback. Provide an upper story (top-most or all stories above ground floor) front setback, a minimum of eight (8) feet in depth by at least fifteen percent (15%) in length of the primary street-facing building façade.
  - c. Balconies. Provide balconies in compliance with Section 9-4.130[g][2]), which may be recessed or projected.
  - d. General Massing Break. Provide a general massing break (recessed or projected) with minimum dimensions of one (1) foot in depth by three (3) feet in length by eight (8) feet in height.

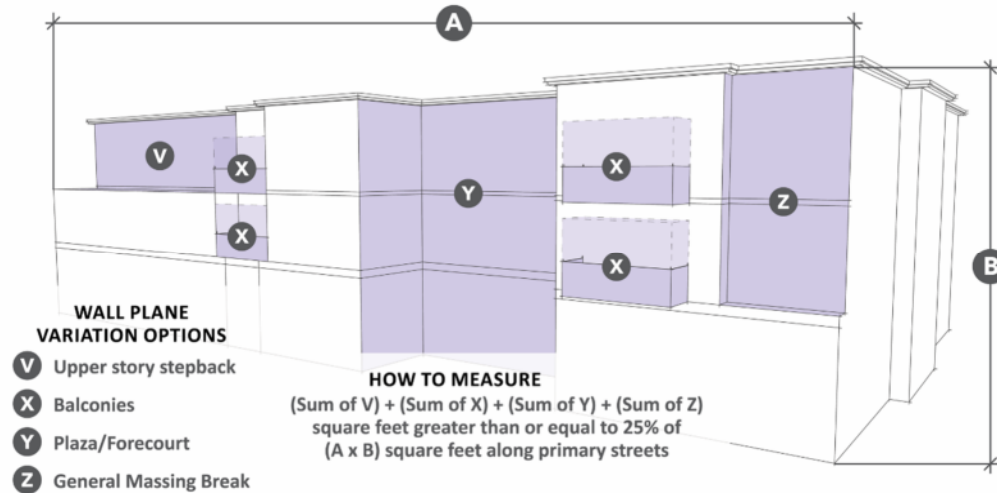
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- e. Full Brick Façade. Brick or brick veneer shall cover at least ninety percent (90%) of the total nontransparent façade, allowing ten percent (10%) for trim and accents. For building facades less than fifty (50) feet in length, if all façades fronting the public right-of-way are finished with brick or brick veneer, the project is exempt from the twenty-five percent (25%) wall plane variation requirement indicated in Subsection 9-4.130(f)(3). See also Subsection 9-4.130(i)(1)(ii) regarding returning materials at corners.

Figure 4-b: Wall Plane Variation Options



Figure 4-c: How to Measure Wall Plane Variation

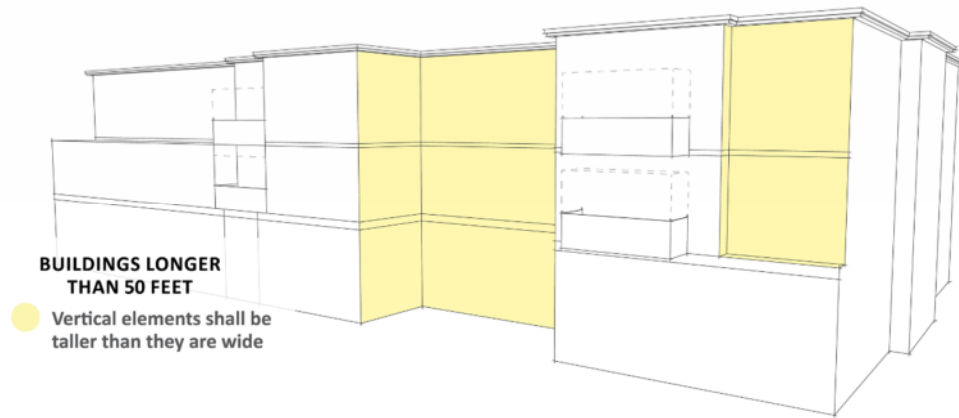




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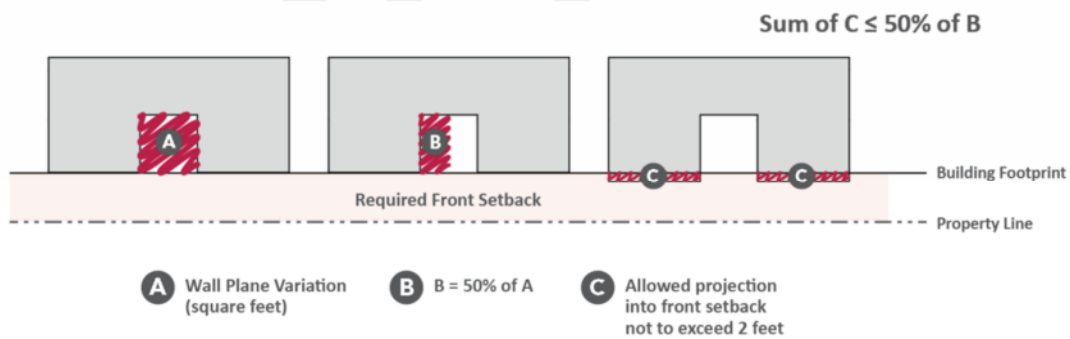
- (ii) Vertical Elements on Horizontal Buildings. Buildings wider than fifty (50) feet shall include at least one (1) Tier 2 design strategy that adds a vertical element to offset the horizontal width of the building. The vertical element shall be taller than it is wide.

Figure 4-d: Vertical Elements



- (iii) Wall Plane Variation Projections into Front Setbacks. Up to fifty percent (50%) of the wall plane variation requirement shall be allowed to encroach into a required front setback two (2) feet or more beyond the required front setback. However, in no case shall a building encroach into the public right-of-way.

Figure 4-e: Projections into Front Setbacks



- (iv) Measurement. Wall plane variations shall be measured from the building’s ground-floor footprint, regardless of the setback.
- (4) **Tier 3 Articulation/Design Strategies: Fenestration and Materials.** Projects shall incorporate, at a minimum, the number of design strategies identified in Table 9.4.130-2 for Tier 3, choosing from the following list of design strategies:
- (i) For nonresidential uses, provide awnings with a minimum three-foot (3) depth, covering at least seventy-five percent (75%) of windows and doors on the ground floor (see Section 9-4.130[g][1]) on street facing façades.

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- (ii) Exceed all applicable minimum transparency requirements (per Section 9-4.130[f][2][ii]) by an additional five (5) percentage points on façades facing streets and common open space areas.
- (iii) Window trim, with a minimum width of three and a half (3½) inches and depth of three-quarters (¾) of an inch, applied to one hundred percent (100%) of all windows on façades facing streets and common open space areas.
- (iv) Window frame material that is not white vinyl (all windows).
- (v) Lintels applied over at least fifty percent (50%) of all window and door openings on façades facing streets and common open space areas.
- (vi) Windowsills projecting a minimum of two (2) inches beyond the building façade, applied to at least fifty percent (50%) of all window openings on façades facing streets and common open space areas.
- (vii) Decorative trim materials applied to define a façade plane change between stories (not at the roof level) such as molding, cornice, corbeled end beams, and/or rafter tails, projecting a minimum of 18 inches beyond the building façade and running the length of the façade plane change, which shall be applied to no less than 50 percent of the street-facing façade length.

Figure 4-f: Decorative Trim



- (viii) Post and beam supports, with a minimum dimension of six inches, applied under all balconies.

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Figure 4-g: Post and Beam Supports



- (ix) Use of a secondary cladding material that is different from the primary cladding material as follows (see Section 9-4.130[i][1] for materials requirements):
  - a. Duplex, Triplex, Fourplex, or Cottage Cluster. Secondary cladding material applied for a minimum of ten percent (10%) of any street-facing façade area (excluding windows and doors), or four (4) feet of cladding along the base for the full width of the street-facing façade.
  - b. Multiplex and Mixed Use. Secondary cladding material applied for a minimum of twenty-five percent (25%) of any street-facing façade area (excluding windows and doors), or the first story of the street-facing façade (measured from the finished floor of the first story to the finished floor of the second story).
- (5) **Tier 4 Articulation/Design Strategies: Roofs.** Development projects subject to this Section shall implement the number of components listed in Table 9.4.130-2 (Minimum Required Number of Articulation/Design Strategies by Building Type) for Tier 4 (Roofs), choosing from the following list of strategies:
  - (i) Eaves and rakes, with an eighteen-inch (18) minimum projection, on all roof sections.
  - (ii) Corbeled end beams or rafter tails at eaves, projecting a minimum of sixteen (16) inches beyond the building façade and placed at a distance of between two (2) and three (3) feet between each corbeled end beam/rafter tail, for the length of each roof eave.
  - (iii) A cornice either:
    - a. Projecting a minimum of one (1) inch and a maximum of eight (8) inches, extending the length of the building except for areas with a continuous vertical feature; or
    - b. On an all brick building, a soldier row.
  - (iv) Variation in the roof profile, by either:

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- a. Varying the height of the same roof type by at least eighteen (18) inches in height for one (1) to three (3) unit exposed on that elevation;
- b. Varying the pitch of the same roof type by fifteen percent (15%);
- c. Adding gables, equal to at least forty percent (40%) of the façade length.

Figure 4-h: Gables



- (v) Combining more than one roof type; the secondary roof type shall represent at least fifteen percent (15%) of the total roof line. See Section 9.4-130[g][3] for roof standards. Implementation of this option may also be used to comply with Section 9-4.130(f)(2)(v)(f) if applied at a corner.
  - (vi) Dormers applied to at least fifty percent (50%) of the windows of a street-facing upper floor, but no less than two (2) windows.
- (g) **Requirements for All Awnings, Balconies, Roofs, Mechanical Equipment, and Detached Accessory Structures.** The following standards shall apply to all awnings, balconies, roofs, mechanical equipment, and detached accessory structures:
- (1) **Awnings.**
    - (i) Awnings shall be a minimum of five percent (5%) larger than the width of the opening to emphasize building proportions.
    - (ii) Awnings shall be aligned with awnings on adjacent buildings within plus or minus one (1) foot in height unless the ground-floor elevation is more than plus or minus one (1) foot from other buildings due to topography changes.
    - (iii) Awnings shall be constructed of canvas, wood, or metal.
    - (iv) Awnings or canopies may encroach into the public right-of-way over the sidewalk, extending to a distance within two (2) feet from the face of a curb. Any awning that

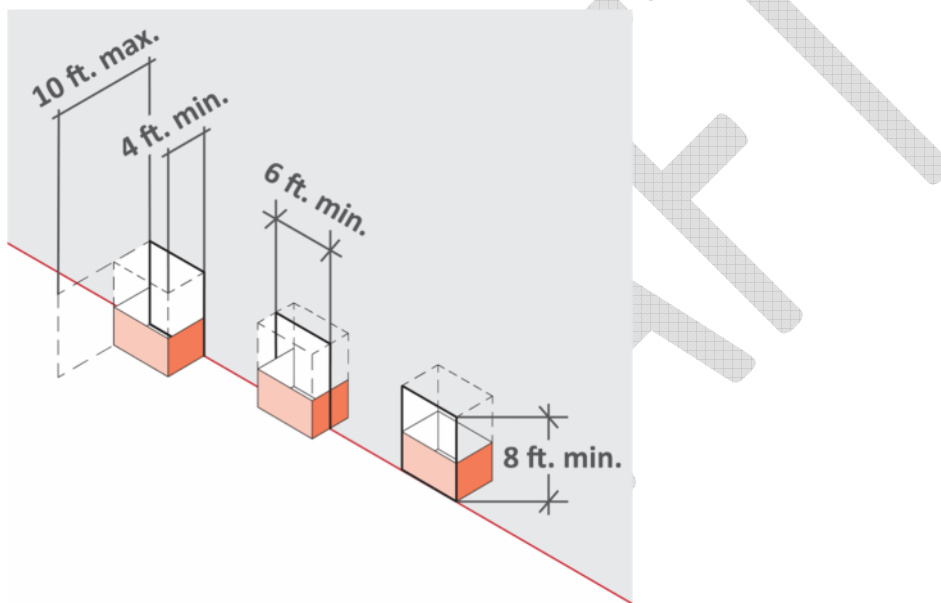
## ATASCADERO OBJECTIVE DESIGN STANDARDS

encroaches into the public right-of-way shall maintain a minimum vertical clearance above the sidewalk of eight (8) feet as measured from grade.

**(2) Balconies.**

- (i) When private balconies project from a building façade, the maximum depth shall be ten (10) feet, measured from the building's ground-floor footprint.
- (ii) To count toward required open space, balconies shall be a minimum of six (6) feet in width and four (4) feet in depth, and eight (8) feet in height. Balconies that do not meet these minimum dimensions may still be used as a design strategy to meet Tier 2 minimum requirements per Table 9-4.130.2.
- (iii) When balconies project into the public right-of-way, such balconies shall maintain a minimum vertical clearance above the sidewalk of sixteen (16) feet.

**Figure 4-i: Balcony Project/Recess**

**(3) Roofs.**

- (i) Allowed Roof Types. Roofs shall be one of the following types:
  - a. Gable;
  - b. Flat;
  - c. Shed; or
  - d. Hipped.
- (ii) Regulations for Flat Roofs. Flat roofs, applied as either a primary or secondary roof type, are allowed provided they incorporate at least one of the following:
  - a. A cornice, projecting a minimum of four (4) inches and a maximum of eight (8) inches, extending the length of the flat roof.

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- b. Eaves with an eighteen (18) inch minimum projection, extending the length of the flat roof.
- c. For buildings with a full brick façade in compliance with Section 9.4-130(f)(3)(i)(e), use of a soldier course on the topmost row (perpendicular to the rest of the field), as a border treatment.
- (iii) Regulations for Gable Roofs. Where the nonvertical side of a gable roof faces the street or a common area, additional gables equal to at least twenty-five percent (25%) of the façade length are required along the street-facing or common area facing side. If no additional gables are provided, the vertical side of a gable shall be oriented toward the street.
- (iv) Regulations for Shed Roofs. Shed roof types, applied as either a primary or secondary roof type, shall be subject to the following standards:
  - a. A pitch of at least two (2) in twelve (12); and
  - b. Eaves with a two (2) foot minimum projection, extending the length of the shed roof.
- (v) Prohibited Roof Types. Mansard roof types are prohibited.
- (4) **Mechanical Equipment.** Mechanical equipment shall be screened pursuant to Section 9-4.128 (Fencing and screening).
- (5) **Detached Accessory Structures.** Detached accessory structures shall be designed to be consistent with the architecture of the main building, using the same materials and colors.
- (h) **Entryway Standards.**
  - (1) **Allowable Entryway Types by Building Type.**
    - (i) All building designs shall incorporate at least one (1) of the entryway types allowed for that building type, as identified in Table 9.4.130-3 and described in Subsections (2) and (3) below.

**Table 9.4.130-3: Allowed Entryway Types by Building Type**

Building Type	Entryway Type		
	Shopfront	Arcade	Stoop/Porch
Mixed-use	Allowed	Allowed	--
Multiplex (5+ units)	--	Allowed	Allowed
Duplex, Triplex, Fourplex, or Cottage Cluster	--	--	Allowed

- (2) **Requirements for All Entryway Types.**
  - (i) Entries associated with individual ground-floor dwelling units or a lobby entrance serving several units shall be oriented toward a street or internal pathway/courtyard.
  - (ii) Within vertical mixed-use buildings, pedestrian access to the residential uses shall be separate from access points to commercial uses, such as via a lobby.
- (3) **Standards for Individual Entryway Types.**
  - (i) Shopfront Entryway Requirements.

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**Table 9.4.130-4: Shopfront Entryway Elements**

Shopfront Element	Minimum
A Width of storefront bay(s)	6 feet
B Height to bottom of awning/canopy (clear)	8 feet
C Height of bulkhead	2 feet

- a. A shopfront entry may be recessed or in line with building footprint.
- b. Storefront glass must be clear without reflective coating and must comply with Section 9-4.130(i)(2)(ii).
- c. Glass in transom and clerestory windows may be clear, stained glass, or frosted glass.
- d. Doors shall use the same materials and design as display windows and framing.
- e. Bulkheads, where used, may include any of the following materials: ceramic tile, wood panels, polished stone, or glass tile.
- f. Awnings shall comply with Section 9-4.130(g)(1).

**Figure 4-j: Shopfront Entry**



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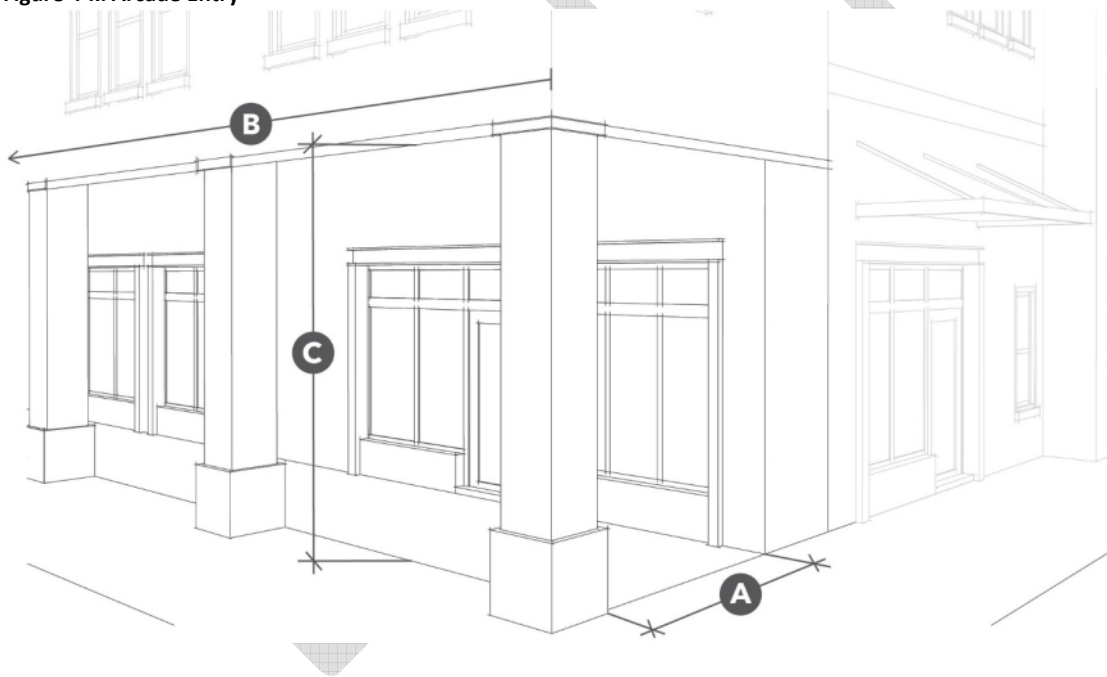
(ii) Arcade Entryway Requirements.

**Table 9.4.130-5: Arcade Entryway Elements**

Arcade Element	Minimum
A Depth - façade to interior column face	8 feet
B Length along frontage - percent of building façade width	75%
C Height - sidewalk to ceiling	12 feet

- a. Along primary frontages, arcade column spacing shall correspond to building entries.
- b. Column height shall be between four (4) to six (6) times the column width. Column spacing and colonnade detailing, including lighting, shall be consistent with the style of the building to which it is attached.
- c. If applied to a stand-alone residential building, an arcade’s elevated walkway shall not count as a design strategy to meet the wall plane variation requirements of Section 9-4.130(f)(3).

**Figure 4-k: Arcade Entry**



(iii) Porch Entryway Requirements.

**Table 9.4.130-6: Porch Frontage Elements**

Frontage Element	Cottage Cluster, Duplex/Triplex/Fourplex		Multiplex	
	Minimum	Maximum	Minimum	Maximum
A Depth (not including stairs)	4 feet	--	7 feet	--
B Width	6 feet	--	12 feet	--



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**Table 9.4.130-6: Porch Frontage Elements**

Frontage Element	Cottage Cluster, Duplex/Triplex/Fourplex		Multiplex	
	Minimum	Maximum	Minimum	Maximum
C Floor Height (measured from adjacent finished grade)	--	5 feet	--	4 feet
D Height (measured from porch floor to ceiling)	8 feet	12 feet	9 feet	12 feet

- a. Porches shall correspond directly with the building entry(s) to which the porch provides access. Porches may include a gabled entry, distinct change in roof line or columns, or have some other significant architectural distinction to define the entryway.
- b. Exterior stairs leading to the porch may be perpendicular or parallel to the adjacent sidewalk.
- c. Landscaping shall be planted to the sides of the landing, either at grade or in raised planters. For porches greater than six (6) feet in width, landscaping may be provided next to the porch or on the porch landing, either at grade or in raised planters.
- d. For projecting porches, porch depth shall be measured between the wall and the outside column face. Porch width shall be measured from the outside of corner columns. Where no columns exist (in the case of a cantilever or half wall), porch width and depth shall be measured from the edge of any stoop and the inside edge of any half wall.
- e. For recessed porches, porch depth shall be measured between the recessed portion of the wall and the ultimate building façade. Porch width shall be measured between the walls, with no point being less than the required minimum width.

**Figure 4-I: Projecting Porch Entry**

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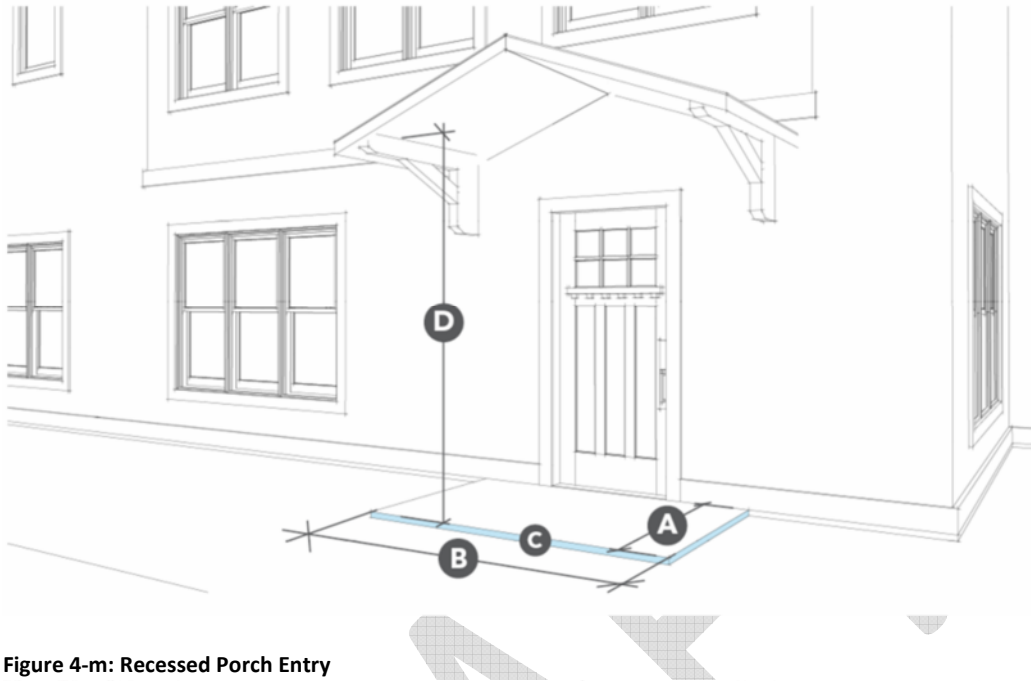
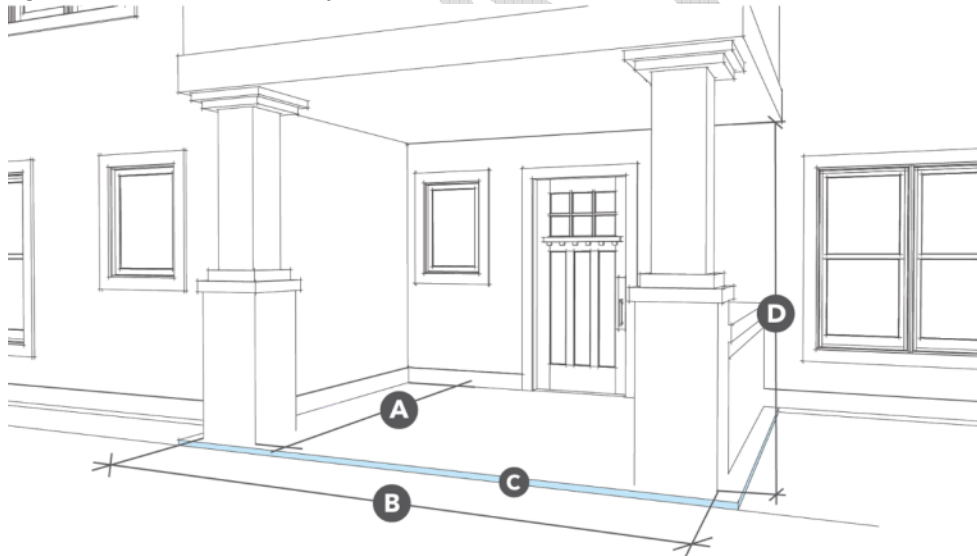


Figure 4-m: Recessed Porch Entry



(i) **Building Materials and Colors.**

(1) **Exterior Wall Building Materials.**

- (i) Allowed and Prohibited Exterior Wall Materials. Table 9-4.130-7 identifies allowed and prohibited exterior building wall materials.

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**Table 9-4.130-7: Exterior Wall Building Materials**

Wall Materials	Standard	Additional Regulations
Brick (including brick veneer)	P	
Stone (unpainted)	P	Veneer (not panels)
Stucco	P	Fine sand or hand troweled only
Finished wood, wood veneer, engineered wood, wood siding	P	
Fiber cement siding and panels	P	
Plaster (rated for outdoor use)	P	
Metal (standing seam, coreten, or corrugated)	P	If colored, must be factory powder coated and not applied after market.
Exterior Insulation Finishing System (EIFS)	P	
Concrete (poured in place or precast)	S	
Ceramic tile	S	
Glass (transparent spandrel)	A	
Glass (block)	A	
Vinyl	N	
Plastic	N	
Gloss tiles	N	
T-111 Plywood	N	
Rough stucco	N	

P: Primary or secondary material  
 S: Secondary or accent material only  
 A: Accent material only  
 N: Not allowed/prohibited

- (ii) Veneers and Secondary Cladding Materials. Veneers and secondary cladding materials shall be returned at least four (4) feet from exterior corners or dead end into a projecting or recessed massing break on the perpendicular wall, whichever is less.
- (iii) Application Requirement. Detailed drawings shall indicate how sheet or panelized materials will be joined, and how lines formed by control joints related to other architectural details shall be provided.

**(2) Windows and Doors.**

- (i) Mirrored glass is prohibited.
- (ii) Dark tinted glazing is prohibited; lightly tinted glazing that is less than fifteen percent (15%) and low emissivity is acceptable.
- (iii) Simulated divided lites are prohibited.

**(3) Cornices.** Exterior decorative molding and cornices constructed with polyurethane foam are prohibited.

**(4) Color Variety.**

- (i) The number of colors appearing on the entire building wall exterior shall be at least two (2) and not more than four (4) (or four (4) tones of the same color), including trim and accent colors. A different color roof shall not count as a different color for the purposes of this subsection.

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- (ii) Certain materials (such as brick or stone) have distinct coloring in their natural state and shall count as an element of color, to be incorporated into the overall design.
- (j) **Transition to Abutting Rural and Single Family Uses.** Where the side or rear property line abuts a property in the RR, RS, RSF, or LSF zoning districts, the following standards shall apply.
  - (1) **Minimum Setback.** Multiplex (5+ units) and Mixed-Use with five units or more shall be setback at least ten (10) feet from the abutting RR, RS, RSF, or LSF zoning district property line.
  - (2) **Upper Story Setback/Building Setback.** Multiplex (5+ units) and Mixed-Use with five units or more shall comply with one of the following:
    - (i) **Upper Story Setback.** For buildings within fifteen (15) feet of an abutting RR, RS, RSF, or LSF zoning district, a minimum six-foot (6) setback shall be provided on any of the portions of the building above 25 feet, applied to the façade of the building that faces the abutting RR, RS, RSF, or LSF zoning district; or
    - (ii) **Building Setback.** Alternatively, the entire building may be set back at least fifteen (15) feet from the abutting RR, RS, RSF, or LSF zoning district property line.

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Figure 4-n: Upper Story Stepback

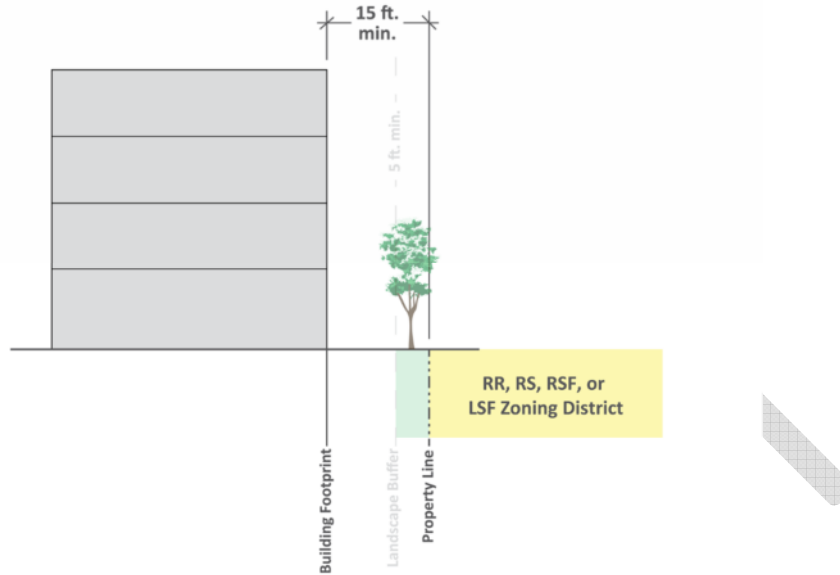
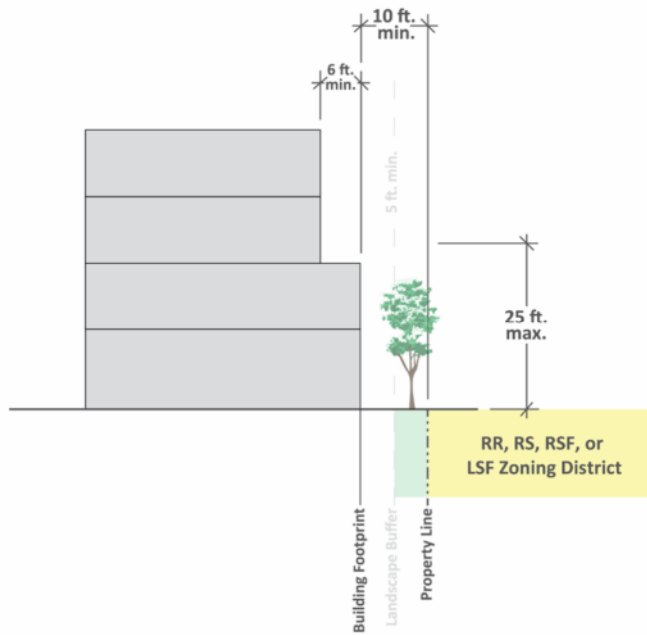


Figure 4-o: Building Setback



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- (3) **Balcony Orientation.** Balconies on buildings visible from and within 30 feet of the adjacent RR, RS, RSF, or LSF zoning district shall not be oriented toward the adjacent RR, RS, RSF, or LSF zoning district property line.
  - (4) **Landscape Buffer.** A minimum five-foot-wide (5) landscape buffer (clear of any wall footings) shall be provided adjacent to a RR, RS, RSF, or LSF zoning district. Evergreen screening trees shall be:
    - (i) Planted at a minimum interval of fifteen feet (15) along interior property lines abutting an RS, RSF, or LSF zoning district;
    - (ii) Consist of species that attain a twenty-foot (20) minimum height at maturity; and
    - (iii) Minimum fifteen-gallon (15) size at time of planting.
  - (5) **Screening Wall.** A solid wall or fence not less than six (6) feet in height shall be placed and maintained on interior lot lines abutting property zoned for single-family residential use.
- (k) **Additional Standards for Mixed-use**
- (1) **Ground Floor Space.** Ground floor residential-serving spaces shall be limited to essential residential amenities including lobbies, mail areas, access to units, bicycle storage, and mechanical equipment, and shall not include gyms or other common interior gathering or recreation areas.
  - (2) **Mailboxes.** In mixed-use developments, separate mailboxes and package delivery/pick-up areas shall be provided for the residential and commercial components of a project.
- (l) **Additional Standards for Cottage Clusters**
- (1) **Applicability.** All detached dwelling units, including attached single-family duplex units, constructed in multifamily zoning districts shall comply with this Section. Any housing project seeking a small lot subdivision must meet all of the following standards:
  - (2) **Site Planning.**
    - (i) A single cottage cluster must contain a minimum of three (3) and a maximum of twelve (12) cottages. A cottage cluster project may include more than one (1) cluster with more than one (1) associated common courtyard. There is no limit to how many cottage clusters are permitted on a single lot.
    - (ii) All cottages within a single cottage cluster, with five (5) or more units, must share a common courtyard. Four (4) or fewer cottages within a cottage cluster are not required to provide a common courtyard.
    - (iii) Garages and carports (whether shared or individual) shall not abut more than twenty-five percent (25%) of a common courtyard's perimeter.
    - (iv) Allowed building types include single units and duplexes.
    - (v) Where the parent parcel frontage is less than 100-feet, access shall be consolidated with one driveway serving all units, with the exception of existing access to an existing unit proposed to remain where that access cannot be designed to become the shared accessway.
  - (3) **Setbacks.**
    - (i) The setbacks from adjacent property lines along the perimeter of the cottage cluster development shall be the same as required by the underlying zoning district.

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- (ii) Cottage structures (comprised of either individual units or duplexes) shall be separated by a minimum distance of six (6) feet between walls.
- (4) **Maximum Footprint.** The footprint of each cottage shall not exceed eight hundred (800) square feet for a single detached unit and one thousand (1,000) square feet for a duplex. A communal garage or parking structure is permitted and is not subject to the maximum footprint requirements for cottages. The building footprint shall be measured by calculating the total square foot area of a building, when viewed directly from above, that covers a portion of a lot, except that the following structures or parts of structures shall themselves not be included in calculating building footprint:
- (i) Any part of a structure without a roof.
  - (ii) Roof eaves.
  - (iii) Carports, porches, and balconies that are open at least 50 percent of their respective sides.
  - (iv) Detached garages or accessory buildings.
- (5) **Open Space.** All cottage cluster developments shall comply with Section 9-3.262(c) requirements for outdoor recreation or gathering areas, except cottage cluster developments with five (5) or more units shall have a common open space area (courtyard) to be shared by residents, subject to the following standards:
- (i) The common courtyard shall be at least fifteen (15) feet wide at its narrowest point and no less than four hundred (400) square feet.
  - (ii) Each cottage within a cluster must either:
    - f. Abut the common courtyard;
    - g. Have a main entrance facing the common courtyard; or
    - h. Be within ten (10) feet from a pedestrian path connecting to the common courtyard, measured from the façade of the cottage, to the nearest edge of the pedestrian path. A pedestrian path may include a common driveway crossing with alternative paving.
  - (iii) The common courtyard shall be developed with a mix of landscaping, passive recreation area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed seventy-five percent (75%) of the total common courtyard area.
  - (iv) Construction and installation of common area amenities shall be completed prior to approval of the final building permit for any unit abutting the courtyard.
- (6) **Fences.**
- (i) Exterior Fences Delineating the Original Project Boundary. Fences located along the original project boundary's front, side, and rear property lines shall comply with Section 9-4.128(c)(1)(ii).
  - (ii) Interior Fences Delineating Private Yards and Common Open Spaces.
    - a. Fencing located within the interior of the original project site perimeter used to delineate private yards and common open space areas:
      - 1. Shall not exceed forty-two (42) inches in height;

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2. Shall be at least fifty percent (50%) transparent; and
  3. Shall not consist of solid (e.g., board, cinder block), chicken wire, or white vinyl fencing (examples of allowed fencing material include split rail and framed welded wire fencing).
    - b. Exception: Fencing used to delineate private yards within 10 feet of the original project boundary's side and rear property lines may choose to instead comply with Section 9-4.128(c)(1)(ii).
- (7) **Pedestrian Access.**
- (i) A pedestrian path shall be provided that connects the main entrance of each cottage to the following:
    - a. The common courtyard (for clusters of five or more units)
    - b. Shared parking areas;
    - c. Sidewalks; and
    - d. Public rights-of-way abutting the site.
  - (ii) The pedestrian path must be hard-surfaced (concrete, asphalt, or pavers) and a minimum of three (3) feet wide.
- (8) **Existing Structures.** An existing single-family dwelling and accessory uses and buildings on a lot to be used for a cottage cluster project may remain within the cottage cluster project area provided the structures comply with the standards in Subsections i – iii below.
- (i) The existing dwelling may remain and be nonconforming with respect to the requirements of Section 9-4.130(l) (Additional Standards for Cottage Clusters).
  - (ii) The existing dwelling may be altered or expanded up to the allowed maximum height and maximum building footprint per Section 9-4.130(l)(4) (Maximum Footprint). Existing dwellings that exceed the maximum height and/or footprint standards may not be expanded.
  - (iii) The existing dwelling shall be excluded from the calculation of maximum average dwelling size of a cottage cluster, per Section 9-3.331(g).
- (9) **Small Lot Subdivisions.** For housing developments pursuing subdivision under the provisions of this Section, the following shall also be required:
- (i) All small-lot subdivisions within a multifamily zoning district must meet the cottage cluster standards (Section 9-4.103(l)) in addition to all applicable objective design standards for multi-family development (Section 9-4.130).
  - (ii) A Master Plan of Development (approved in the form of a Conditional Use Permit) of the site shall be approved in accordance with applicable objective design standards set forth in Section 9-4.130. All construction and development shall be completed in conformance with the approved Master Plan of Development.
  - (iii) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Master Plan of Development.
  - (iv) Deed covenants and easements for shared amenities shall be recorded prior to recordation of the final map.



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(iv) Alternative Compliance. For projects that meet the definition of a “small home lot development” pursuant to Government Code Section 66499.40, where a conflict exists between this Section and Government Code Section 66499.40, Government Code Section 66499.40 shall prevail.

**(m) Definitions**

1. Abut. Contiguous to having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street).
2. Arcade. An Entryway Type where the facade is a colonnade on the ground floor that overlaps a walkway parallel to the front elevation of a building.
3. Articulation. The breaking up of a flat and uniform building façade by using recessed wall areas, indents, projections, changes in building materials, and detailed projecting features such as stoops, bay windows, awnings, canopies, and/or balconies.
4. Bay Window. A window or series of windows projecting from the outer wall of a building and forming a recess within.
5. Building Footprint. The area of the ground surface occupied by an existing or proposed structure, measured from exterior wall to exterior wall at the base of the structure.
6. Cornice. A molded and projecting horizontal feature that crowns a façade.
7. Cottage Cluster. A grouping of no fewer than three detached dwellings.
8. Duplex. A residential building with two units.
9. Dormer. A vertical window that projects from a sloping roof, which may be gabled or hipped.
10. Façade. Any exterior face or wall of a building.
11. Flat Roof. A roof without any sloped sides, with a pitch of ten (10) degrees or less.
12. Forecourt. Open area in front of a building's entrance surrounded by walls on at least three sides.
13. Fourplex. A residential building with four units.
14. Gable Roof. A roof with two slopes joining at a single ridge line and a gable at each end.
15. General Massing Break. See “Massing Break.”
16. Hipped Roof. A roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two of the sides are trapezoidal in shape, while the remaining two sides are triangular, and thus meet the ridge at its endpoints.
17. Lintel. A horizontal element over an opening, often found spanning doors or windows. Lintels can be structural/load bearing or ornamental.
18. Mansard Roof. A roof with two slopes on each of four sides, the lower steeper than the upper, or culminating in a flat roof at the ridge line.
19. Massing. The three-dimensional bulk of a structure: height, width, and depth.
20. Massing Break. Recess/projection measured from the building footprint with minimum dimensions of one (1) foot in depth by three (3) feet in length by eight (8) feet in height.
21. Mixed-use. A development that has a vertical separation of commercial and residential land uses in a building. Residential units within a commercial district are subject to compliance with allowed density and shall not be located on the ground floor.

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22. Multiplex (5+ units). A residential building with five or more units.
23. Occupied Space. An enclosed space in a building intended for human activities, including bathrooms and circulation, but not including vehicle parking or space for other building functions such as storage, solid waste storage, building equipment, or computer servers.
24. Plaza. A public square or open space accessible to the public.
25. Porch. An Entryway Type, usually with outdoor steps, stairs, and/or a raised platform, where an entry door and corresponding landing area (entrance) are provided on the front elevation of a building on the ground floor, for the purpose of providing pedestrian access from the outdoor ground elevation to a building interior. A porch can be recessed or projected, but must be covered.
26. Public Realm. The area outside a building accessible or visible to the public, including public right-of-way, sidewalk easement, and publicly accessible open space.
27. Shed Roof. A roof shape having only one (1) sloping plane.
28. Stepback. The required or actual placement of a building a specified distance away from a road, property line, or other structure at a level above the first floor.
29. Street. A public or private right-of-way.
30. Transparency. The ability of a building or structure to visually transmit light, allowing for a clear view of the interior or exterior spaces via doors and windows.
31. Triplex. A residential building with three (3) units.
32. Unoccupied Space. An enclosed space in a building not intended for human activities but only for building services, such as storage, trash, equipment, building utilities.
33. Wall Plane Variation. Change in condition, character, or form of a continuous exterior wall implemented through one or more options outlined Section 9-4.130(f)(3)(ii).

## EXHIBIT B: Proposed Municipal Code Text Amendment – Title 9

### 9-2.107 Design Review Committee.

- (a) Purpose. The Design Review Committee is established to implement the goals and policies of the General Plan. The intent is to ensure that the physical design of new development meets the following objectives:
- (1) Maintaining the rural character and identity of Atascadero;
  - (2) Enhancing the appearance and character of the City, by reviewing the architecture and site plans for commercial, office, industrial, single-family residential subject to CEQA, and multifamily or mixed-use residential projects that are requesting a discretionary approval or exception;
  - (3) Ensuring that development is compatible with surrounding uses and improvements by requiring building designs that provide appropriate visual appearance and site plans to mitigate neighborhood impacts.
- (b) Design Review Committee—Composition. The City Council shall appoint the Design Review Committee. The Design Review Committee shall consist of the following:
- (1) Two (2) members of the City Council;
  - (2) Two (2) members of the Planning Commission;
  - (3) One (1) at large member resident of the City. This at large member shall be a resident of the City. The Council shall choose an at large member that best fits the intent of the Design Review Committee.
- (c) Terms of Service. The Design Review Committee members from the City Council and Planning Commission shall serve a two (2) year term. This service term shall commence at the date of appointment. The at large member resident shall have a service term of two (2) years. This term shall begin at the date of appointment by the City Council.
- (d) Authority. The Design Review Committee has the authority to approve and make recommendations to the review authority (Director, Planning Commission, or City Council, depending on the project) in regards to the architectural appearance, signage, site plan, and landscape plan of the following projects:
- (1) All multifamily residential and mixed-use projects that do not comply with Section 9-4.130 (Multifamily and Mixed-use Building Design Standards) or that require discretionary action;
  - (2) All nonresidential projects, including commercial, office, and industrial, unless determined to be minor and incidental by the Community Development Director;
  - (3) ~~All~~ public facility projects and buildings located in a highly visible area;
  - (4) Development in an open space zoning district;
  - ~~(5) Any residential single family residential development requesting a planned development permit;~~  
~~(65)~~ Development projects requiring a conditional use permit, zone change (including requests for a planned development overlay zone), or general plan amendment.
- (e) Meeting. The Design Review Committee shall convene ~~once a week~~, as needed. This meeting shall be open to the public and consist of a quorum of the Committee, the Community Development Director or their designee, and pertinent City staff members ~~and the applicant~~.
- (f) Appearance Review Approval. The Design Review Committee shall take into consideration the following criteria in either approving or endorsing the design of a project, or making

recommendations for projects that require Planning Commission and/or City Council approval. The Design Review Committee may require or recommend additional conditions of approval. The following is a list of criteria that the Design Review Committee shall take into consideration:

- (1) Project design consistency with ~~the~~ goals and policies established by the General Plan;
  - (2) Project design consistency with the ~~G~~ guidelines and standards for development set forth in the Atascadero Municipal Code and by the Appearance Review Manual;
  - (3) ~~The Finding that the~~ proposed development plan is compatible with, and is not detrimental to, surrounding land uses, and improvements provide appropriate visual appearance.
- (g) Determination.
- (1) The Community Development Director shall provide the applicant with correspondence regarding the outcome of the meeting, including any additional recommendations or conditions of approvals that ~~is-are~~ required or recommended by the Committee.
- (h) Compliance. All requirements imposed by the Design Review Committee shall be incorporated into a building permit and completed prior to permit final, unless altered by the decision-making body. Failure to comply with the requirements of the Design Review Committee for projects over which they have approval authority constitutes a violation of this code.
- (i) Appeals. Appeals of final decisions from the Design Review Committee, where the committee acts as the decision-making body, shall be made to the Planning Commission and filed within fourteen days (14) days of the Design Review Committee's decision. Any additional appeals shall be consistent with Section 9-1.111 of this chapter. If the Design Review Committee cannot reach a decision on a design review issue, the Committee may refer this issue to the Planning Commission.

#### 9-2.109 Precise plan.

- (a) Precise plan approval is required when a development or use of land is listed in a particular zoning district as an allowable use and when it is determined by the Planning-Community Development Director that the development project, or the establishment of a use of land which is not a development project, is not eligible for a categorical exemption pursuant to Public Resources Code Section 21084 and the State EIR Guidelines. Precise plans consider the greater effects such uses may have upon their surroundings, and the characteristics of adjacent uses which could have detrimental effects upon a proposed use. ~~Large-scale projects (multiple family developments containing twelve (12) or more units, or nonresidential projects containing ten thousand (10,000) square feet or more of building or outdoor storage area) will require conditional use permit approval even if such uses are listed as allowable uses in a particular zoning district.~~ The preparation and processing of a precise plan shall be as follows:
- (ba) Precise Plan Content. Precise plan applications shall include ~~an application prepared as specified in Section 9-2.109, as well as the following:~~ as may be necessary, site plans, written descriptions of activities to be conducted, technical studies of site characteristics, and any other materials set forth on the application form or otherwise prescribed by City policy.
- ~~(1) Preliminary Floor Plan. For all structural uses except single family residences and agricultural accessory buildings; and~~
  - ~~— (2) Architectural Elevations. For all structural uses except single family residences and agricultural accessory buildings. Elevations, renderings or perspectives of each proposed structure shall be provided, identifying all exterior finish and roofing materials; and~~
  - ~~— (3) Drainage Plan. When required by Section 9-4.148 or overlay district requirements; and~~

- ~~(4) Landscaping Plan. To be prepared as required by Section 9-4.124, for all uses, except single-family residences and agricultural accessory buildings; and~~
- ~~(5) Contour Map. To be prepared as follows, except when a grading plan is required by Section 9-4.138:
 
  - ~~(i) Inside Urban Services Line. Site contour information shall be provided at five (5) foot intervals for undeveloped areas and two (2) foot intervals for building sites and paved or graded areas.~~
  - ~~(ii) Outside Urban Services Line. Site contour information shall be provided at ten (10) foot intervals, which may be interpolated from USGS Topographic Quadrangle Maps, for undeveloped areas, and at two (2) foot intervals for building sites and paved or graded areas.~~
  - ~~(iii) Areas in excess of thirty percent (30%) slope may be designated as such and contours omitted, unless proposed for grading, construction or other alteration.~~~~
- ~~(6) Supplementary Development Statement. Shall include a phasing schedule for project construction if one is proposed and identification of any areas proposed to be reserved and maintained as common open space. Applications for special uses (Chapter 9-6) shall include explanation of how the applicable provisions of Chapter 9-6 will be met.~~
- ~~(b) Precise Plan Processing. Precise plan applications shall be submitted to the Planning Department and shall be processed as follows:
 
  - ~~(1) Environmental Determination. A precise plan application accepted for processing as set forth in Section 9-2.102 shall receive an environmental determination as required by the California Environmental Quality Act (CEQA). The Planning Department shall process the application concurrently with the environmental determination.~~
  - ~~(2) Staff Report. The Planning Department shall prepare a staff report which:
 
    - ~~(i) Describes the characteristics of the proposed land use or development project, as well as the project site and its surroundings; and~~
    - ~~(ii) References applicable policies and regulations; and~~
    - ~~(iii) Determines whether the proposed use or project complies with the provisions of this title; and~~
    - ~~(iv) Sets forth any findings required to support the decision. Approval or conditional approval requires findings as set forth in Section 9-2.110(b)(3)(iv) for conditional use permits; and~~
    - ~~(v) Specifies any conditions necessary to assure compliance with this title or the mitigated adverse environmental effects.~~~~
  - ~~(3) Public Notice. After the staff report has been prepared, a notice shall be sent by first class mail with postage prepaid to all persons whose names and addresses appear on the last equalized assessment roll as owning property adjacent to the exterior boundaries of the project site. Additional notice may be provided when appropriate by the Planning Director. The notice shall describe the proposed use and explain how interested people may obtain additional information about the project. The notice shall inform the property owners in the vicinity of a precise plan proposal of their opportunities to review, comment upon, and appeal the approval of the project, if desired.~~~~
- ~~(4)(c) Review and Approval. The Planning Community Development Director shall approve a precise plan application at the end of the public notice period when the proposed project or use satisfies all applicable provisions of this title. The approval shall become effective for the purpose of issuance of a building or grading permit, or establishment of a use not involving construction, fourteen (14) days after ~~the notice has been sent~~approval, unless an appeal is filed with the Planning Department as set forth in subsection ~~(bd)(5)~~ of this section.~~
- ~~(5d) Appeal of Precise Plan Decision. Any aggrieved person may appeal a decision on a precise plan application as set forth in Section 9-1.111; provided, that the only basis for an appeal or action on an~~

~~appeal by the Planning Commission or City Council shall be whether the proposed use satisfies all applicable provisions of this title.~~

### 9-2.110 Conditional use permit.

- (a) The conditional use permit is the process used to review land use proposals of a nature or magnitude which could significantly affect their surroundings. Such land use proposals include:
- (1) Uses that are shown as conditional uses in a particular zoning district; or
  - (2) ~~Multiple-family~~ and mixed-use residential developments ~~consisting of twelve (12) or more units~~, even if such a development is listed as an allowed use in a particular zoning district, if the proposed development is not compliant with Section 9-4.130 (Multifamily and Mixed-use Building Design Standards), and/or if the project includes fifty (50) or more dwelling units.
  - (3) Nonresidential development containing fifty thousand (50,000) square feet or more of building footprint area, even if such a development is listed as an allowable use in a particular zoning district; or
  - (4) Outdoor commercial and industrial sales and storage developments as defined by Section 9-9.102 of ten thousand (10,000) square feet or more, even if such a development is listed as an allowable use in a particular zoning district.
- (b) Because of the intensity or specific characteristics of such uses, public review and input into decisions on whether to approve such proposals is needed. That input is given in a public hearing before the Planning Commission. The conditional use permit is a discretionary approval and the Planning Commission may approve or disapprove a conditional use permit or may adopt additional conditions of approval. Conditional use permit applications may be denied by the Planning Commission because of specific findings identified through public hearing testimony or because of provisions of this title. When conditional use permit approval is required, preparation and processing of the application shall be as follows:
- (1) Conditional Use Permit Content. Applications shall be made to the Community Development Department in the form prescribed by the Community Development Director or their designee, including, as may be necessary, site plans, written descriptions of activities to be conducted, technical studies of site characteristics, and any other materials set forth on the application form or otherwise prescribed by City policy. ~~The content of a conditional use permit application is to be the same as required for the precise plan use by Section 9-2.109(a).~~
  - ~~(2) Conditional Use Permit Processing. Conditional use permit applications shall be submitted to the Planning Department and shall be processed as follows:~~
    - ~~(i) Environmental Determination. A conditional use permit application accepted for processing as set forth in Section 9-2.102 shall receive an environmental determination as required by the California Environmental Quality Act (CEQA). The Planning Department shall process the application concurrently with the environmental determination.~~
    - ~~(ii) Staff Report. The Planning Department shall prepare a staff report which:~~
      - ~~a. Describes the characteristics of the proposed land use or development project, as well as the project site and its surroundings; and~~
      - ~~b. References applicable policies and regulations; and~~
      - ~~c. Determines whether the proposed use or project satisfies at minimum the provisions of this title; and~~
      - ~~d. Recommends whether, and on what basis the proposal should be approved, conditionally approved or disapproved.~~

~~(iii) Public Hearing. The Planning Director shall schedule the conditional use permit for public hearing before the Planning Commission as set forth in Section 9-1.110.~~

(32) Approval. The authority to take final action on a conditional use permit as set forth in this subsection is assigned to the Planning Commission, provided that such decisions may be appealed to the City Council (Section 9-1.111, Appeal), and unless combined with other applications requiring City Council approval.

(i) Conditions of Approval. After the conclusion of a public hearing, the Planning Commission may approve, conditionally approve, or disapprove the conditional use permit. In conditionally approving a conditional use permit, the Planning Commission shall designate such conditions to satisfy any requirements of CEQA, and to:

- a. Secure compliance with the objectives and requirements of this title and the General Plan; and
- b. Designate time limits or phasing schedules other than those specified in Section 9-2.112 for the completion of projects when deemed appropriate.

(ii) Additional Conditions. In addition to the conditions of Section 9-2.110(b)(3)(i), the Planning Commission may adopt other conditions, including, but not limited to:

- a. Requiring that security be provided to guarantee performance and/or compliance with conditions of approval, as set forth in Section 9-2.121;
- b. Requiring installation of specific on-site or off-site improvements;
- c. Requiring periodic review or limiting the permit to a specified period of time;
- d. Requiring that the permit be personal to the applicant or be applicable to the property;
- e. Any other conditions as are judged by the Planning Commission to be necessary to achieve compatibility between the proposed use and its site, its immediate surroundings, and the community -

~~(iii) Effect of Conditions. Whenever a conditional use permit approval is granted or amended subject to conditions, use or enjoyment of the conditional use permit approval in violation, or without observance of any conditions shall constitute a violation of this title. In the event of such a violation, the approval may be revoked or modified as provided in Section 9-8.105. The duration of conditions is established in Section 9-2.118. Any change in the conditions of approval of a conditional use permit shall only be allowed after following all procedures undertaken for the original approval.~~

~~(iv) Required Findings. If the Planning Commission approves or conditionally approves a conditional use permit, it shall first find that~~The following findings must be made to approve a Conditional Use Permit:

- a. The proposed project or use is consistent with the General Plan; and
- b. The proposed project or use satisfies all applicable provisions of this title; and
- c. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
- d. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and

- e. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element; and
- f. The proposed project is in compliance with any pertinent city policy or criteria adopted by ordinance or resolution of the city council; and
- g. Any additional findings deemed necessary or listed within specific code sections.
- h. For a project that is defined as a “Housing Development Project” by the Housing Accountability Act (California Government Code Section 65589.5(h)(2)), the reviewing body must approve or conditionally approve the project unless it makes one of the following findings supported by a preponderance of the evidence in the record:
  1. The project does not comply with all applicable objective General Plan, Zoning Regulations, Subdivision, and development standards including objective design review standards.
  2. The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density. As used in this Section, a “specific, adverse impact” is defined by California Government Code Section 65589.5(j) and means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
  3. (4)–Effective Date. The approval of a conditional use permit shall become final and effective for the purposes of issuing a construction permit or establishing a nonstructural use fourteen (14) days following the Planning Commission approval unless prior to that time an appeal to the decision is filed as set forth in Section 9-1.111(b).
  4. Types of Conditional Use Permits. The City has established three levels of use permit review related to project scale: Minor, Standard, and Major, with fees established for each by resolution of the City Council. Each type of conditional use permit shall follow the review process outlined in this Subsection 9-2.110(b).

#### **9-2.122 Housing Accountability Act Streamlined Review**

- (a) Projects defined as “housing development projects” by Government Code Section 65589.5(h)(2) are subject to unique regulations, including review timeframes, a limit on the number of public meetings, and specific findings in case of denial or a reduction in density. If conflicts occur between other procedures in Title 9 and the procedures of Government Code Section 65589.5(h)(2), Government Code Section 65589.5(h)(2), as it may be amended from time to time, control.

#### **9-3.245 Minimum lot size—RMF Zone.**

The minimum lot size in the Residential Multiple-Family Zone shall be one-half (1/2) acre. Smaller lot sizes may be allowed for planned residential developments, including condominiums and mobilehome developments, provided that the overall density within the project conforms with Section 9-3.252. There shall be no minimum lot size for lots designed consistent with the small lot subdivision standards as set forth in Subsection 9-4.130(l)(9) (Small Lot Subdivisions).



**9-3.252 Density—RMF Zone.**

The ~~maximum~~ allowable base density in the Residential Multiple-Family Zone shall be designated on the official zoning maps as provided by Section 9-3.104(c) and be consistent with the General Plan for new residential subdivisions as follows, provided that no minimum density is required for parcels of one-half acre or less:

- (a) Areas Designated Low Density Multiple-Family Residential. The minimum number of dwelling units per net acre is two (2). The maximum number of dwelling units per net acre is ten (10).
- (b) Areas Designated High Density Multiple-Family Residential.
  - (1) Base Density. The minimum number of dwelling units per net acre is twenty (20). The maximum number of dwelling units per net acre is twenty-four (24).
  - (2) To encourage smaller units that are affordable by design, maximum density may be calculated based on unit size.
- (c) Fractional Density. To encourage smaller units that are affordable by design, maximum density may be calculated based on unit size. Fractional density shall not be used to determine minimum density.
  - (1) Calculation. The following density unit value attributed to unit sizes may be used for the purpose of calculating multi-unit maximum development density allowed on a high-density multi-family zoned parcel:
    - (i) Units up to six hundred (600) square feet = one half (0.50) unit
    - (ii) Units of six hundred one (601) square feet up to one thousand (1,000) square feet = two thirds (0.66) unit
    - (iii) Units over one thousand (1,000) square feet = one (1) unit
  - (2) Rounding. Maximum residential development potential shall be the net lot area (in whole and fractional acres), multiplied by the maximum density allowed. The resulting number (in density units, carried out to the nearest one hundredth [0.01] unit) shall be the maximum residential development potential. For example, when a calculation results in a density of 4.74 units, up to nine (9) units that are less than six hundred (600) square feet in size would be permitted; when a calculation results in a density of 4.75 units, up to ten (10) units less than six hundred (600) square feet in size would be permitted). Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential. The rules of rounding stated in this section for fractional density shall supersede the rules of rounding stated in Section 9-1.109(b)(4).
  - (3) For all regulations other than maximum density, (e.g., parking requirements, minimum density etc.), regulations shall be based on the number of units, not based on the number of fractional density units.
- (ed) Hillside Density Standards. The densities permitted by subsections (a), ~~and~~ (b), and (c) of this section shall be modified to the following base densities (prior to any fractional density calculation) based on site topography, as follows:

Average Slope	Low Density Multiple-Family (units/acre)	High Density Multiple-Family (units/acre)	
		Minimum	Maximum
0—10.99%	10	20	24
11—15.99%	7	14	17
16—20.99%	5	10	12
21—25.99%	3	6	7
26—30.0%	2	4	5

> 30%	1	2	2
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~~(ed)~~ For medical extended care services, where residents are primarily non-ambulatory, the following maximum bed/net acre densities may be permitted, ~~where subject to Planning Commission conditional use permit approval:~~

RMF-10 District	34 beds/net acre
RMF-24 District	55 beds/net acre

Such approval shall require a finding that the average daily traffic generated by the project would not exceed that of a multifamily project. The project ~~would be further subject to~~ must also meet the “percentage coverage” all property development standards and objective design standards of this code pertaining to multi-family developments and all pertinent code sections, constraints of subsection (a) of the district. Off-street parking requirements would be as established by the Planning Commission.

~~(fe)~~ Sewer Service. Sewer service and the inclusion of property within the urban services line (USL) shall be a prerequisite to developing multiple-family projects to the density standards of the RMF zone.

~~(fg)~~ Density Bonus. A density bonus and/or development concessions or waivers may be granted, ~~subject to approval by the City Council through a master plan of development (CUP),~~ consistent with Sections 9-3.801 through 9-3.806.

~~(hg)~~ ~~In lieu of granting a density bonus, the Planning Commission shall consider other bonus incentives allowable under Government Code Section 65915.~~

**9-3.262 Property development standards—RMF.**

In addition to the standards specified in Chapter 4 of this title, General Site Design and Development Standards, the following development standards shall apply to all residential projects of two or more units, including but not limited to those projects that utilize modular units, mobile homes, or stock plans and multiple family residential projects:

(a) ~~Reserved. Percent Coverage. The maximum percent of a lot that may be covered by structures (excluding decks less than thirty (30) inches from the ground) shall be forty percent (40%) for low density multiple family projects and fifty percent (50%) for high density multiple family projects.~~

(b) Enclosed Storage ~~– Accessible from Exterior.~~ Each dwelling unit shall must be provided a minimum of one hundred ~~thirty (1300)~~ cubic feet of enclosed storage space, exclusive of closets located within units. Enclosed storage must provide an exterior entrance and, which may be located in either a principal or accessory building. Storage space for each unit or a portion thereof may be combined for the provision of bicycle parking and storage. All bicycle parking/storage must meet the following standards:

(1) Bicycle parking/storage must be enclosed, lockable, and located within the residential or accessory building on the ground floor unless the building includes elevator access to upper floors.

(2) Bicycle parking/storage must provide a minimum of one 110-volt electrical outlet and an additional outlet per ten bicycle parking spaces for charging electric bicycles.

- (3) Bicycle parking/storage racks must be designed to allow the user to lock the bicycle to the rack and keep at least one bicycle wheel on the ground or provide a means for the user to roll the bicycle onto a rack and lift it up to a second level.
- (c) Outdoor Recreation or Gathering Areas. For developments of four (4) to seven (7) dwelling units, o
  - (1) Size and Type of Open Space. Outdoor recreational or gathering open space shall must be provided at a ratio of ~~three hundred two (300200)~~ square feet per unit.
    - (i) Two-, ~~or three-~~, or four-unit projects ~~This open space may must be~~ provide outdoor spaced either as: (1) a private amenity designed for exclusive use of a dwelling unit; or (2) as common open space provided that no individual common open space area is less than ~~one thousand (1,000)~~ four hundred (400) square feet; or (3) a combination of private and common open space provided no individual common open space is less than four hundred (400) square feet.
    - (ii) For developments of five (5) to nine (9) dwelling units, outdoor space must be provided as common open space or a combination of private and common areas, provided no more than 50 percent of the open space is private and no common open space is less than eight hundred (800) square feet.
    - (iii) For developments of ten ~~eight (810)~~ or more dwelling units, outdoor ~~recreational~~ open space shall be provided as common open space or a combination of private and common areas, provided no more than 50 percent of the open space is private and no common open space is less than one thousand (1,000) square feet. Open space may include upper floor private or common gathering spaces. provided at a ratio of three hundred (300) square feet per unit. This common open space may be provided in more than one (1) location provided that no individual open space area is less than one thousand (1,000) square feet.
  - (2) Private Open Space Standards. Any private outdoor open space used to satisfy Section 9-3.262(c)(1) must meet the following standards:
    - (i) Minimum dimensions must be six (6) feet (width and depth) in any direction.
    - (ii) The private open space must be adjacent to, and directly accessible from, the residential unit being served.
  - (3) Common Open Space Standards. ~~Any~~ common open space areas used to satisfy Section 9-3.262(c)(1) must meet are subject to the following location requirements standards:
    - (i) Minimum dimensions must be ten (10) feet (width and depth) in any direction.
    - (ii) May be located at grade, on an upper floor terrace or courtyard, or a building rooftop, in the form of a roof deck.
    - (iii) May not be located in drainage basins with a depth of two (2) feet or greater, areas without a flat bottom, and/or areas not accessible via pedestrian paths or trails to the units being served.
  - (4) Common Open Space – Required Amenities. All projects shall incorporate the number of common open space amenities indicated in Table 9-3.262-1, choosing from the options listed in respective Subsections (i), (ii), and (iii) below.

<u>Project Size</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
<u>2-4 units</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>5-9 units</u>	<u>1</u>	<u>2</u>	<u>1</u>

<u>10+ units</u>	<u>1</u>	<u>2</u>	<u>2</u>
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- (i) Tier 1 Amenities. Projects must incorporate, at a minimum, the number of open space amenities identified in Table 9-3.262-1 for Tier 1, choosing from the following list of amenities:
- a. —Open space that is designed as a courtyard entry for three (3) or more units that is physically separated from the parking area and directly accessible from, and oriented towards, a public street with a pedestrian pathway. For flag lots, the courtyard and pedestrian connection must be oriented to a shared parking lot.
  - b. Shade covering a minimum of fifty percent (50%) of the outdoor common open space, which must include at least one canopy tree and may also be supplemented with shade covers.
  - c. —Public art or interactive art, such as sculpture, murals, or water features. A mural must measure at least one-hundred twenty (120) square feet; sculptures (including any decorative base) and water features must have a minimum cumulative footprint of twenty-five (25) square-feet.
  - d.— Preservation of an on-site native tree, heritage tree, as defined in Chapter 11 (Native Tree Regulations), or other healthy, mature tree, defined as a non-protected tree with a diameter-at-breast-height (DBH) of 12 inches or greater.
- (ii) Tier 2 Amenities. Projects must incorporate, at a minimum, the number of open space amenities identified in Table 9-3.262-1 for Tier 2, choosing from the following list of amenities:
- a. Fixed or movable seating or outdoor dining areas such as picnic-style tables, at a ratio of no less than one seat per unit with a maximum of 15 seats per project.
  - b. An enclosed, off-leash dog run/relief/wash area that includes signage, pet waste bag, and disposal receptacle(s), and potable water connection for dog bowl refilling and dog wash capabilities.
  - c. Children’s play area, subject to the following:
    - (1) Projects of less than three (3) units: at least one (1) piece of permanent play equipment designed for children of all abilities and ages.
    - (2) Projects of ~~four~~five (45) to nine (9) units: at least two (2) pieces of permanent play equipment designed for children of all abilities and ages, or the equivalent in size, scale, and recreation diversity.
    - (3) Projects of ten (10) or more units: ~~with~~ at least four (4) pieces of permanent play equipment designed for children of all abilities and ages, or the equivalent in size, scale, and recreation diversity.
  - d. Sports court or other outdoor activity stations (ping pong, etc.).
  - e. Pool or spa.
  - f. Outdoor kitchen, subject to the following:
    - (1) -Equipment must be located at least twenty (20) feet from adjacent existing or proposed residential units.
    - (2) Barbeque with a permanent natural gas line installed
    - (3) A sink with waste line must be provided
    - (4) An electrical outlet must be provided within the gathering space

- g. Fire pit with permanent natural gas line installed located at least twenty (20) feet from adjacent existing or proposed residential units surrounded by hardscape that allows for seating.
- h. Patio area with a minimum one hundred fifty (150) square- feet and minimum dimension of ten (10) feet in any direction, constructed with decorative pavers or stamped/colored concrete without steps or grade changes more than five percent (5%). Up to fifty (50) square feet of the required area may be occupied by plantings and landscaping either in ground or potted.
- hi. Preservation of twenty-five percent (25%) of existing mature tree canopy over the entirety of the project site based on recommendations of a qualified arborist.
  - (iii) Tier 3 Amenities. Projects must incorporate, at a minimum, the number of open space amenities identified in Table 9-3.262-1 for Tier 3, choosing from the following list of amenities:
    - a. Vertical landscaping, either climbing or cascading vines or plants.
    - b. Community garden, which must include the following:
      - (1) At least one (1) potable water connection and irrigation to all gardening areas;
      - (2) One (1) potting station, including a table no less than two (2) feet by four (4) feet;
      - (3) One (1) compost bin; and
      - (4) One (1) tool storage structure that is either designed to match the main structure's appearance or is placed behind a principal building and designed and constructed with agrarian appearance, and sized adequately to contain gardening tools.-
    - c. Flowering plants or edible landscape.
    - d. One hundred percent (100%) native, drought-tolerant plants and habitat, unless combined with edible landscape, in which case at least seventy-five percent (75%) must be native, drought-tolerant plants, with the remainder edible landscape.
    - e. Interpretive or educational information about geography, history, ecology, or indigenous history.
    - f. Nature trail measuring no less than one quarter (¼) mile in length, defined as a path through undeveloped (no buildings, pavement, or utilities), vegetated areas, used for walking and seeing plants and wildlife.
- (5) Open Space Area – Additional Standards and Restrictions. Private and common open space areas intended to comply with Section 9-3.262(c)(1) must meet the following standards:
  - (i) Except for trails, required open space areas must be located in a flat or terraced area of six percent slope (6%) or less;
  - (ii) Required open space areas must not be met with areas designed primarily as walkways to doors, or other areas that cannot accommodate people gathering and/or are meant for a different purpose (such as a passageway); and
  - (iii) If located in a primary, secondary, or corner street setback, open space use areas must be set back at least five (5) feet from the property line/edge of right-of-way.
- (d) Open Space Reductions. Open space requirements may be reduced as follows:

- (1) Up to twenty-five percent (25%) of the required open space (Section 9-3.262(c)(1)) may be reduced if the project site is located within one thousand (1,000) feet of a publicly-accessible park, or up to fifty percent (50%) if located within five hundred (500) feet of a publicly accessible park.
- (2) For developments of fifty (50) units or more, up to twenty-five percent (25%) of the open space area may be satisfied with an indoor recreation area measuring at least two thousand (2,000) square feet and directly accessible to an outdoor common area.
- ~~(ed) Screening Wall—Transition Zones Adjacent to Single Family. A solid wall or fence not less than six (6) feet in height shall be placed and maintained on interior lot lines abutting property zoned for single family residential use. See 9-4.130(j) (Transition to Abutting Rural and Single Family Uses).~~
- ~~(fe) Laundry Facilities. Laundry facilities shall~~must be provided in the form of either: (1) laundry hook-ups within each individual dwelling unit; or (2) a shared laundry facility equipped with washers and dryers at a ratio of one (1) washer and dryer for every six (6) units.
- ~~(gf) Appearance Review. All projects shall be consistent with the multifamily design and landscape requirements of the Appearance Review Manual. —~~
- ~~(gg) Maintenance Requirement. The site must be maintained and kept clear of any debris or storage including construction debris, unless part of an active, approved construction permit. All finishes, structures, paved areas, and landscaping must be repaired or replaced as needed. Any dead or non-thriving landscaping must be immediately replaced. All landscaping required for screening of any use, structure, or utility/mechanical equipment must be maintained at a height and density to achieve maximum screening while appearing groomed and orderly. Irrigation systems must be maintained to ensure long-term viability of the planted areas. All site lighting must remain in good working order. Movable furniture or amenities must be replaced by the owner when damaged. All frontage or on-site trees must be maintained in a manner that allows the tree to grow to its full natural height and natural canopy. No growth suppressants are permitted that result in stunting or modifying the natural growth pattern of the tree. Should such trees be maintained contrary to this condition, the owner will be responsible for replacement. A maintenance agreement for all landscaping, building exteriors, accessory structures, parking areas and other common facilities shall be approved by the Community Development Director and City Attorney prior to final occupancy.~~
- ~~(lh) RMF-24 properties identified in Appendix 1, Table V 45 (Vacant Residential Parcels RMF-20); the Housing Site Inventory of the General Plan Housing Element shall be permitted “by right” and will not be subject to conditional use permit~~or specific plan. Proposed planned development projects or other relief from property development standards on these parcels shall be subject to discretionary review per the requirements of the municipal code.

### **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 entitlement 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										Special Regulation(s)
	Permitted Uses By Zones										
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Mixed-Use	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>			A <sup>1</sup>	A <sup>1</sup>			<a href="#">9-3.331</a>
Multifamily Dwelling	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>							<a href="#">9-3.262</a>

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

- (a) Mixed-Use Development. Mixed-Use developments are defined as developments that have a vertical separation of commercial and residential land uses in a building, with commercial uses on the ground floor and residential uses above.
- (b) Density and Fractional Density.
  - (1) Mixed-use developments ~~within commercial zoning districts that allow for multifamily uses~~ shall have a maximum base density of twenty-four (24) dwelling units per acre.
  - (2) To encourage smaller units that are affordable by design, the City authorizes fractional density units wherein maximum density may be calculated based on unit size in mixed-use developments.
    - (i) The following density unit value attributed to unit sizes may be used for the purpose of calculating multi-unit maximum development density allowed on a parcel:
      - (A) Units up to six hundred (600) square feet = one half (0.50) units
      - (B) Units of six hundred one (601) square feet up to one thousand (1,000) square feet = two thirds (0.66) unit
      - (C) Units over one thousand (1,000) square feet = one (1) unit
    - (ii) Maximum residential development potential is the gross lot area (in whole and fractional acres), multiplied by the maximum density allowed. The resulting number (in density units, carried out to the nearest one hundredth unit) will be the maximum residential development potential. For example, when a calculation results in a density of 4.74 units, up to nine units that are less than 600 square feet in size would be permitted; when a calculation results in a density of 4.75 units, up to 10 units less than 600 square feet in size would be permitted). Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential. The rules of rounding stated in this section for fractional density supersede the rules of rounding stated in Section 9-1.109(b)(4).
    - (iii) For all regulations other than maximum density, (e.g., parking requirements, minimum density etc.), regulations shall be based on the number of units, not based on the number of fractional density units.
  - (c) Building Design Standards. See Section 9-4.130 (Multifamily and Mixed-use Building Design Standards).
  - (d) Mechanical equipment. Mechanical equipment must be set back no less than five feet from property lines, may not be visible from a public right-of-way, and must comply with Section 9-4.128 (Fencing and screening).

- (e) Storage. Each dwelling unit shall must be provided a minimum of one hundred thirty (130) cubic feet of enclosed storage space, which do not include closets accessed from the interior of units. Storage space for each unit or a portion thereof may be combined for the provision of bicycle parking and storage. All bicycle parking/storage must meet the following standards:
- (1) Long-term bicycle parking spaces must be enclosed, lockable, and located within the residential building on the ground floor unless the building includes elevator access to upper floors
  - (2) Long-term bicycle parking spaces must provide a minimum of one 110-volt electrical outlet and an additional outlet per ten bicycle parking spaces for charging electric bicycles.
  - (3) Long-term bicycle parking racks must be designed to allow the user to lock the bicycle to the rack and keep at least one bicycle wheel on the ground or provide a means for the user to roll the bicycle onto a rack and lift it up to a second level.
- (f) Transitions Zones Adjacent to Single Family. See 9-4.130(j) (Transition to Abutting Rural and Single Family Uses).
- (g) Downtown Maximum Average Unit Size. The maximum average size of all dwelling units within a new mixed-use project in the Downtown districts (DO or DC) must be no greater than 1,200 square feet. Any existing units that comply with zoning use standards (are located on upper floors with commercial space below) may be excluded from this calculation.
- (h) Common and Private Open Space Requirements.
- (1) Size and Type of Open Space. Recreational or gathering open -space- (that is separate from the living space of a unit) must be provided at a ratio of thirty (30) square feet per unit.
    - (i) Exemption. Projects with four or fewer units within commercial zones, or developments of 10 or fewer units within the Downtown Zoning districts (DO or DC) are exempt from open space requirements.
    - (ii) For non-exempt developments with forty-nine (49) dwelling units or less, recreational or gathering open space may be provided as private open space, common open space, or a combination of private and common space.
    - (iii) For developments of fifty (50) or more dwelling units, recreational or gathering outdoor open space must be provided as common open space or a combination of private and common areas, provided no more than fifty (50) percent of the open space is private- and
  - (2) Private Open Space Standards. Any private outdoor open space used to satisfy Section 9-3.331(h)(1) must meet the following standards:
    - (i) Minimum dimensions must be five (5) feet (width and depth) in any direction.
    - (ii) The private open space must be adjacent to, and directly accessible from, the residential unit being served.
  - (3) Common Open Space Standards. Any common outdoor open space used to satisfy Section 9-3.331(h)(1) must meet the following standards:
    - (i) Minimum dimensions shall be ten (10) feet (width and depth) in any direction.
    - (ii) Common open space areas must be at least seven hundred fifty (750) square feet.
    - (iv) May be located at grade, on an upper floor terrace or courtyard, or a building rooftop, in the form of a roof deck, except it may not be located at grade within the Downtown Districts nor adjacent to a public street unless in the form of a publicly accessible plaza.
    - (v) May not be located in drainage basins with a depth of two (2) feet or greater and/or areas not accessible via pedestrian paths or trails to the units being served.



(vi) Required open space areas must not be met with areas designed primarily as walkways to doors, or other areas that cannot accommodate people gathering and/or are meant for a different purpose (such as a passageway).

### **9-3.340 Property development standards.**

New subdivisions, land uses, structures, and alterations to existing land uses and structures shall be designed, constructed and established in compliance with the Sections [9-3.62](#) and 9-3.341 through 9-3.444, in addition to applicable standards (e.g., landscaping, parking, fencing, etc.) in Chapter 9-4, and Special Land Use Regulation in Chapter 9-6 of this title.

### **9-3.341 CN Zone.**

The following are property development standards for the CN in addition to those found in Chapters [9-3](#), 9-4, 9-6, and other special use regulations found in this title:

- (a) Lot Size. The minimum lot size in the Commercial Neighborhood Zone shall be one-half (1/2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Neighborhood Zone.
- (b) Multifamily Dwellings. Multifamily dwellings are permitted with a minor conditional use permit when located on the second floor or above.
- (c) 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.
- (d) 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.

### **9-3.342 CP Zone.**

The following are property development standards for the CP in addition to those found in Chapters [9-3](#), 9-4, 9-6, and other special use regulations found in this title:

- (a) Lot Size. The minimum lot size in the Commercial Professional Zone shall be one-half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Professional Zone.
- (b) 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.
- (c) 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.

### **9-3.343 CR Zone.**

The following are property development standards for the CR in addition to those found in Chapters [9-3](#), 9-4, 9-6, and other special use regulations found in this title:

- (a) Lot Size. The minimum lot size in the Commercial Retail Zone shall be one-half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including

condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Retail Zone.

- (b) Parking. Parking areas designated to have vehicles facing El Camino Real or the freeway shall be screened with a landscaped berm a minimum of thirty (30) inches in height.
- (c) Setback. A minimum freeway setback of ten (10) feet shall be provided. Said setback area shall be landscaped.
- (d) Utilities. All new and existing utilities shall be installed underground.
- (e) 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.
- (f) 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.

**9-3.344 CS Zone.**

The following are property development standards for the CS in addition to those found in Chapters [9-3](#), 9-4, 9-6, and other special use regulations found in this title:

- (a) Lot Size. The minimum lot size in the Commercial Service Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Service Zone.
- (b) 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.
- (c) 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.

**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>	
<del>Front</del> Primary Street	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 <del>not to exceed 3 stories</del> ; 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 <u>See also Section 9-3.331(b) (Density and Fractional Density).</u>	24 dwelling units/acre maximum <u>See also Section 9-3.331(b) (Density and Fractional Density).</u>
Fire backflow devices	(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. (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.	

**Article 30. Density Bonus**

**9-3.801 Purpose.**

The purpose of this ~~section~~ Article is to establish a program in accordance ~~comply~~ with California Government Code Section 65915 through 65918 (State Density Bonus Law ~~(California Government Code (GC) Sections 65915 through 65918)~~ to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law, by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households, senior citizens, or include child care facilities.

~~(a) Projects that utilize the density bonus are not required to implement the City’s Inclusionary Housing Policy or other inclusionary housing ordinance in effect at the time of issuance of building permit. (Ord. 570 § 1, 2013)~~ <sup>9-3.801</sup>

**9-3.802 Applicability.**

~~The provisions of this section apply to the construction of five (5) or more housing units as a part of any tentative subdivision map, master plan of development (conditional use permit) or other development application that satisfy one (1) or more of the following criteria:~~

- ~~— (a) At least ten (10) percent of the units are designated for low income households.~~
- ~~— (b) At least five (5) percent of the units are designated for very low income households.~~
- ~~— (c) One hundred (100) percent of the units are designated for senior citizens as defined in Sections 51.3 and 51.12 of the Civil Code or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.~~
- ~~— (d) At least ten (10) percent of the units in a common interest development are designated for moderate-income households, provided that all units in the development are offered to the public for purchase. (Ord. 570 § 1, 2013)~~

- (a) **General.** All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as it may be amended from time to time.
- (b) **Compliance.** The applicant shall comply with all requirements stated in California Government Code Sections 65915 through 65918. The requirements of California Government Code Section 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.
- (c) **Excluded development.** An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code Section 65915.
- (d) **Interpretation.** The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of California Government Code Section 65915. Any changes to California Government Code Section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.
- (e) **Replacement Housing Requirement.** Pursuant to subdivision (c)(3) of California Government Code Section 65915, an applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:
  - (1) The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;
  - (2) The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low income have been vacated or demolished in the five-year period preceding the application;
  - (3) The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower- or very low-income households; or
  - (4) The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower- or very low-income households have been vacated or demolished in the five-year period preceding the application.

**~~9-3.803 — Calculating the density bonus.~~**

~~— The density bonus shall be calculated as shown in the table below for very low, low, and moderate-income households. For housing developments meeting the criteria of Section 9-3.802(c), the density bonus shall be twenty (20) percent of the total number of senior housing units. All density calculations resulting in fractional units shall be rounded consistent with the City's Municipal Code Section 9-1.109.~~

**Percentage of Affordable Units and Corresponding Density Bonus**

<b>Very Low Income Households Earning &lt; 50% AMI</b>		<b>Low Income Households Earning &lt; 80% AMI</b>		<b>Moderate Income 120% AMI Persons/Families in Common Interest Development<sup>†</sup></b>	
<b>Very Low Income Units</b>	<b>Percentage of Density Bonus<sup>†</sup></b>	<b>Low Income Units</b>	<b>Percentage of Density Bonus<sup>†</sup></b>	<b>Moderate Income Units</b>	<b>Percentage of Density Bonus<sup>†</sup></b>
5%	20.0%	10%	20.0%	10%	5.0%
6%	22.5%	11%	21.5%	11%	6.0%
7%	25.0%	12%	23.0%	12%	7.0%
8%	27.5%	13%	24.5%	13%	8.0%
9%	30.0%	14%	26.0%	14%	9.0%
10%	32.5%	15%	27.5%	15%	10.0%
11%	35.0%	16%	29.0%	16%	11.0%
		17%	30.5%	17%	12.0%
		18%	32.0%	18%	13.0%
		19%	33.5%	19%	14.0%
		20%	35.0%	20%	15.0%
				21%	16.0%
				22%	17.0%
				23%	18.0%
				24%	19.0%
				25%	20.0%
				26%	21.0%
				27%	22.0%
				28%	23.0%
				29%	24.0%
				30%	25.0%
				31%	26.0%
				32%	27.0%
				33%	28.0%
				34%	29.0%
				35%	30.0%
				36%	31.0%
				37%	32.0%
				38%	33.0%
				39%	34.0%
				40%	35.0%

**† Density bonus is above the highest range of base density.**

**(Ord. 570 § 1, 2013)**

**9-3.803 Density Increase and Other Incentives.**

—(a)

**General.** If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code Section 65915 et seq., the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

(b) **Density Bonus Units.** Except as otherwise required by California Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

(c) **Market-rate senior citizen housing developments.** Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless California Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

**9-3.804 Developer incentives:**

—(a) ~~Restrictions. When an applicant seeks a density bonus as prescribed by GC Section 65915, the City will grant developer incentives as required, unless it makes any of the following findings:~~

—(1) ~~The developer incentives are not required in order to provide affordable housing, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in GC Section 65915(e).~~

—(i) ~~The developer incentives would have a specific adverse impact, as defined in paragraph (2) of Subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.~~

—(ii) ~~The developer incentives would be contrary to State or Federal law.~~

—(b) ~~Number of Developer Incentives. The number of developer incentives shall be in compliance with the table as shown below:~~

**Number of Developer Incentives**

Number of Developer Incentives	Set Aside Units		
	Very Low-Income Units	Low-Income Units	Moderate-Income Units in Common Interest Developments <sup>1</sup>
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

<sup>1</sup> Common interest development includes common interest developments of, or in a planned development as defined in Subdivision (k) of Section 1351 of the Civil Code that are offered to the public for purchase.

—(c) ~~Developer Incentives Defined. For the purposes of this section, concession or incentive means any of the following that results in identifiable, financially sufficient, and actual cost reductions:~~

- ~~—(1) Reduced site development standards;~~
- ~~—(2) Modified zoning code;~~
- ~~—(3) Architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code;~~
- ~~—(4) A reduction in setback requirements;~~
- ~~—(5) Reduction of vehicular parking standards;~~
- ~~—(6) Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area;~~
- ~~—(7) Other regulatory developer incentives proposed by the developer;~~
- ~~—(8) Other regulatory developer incentives proposed by the City. (Ord. 570 § 1, 2013)~~

### **9-3.804 Physical Constraints and Parking Waivers.**

- (a) **Physical Constraints.** Except as restricted by California Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:
- (1) The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
  - (2) The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
  - (3) The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
  - (4) The waiver or reduction of the development standard would be contrary to state or federal law.
- (b) **Parking.** The applicant may request, and the City may grant, a reduction in parking requirements in accordance with California Government Code Section 65915(p), as that section may be amended from time to time.
- (c) **Order of Election of Development Standard Waivers/Reductions.** Applications for waivers and reductions to development standards shall be approved for all other development standards prior to the waiver or reduction in required open space or additional parking reductions beyond 9-3.804(b).

### **9-3.805 — Waivers and modifications of development standards.**

- ~~—(a) Proposal. In accordance with Government Code Section 65915(e), an applicant may propose a waiver or modification of development standards if it would physically preclude the construction of a~~



~~development project under the criteria Section 9-3.802 at the densities or with the developer incentives permitted by this section. A waiver or modification of standards shall be reviewed by the City's Design Review Committee and approved by the Planning Commission and/or City Council.~~

~~— (b) A proposal for the waiver or reduction of development standards pursuant to this subsection shall neither reduce nor increase the number of developer incentives to which the applicant is entitled pursuant to Section 9-3.804(b).~~

~~— (c) Grounds for Denial. In accordance with Government Code Section 65915(e), the City may deny an applicant's request to waive or modify the City's development standards in any of the following circumstances:~~

~~— (1) The application does not conform with the requirements of this section or Government Code Sections 65915 through 65918.~~

~~— (2) The applicant fails to demonstrate that the City's development standards physically preclude the utilization of a density bonus on a specific site. The City's Design Review Committee or Planning Commission shall make the appropriate finding.~~

~~— (3) The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.~~

~~— (4) The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~

~~— (5) The waiver or reduction would be contrary to State or Federal law. (Ord. 570 § 1, 2013)~~

### **9-3.805 Retention of Density Bonus Units.**

Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the City of Atascadero and the applicant shall agree to an appropriate method of ensuring the continued availability of the density bonus units.

### **9-3.806 Application procedure for Density Increase or Other Incentives.**

~~An application for a density bonus, developer incentive, or waiver or modification of development standards shall include the following information:~~

- ~~— (a) Site plan;~~
- ~~— (b) Preliminary architectural elevations;~~
- ~~— (c) Preliminary floor plans;~~
- ~~— (d) Preliminary landscaping plan;~~
- ~~— (e) The total number of base units;~~
- ~~— (f) The number and location of proposed affordable housing units;~~
- ~~— (g) The specific developer incentive(s) sought, if any;~~
- ~~— (h) The specific waiver or modification to development standards sought, if any;~~
- ~~— (i) If seeking a developer incentive, documentation regarding the necessity of the developer incentive in order to provide affordable housing costs or rents;~~
- ~~— (j) If seeking a waiver or modification of development standards, documentation regarding the necessity of the waiver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;~~
- ~~— (k) If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), information sufficient to permit the City to determine that the proposed donation conforms with the requirements of Section 65915 and this code; and~~

- ~~(1) If requesting a density bonus based on the provision of a child day care facility in accordance with Government Code Section 65915(h), the application must:~~
- ~~(1) Provide the location of the proposed child day care facility and the proposed operator;~~
- ~~(2) Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;~~
- ~~(3) Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued, and~~
- ~~(4) Agree that the child day care facility will be in operation when the first certificate of occupancy is issued.~~
- (a) Application Requirements.** An application for a density increase or other incentives under this Article for a housing development shall be submitted in writing to the Planning Division to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Article, and in connection with the project for which the request is made, including, but not limited to, the following:
- (1) A brief description of the proposed housing development;
- (2) The total number of housing units and/or shared housing units (as defined in California Government Code Section 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;
- (3) The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
- (4) The total number of units to be made affordable to or reserved for sale, or rental to, very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;
- (5) The zoning, general plan designations, and assessor's parcel number(s) of the project site;
- (6) A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;
- (7) The proposed method of ensuring the continued availability of the density bonus units; and
- (8) Within zones that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses;
- (9) A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.
- (b) Application Processing.** The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this Article shall be considered by the Community Development Director or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

#### **9-4.102 Applicability of the standards.**

The standards of this chapter apply to all new land uses which are required to have a zoning approval pursuant to this title, except where the standards of Chapter 9-6 or Chapter 9-3 conflict with the provisions of this chapter, the more restrictive provisions ~~of Chapters 9-6 and 9-3~~ prevail.

**9-4.106 Street setbacks.**

A street setback is measured at right angles from the nearest point on the property line to the building line. Setback landscaping and fencing standards are in Sections 9-4.125(a) and 9-4.128 of this chapter, respectively.

- (a) A, RS, RSF, and LSF Zones. All residential uses shall have a minimum ~~front~~primary street setback of twenty-five (25) feet, except as follows:
- (1) Shallow Lots. The ~~front~~primary street setback shall be a minimum of twenty (20) feet for any lot less than ninety (90) feet deep.
  - (2) Flag Lots and Lots without Street Frontage. Determination of that portion of the site to constitute the required front yard within the flag shall be at the discretion of the applicant. The front setback of the flag of the lot shall be a minimum of ten (10) feet. The front setback within the accessway shall be as in subsection (a) of this section.
  - (3) Sloping Lot Adjustment. Where the elevation of the natural grade on a lot at a point fifty (50) feet from the centerline of the adjacent street right-of-way is seven (7) feet above or below the elevation of the centerline, a private garage may be located, at the discretion of the applicant, as close as five (5) feet to the street property line, subject to the approval of an administrative use permit (Section 9-1.112 of this title), provided that portions of the dwelling other than the garage shall be established at the setback otherwise required.
  - (4) Variable Setback Block. Where a residential block is partially developed with single-family dwellings having less than the required ~~front~~primary street setbacks and no uniform ~~front~~ setback is established, the ~~front~~primary street setback may be adjusted by approval of an administrative use permit (Section 9-1.112 of this title) at the option of the applicant, as follows:
    - (i) Prerequisites for Adjustment. Adjustment may be granted only when twenty-five percent (25%) of the lots on the block with the same frontage are developed and the entire block is within a single zone.
    - (ii) Allowed Adjustment. The normally required minimum ~~front~~primary street setback is to be reduced to the average of the primary street~~front~~ setbacks of the existing dwellings, which include attached garages but not detached garages, to a minimum of ten (10) feet.
  - (5) The Design Review Committee (DRC) may grant an exemption to the ~~front~~primary street setback requirement based on neighborhood compatibility for structures that meet the following criteria:
    - (i) Structures are no greater than ten (10) feet in height;
    - (ii) Structures do not exceed ~~front yard~~primary street setback area coverage of more than fifty percent (50%);
    - (iii) Structures do not impair sight distances for vehicular traffic as reviewed by the City Engineer.
- (b) RMF Zones and Residential Uses in Commercial and Industrial Zones (excluding DC and DO Zones).
- (1) All residential units shall must have a minimum setback of fifteen (15) feet.
  - (i) All garages shall have a minimum front setback of twenty (20) feet.
  - (2) All garages or covered parking areas oriented toward the street must have a minimum setback of twenty (20) feet from the street to which it is oriented.
  - (3) All other accessory structures associated with the residential use must comply with 9-4.106(b)(1).

- (c) CN, CP, CR, CS, CT, CPK, IP and I Zones. No primary or secondary street front setbacks are required. Ground floor residential uses are subject to the setback requirements of subsection (a) of this section.

~~(1iii) Adjacent to Residential Zone. Where a commercial or industrial zone has a front setback, including a double frontage setback, on a street where more than fifty percent (50%) of the lots in the same block are zoned for residential use, the front setback shall be twenty five (25) feet, except that a one-story building or parking may encroach into one-half (1/2) the required front setback depth.~~

- (d) L, LS and P Zone. A minimum ten (10) foot primary street front setback is required, provided that residential uses are subject to the setback requirements of subsection (a) of this section.

(ed) Flag Lots. Any accessway adjacent to a public street shall be subject to the front setback requirements of subsections (a), (b), (c), and (d) of this section. Determination of that portion of the site to constitute the required front yard within the flag shall be at the discretion of the applicant. The front setback of the flag of the lot shall be subject to the side setback requirements of Section 9-4.107 of this chapter.

(fe) Double Frontage Lots.

- (1) Selecting the Setback Location. Where double frontage setback locations are not specified by subdivision requirements or other applicable regulations, the applicant may select the front setback street unless fifty percent (50%) of the lots on a double frontage block are developed with the same front yard orientation. In that case, all remaining lots are to orient their front setbacks with the majority.
- (2) Double Frontage Setback Requirements. A full-front setback is to be provided adjacent to one frontage, and a setback of one-half (1/2) the required front setback depth adjacent to the other frontage.

(gf) Establishment of Front Setback on Zoning Map. The Planning Commission may establish greater front setbacks than those required in this section by delineating the setback on the zoning map. Procedures specified by Section 9-1.115 of this title shall be followed in establishing such setbacks.

#### 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. 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 must~~ have a minimum side setback of five (5) feet, unless built as a common wall or zero lot line development, except as follows: Exceptions:
- (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.~~
- (31) Access Easements. All access easements shall have a minimum setback of five (5) feet, measured from the edge of the easement.
- (2) Transition to Adjacent Rural and Single Family Uses. Where the side property line abuts a property in a RR, RS, RSF, or LSF zoning district, Section 9-4.130 (Transition to Adjacent Rural and Single Family Uses) applies.
- ~~— (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, unless adjacent to property in the RR, RS, RSF, LSF zoning districts, in which case Section 9-4.130 (Transition to Adjacent Rural and Single Family Uses) applies. 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 rear 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, except for the landscape buffer required by Section 9-4.130(j)(4). The rear setback ~~must shall~~ be a minimum of ten (10) feet for buildings or portions of buildings ~~which that~~ exceed twelve (12) feet in height, unless adjacent to property in the RR, RS, RSF, LSF zoning districts, in which case Section 9-4.130 (Transition to Adjacent Rural and Single Family Uses) applies.
- (c) L, LS and P Zones. A minimum of ten (10) foot rear setback is required.

**9-4.109 Interior setbacks and open areas.**

Detached buildings located on the same site are to be separated as follows:

- (a) Non-Habitable Structures. Minimum (5) foot setback required for enclosed structures. No minimum setback for open-sided structures.
- (b) Habitable Structures. Minimum ~~six (56)~~ foot setback required.
- (c) Exemptions. The following structures are exempt from the provisions outlined in this section:
  - (1) Decks;
  - (2) Patio covers and landscape structures;
  - (3) Structures under one hundred twenty (120) square feet when exempt from a building permit based on the adopted Building Code and consistent with the standards set forth in Section 9-6.106(b)(3);
  - (4) Similar accessory structures as determined by the Community Development Director.

**9-4.110 Projections into required setbacks.**

- (a) Uncovered Decks. When constructed with a height more than thirty (30) inches above the surrounding finish grade, a wood deck may extend into required setbacks as follows (decks less than thirty (30) inches high are exempt from these requirements). See Section 9-4.104(a):
  - (1) Front Setback. A deck is not to be located therein.
  - (2) Side Setback. As determined by the Uniform Building Code.
  - (3) Rear Setback. A deck may occupy up to thirty percent (30%) of a required rear setback, but is to extend no closer than three (3) feet to the rear property line.
- (b) Fire Escapes. A ladder or stairs designed to be used exclusively as an upper floor fire escape may project into a required setback only as provided by the Uniform Building Code.
- (c) Roof and Wall Features. Cantilevered and projecting architectural features including chimneys, bay windows, balconies, cornices, eaves, rain gutter, signs (where allowed), display windows, and solar collectors may project into a required setback only as allowed by the Uniform Building Code.
- (d) Porches.
  - (1) Front Porch. A covered front porch may project up to six (6) feet into a required ~~front-primary street~~ setback ([Section 9-4.106](#)), provided that the floor level of the porch is to be no higher than the ground level of the building. An unenclosed front porch is not limited on its projection, provided it is one hundred (100) square feet or less in area.
  - (2) Side Porch. A porch and/or outside stairway may be located in a required side setback provided the porch is not roofed or enclosed below the steps and does not extend into the side setback more than allowed by the Uniform Building Code.
  - (3) Rear Porch. A porch in the required rear setback is subject to the same limitations as a deck, pursuant to subsection (a)(3) of this section.
- (e) Flag Lots. Six (6) foot fences shall be allowed within the front yard setback area, but in no case shall a six (6) foot fence be allowed within an area connecting the required front yard setback areas for any adjoining lots. Trash enclosures may encroach into the front yard setback area but shall maintain a five (5) foot setback from adjoining property lines and shall not be located within the access strip.

**9-4.112 Measurement of height.**

- (a) Buildings and Structures. The height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the finish grade.
- (b) Fences, Walls, and Hedges. The measurement of heights for fencing, walls, arbors or hedges shall be subject to Section 9-4.128.

**9-4.113 Height limitations.**

The maximum height for new structures is as follows:

- (a) Limitation by Zone.

Zone	Maximum Height
A, RS, RSF, LSF	30 feet
CN, CP, CR, CS, CT	35 feet
CPK, IP, I	45 feet
LS, L, P	35 feet
RMF	35 feet <del>(portions of buildings exceeding 25' shall require additional setbacks in accordance with Section 9-4.107)</del>

- (b) Exceptions to Height Limitations.

- (1) Planning Commission Waiver. The height limitations of this section may be modified through conditional use permit approval, provided the Planning Commission first finds the project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties and that the modified height will not exceed the lifesaving equipment capabilities of the Fire Department.
- (2) Height Adjustment. The height limitations specified by subsection (a) of this section may be adjusted ~~by approval of an administrative use permit (Section 9-1.112)~~ for a single-family residential building in a single family residential zoning district to allow additional height, to a maximum of ~~forty-three-five (4035)~~ feet, provided that the required side and rear setbacks are increased one (1) foot in width for each foot of height over thirty (30) feet. Additional height up to forty (40) feet may be granted by the approval of an administrative use permit (Section 9.1-112), provided that the required side and rear setbacks are increased one (1) foot in width for each foot of height over thirty (30) feet.
- (3) Downhill Lot. Where the average front-to-back slope of a lot is greater than one (1) foot of fall in seven (7) feet of distance from the centerline of the street to the rear face of the proposed building, up to ten (10) feet may be added to the rear building face, which is to be excluded from the height measurement (Section 9-4.112).
- (4) Uninhabited Structures. The height limits specified in subsection (a) of this section do not apply to the following structures (measurement of height is to be from the ground, as set forth in Section 9-4.112):
  - (i) Radio and television receiving antennas of the type customarily used for home radio and television receivers, when fifty (50) feet or less in height.
  - (ii) Transmitting antennas used by licensed amateur (ham) radio operators when fifty (50) feet or less in height.
  - (iii) Flagpoles fifty (50) feet or less in height.

- (iv) Grain elevators, silos, water tanks, windmills, wind generators, and all other similar structures not containing residential uses and located in the A, RS, CR, CS, CPK, IP and I Zones.
  - (v) Chimneys no more than one hundred (100) feet in height located in the CPK, IP and I Zones and all other chimneys and roof vents extending no more than two (2) feet above the height limit specified in subsection (a) of this section.
  - (vi) Industrial towers, nonportable equipment and other uninhabited structures no more than sixty (60) feet in height located in the CPK, IP and I Zones.
  - (vii) All portable construction equipment.
  - (viii) Public utility poles and structures for providing electrical and communications services.
  - (ix) Solar collectors not more than five (5) feet above the height limit specified in subsection (a) of this section.
  - (x) Satellite receiving and similar communication dishes and devices in commercial and industrial zones, when no more than ten (10) feet above the maximum height in the zone.
- (5) Architectural Projections/Features and Mechanical Equipment. The following structures and structural features for multifamily residential and mixed-use structures may exceed the height limits of this section provided the added features do not block solar access to adjacent properties, as follows:
- (i) Nonhabitable architectural features. The height limitations of this section may be increased up to forty (40) feet through administrative use permit approval, to allow for nNonhabitable architectural features may be allowed to exceed maximum heights by ten (10) feet including, but not limited to, varied roof forms, tower elements, and cupolas with the intent of encouraging creative building design, provided the feature is an integral part of the structure's architecture, materials, and style.
  - (ii) Rooftop Mechanical Equipment. Rooftop mechanical equipment and related associated architectural screening may exceed maximum height limits by up to five (5) feet provided the screening uses the same architectural style and materials as the primary structure, the screening does not use temporary materials, such as lattice, and the enclosure and equipment is set back a minimum of ten (10) feet from the building's edge or integrated into the building roof form.
  - (iii) Elevator Shafts and Stairways. An elevator or stairway to a rooftop deck/upper story open space may exceed the maximum height limits by up to ten (10) feet.
- ~~(iv) To approve an administrative use permit to increase height, the following findings shall be made:~~
- ~~a. The additional height provides architectural interest and adds to a varied roofline.~~
  - ~~b. The added features will not block solar access to adjacent properties.~~

#### **9-4.115 Off-street parking required.**

All uses requiring an entitlement shall be provided off-street parking as set forth in this section, except parking lots in the following situations:

- (a) Compact Car Spaces. Lots with twenty (20) or more spaces may substitute compact car spaces for up to twenty percent (20%) of the total number of spaces. Compact car spaces shall be a minimum of eight (8) by fourteen (14) feet in size. Compact spaces shall be designated by painting the word "compact" or similar, on the surface of the space.
- (b) Motorcycle Parking. Lots with twenty (20) or more spaces may replace regular spaces with motorcycle spaces at a ratio of one (1) motorcycle space for each twenty (20) spaces. Motorcycle



spaces shall be a minimum size of three (3) by six (6) feet. Motorcycle spaces shall be designated by painting the word “motorcycle,” or similar, on the surface of the space.

- (c) **Bicycle Spaces.** Lots with twenty (20) or more spaces may substitute a bicycle rack providing space for at least five (5) bicycles at a ratio of one (1) bicycle rack for each twenty (20) spaces. It is recommended that all shopping centers provide some bicycle spaces in the project.
- (d) **Parking District.** Parking requirements may be modified within a parking district where the district provides adequate parking within the limits of the district and the parking requirements of a new use are accommodated by the parking district.
- (e) **Shared On-Site Parking Adjustment.** Where two (2) or more nonresidential uses are on a single site, the number of parking spaces may be reduced through administrative use permit approval (Section 9-1.112) at a rate of five percent (5%) for each separate use, up to a maximum of twenty percent (20%); as long as the total number of spaces is not less than required for the use requiring the largest number of spaces.
- (f) **Shared Peak-Hour Parking.** In addition to the reduction of required parking allowed by subsection (e) of this section, where two (2) or more uses have distinct and differing peak traffic usage periods (for example, a theater and a bank), the required number of parking spaces may be reduced through conditional use permit approval, provided that the parking lots of each use are located within three hundred (300) feet of each other (as measured along the most direct pedestrian path). The amount of reduction may be up to seventy-five percent (75%) of the amount of spaces required for the most intensive of the two (2) or more uses sharing the parking.
- (g) **On-Street Parking Adjustment.**
  - (1) Subject to approval of an administrative use permit, multifamily residential and mixed-use developments may meet a portion of required guest parking with on-street parking along the site frontage. Where on-street parking is not marked, twenty-two (22) lineal feet of curb space constitutes an on-street parking space. Where an on-street parking space is adjacent to multiple lots, the credit is given to the development on the lot whose frontage contains more than fifty percent (50%) of the parking space length.
  - (2) Where a proposed driveway from a street to a new parking area would eliminate on-street parking spaces equal to or greater in number than the off-street spaces required, the requirement for off-street spaces may be eliminated through administrative use permit approval (Section 9-1.112 of this title) where the access or proposed building cannot reasonably be redesigned to avoid a net loss of parking.
- (h) **Planning Commission Modification.** The parking standards of this title may be modified through conditional use permit approval based upon specific findings of fact that the characteristics of a use or its immediate vicinity do not necessitate the number of parking spaces, type of design, or improvements required by this title and that reduced parking will be adequate to accommodate on the site all parking needs generated by the use.

#### **9-4.116 Location of parking on a site.**

Required parking spaces may be located as needed on a proposed site, subject to the design and construction standards of Sections 9-4.117 and 9-4.119 of this chapter and the following:

- (a) Use of Primary Street-Front Setback. Required parking spaces are not to be located within the required ~~front~~ primary street setback (Section 9-4.106).
- (b) Parking Between Front Property Line and Residential Buildings. For residential-only and mixed-use residential projects, parking spaces must not be located between the residential structures and the

front property line. However, this configuration may be allowed with administrative use permit approval, provided the parking is constructed of pavers or integral color stamped concrete and based on a finding that superior outdoor common open space results from the parking configuration.

(bc) Use of Side and Rear Setbacks. Side and rear setbacks may be used for vehicle parking. A minimum of five (5) feet of landscaping is required ~~except~~ on the street side of a corner lot ~~and except where landscaping is required by Section 9-4.125 of this chapter between the property line and the parking area.~~ This can be reduced to three (3) feet when decorative concrete (integral color and stamped) or pavers are utilized, consistent with Section 9-4.125(b)(6).

(d) Garages for Multifamily Uses. Individual garages attached to and serving an individual residential unit are allowed as follows:

(1); Each garage must be no more than fourteen (14) feet wide and the garage door must be recessed five (5) feet from the adjacent façade, with the following exception:-

(i) First floor garages with units above are permitted to be up to a 2-car garage (maximum interior dimensions of 24-feet by 24-feet) providing that garage doors face a parking lot and the unit entries face a shared amenity space or pedestrian sidewalk/walkway.

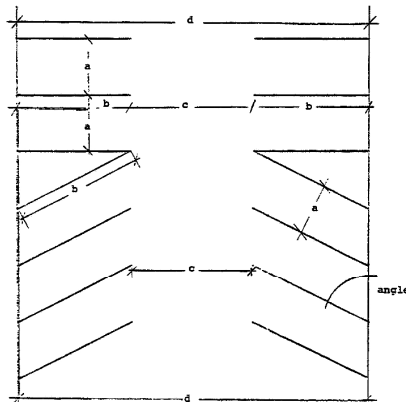
(2) Other required parking spaces, including required parking for the unit and guest parking, must be provided in a shared parking area.

**9-4.117 Parking design standards.**

All off-street parking areas shall be designed and improved as set forth in this section.

(a) Parking Space and Aisle Dimensions. All off-street automobile parking spaces are to be a minimum of nine (9) by eighteen (18) feet in size, except for compact car spaces, handicapped spaces, motorcycle spaces, and bicycle spaces (Section 9-4.115). Parking lot aisles shall be as follows:

(1) Angle Parking. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space as set forth in the following chart. The use of a wider parking space enables reducing the aisle width, as shown.



Angle	Space Width (a)	Space to Curb (b)	Aisle <sup>1</sup> (c)	Tier <sup>2</sup> Width (d)
90 degree	8' — 0" <sup>3</sup>	14' — 0"	20' — 0"	52' — 0"
	9' — 0"	18' — 0"	24' — 0"	60' — 0"
	10' — 0"	18' — 0"	22' — 0"	58' — 0"
60 degree	8' — 0" <sup>3</sup>	16' — 0"	14' — 0"	48' — 0"
	9' — 0"	20' — 0"	18' — 0"	58' — 0"
	10' — 0"	20' — 8"	16' — 0"	57' — 4"
45 degree	8' — 0" <sup>3</sup>	15' — 6"	12' — 0"	43' — 0"
	9' — 0"	19' — 0"	16' — 0"	54' — 0"
	10' — 0"	20' — 0"	14' — 0"	54' — 0"

**Notes:**

- 1 Aisle widths for 45 degree and 60 degree spaces are one-way only.
- 2 Tier means 2 rows of parking spaces, plus an aisle.
- 3 Compact car spaces only, see Section 9-4.115(a) of this chapter.

- (2) Parallel Parking. Space dimensions are to be nine (9) by twenty-two (22) feet. Aisle dimensions for parallel parking are to be twelve (12) feet for one-way aisles, and twenty-four (24) feet for two-way aisles.
- (3) Access Drive Location. A driveway from a street to a parking area with ~~four-two~~ (24) or more spaces is to be located and designed as follows:
- (i) Distance from Street Corner. Parking area driveways are to be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.
  - (ii) Number of Driveways. Entrance and exit driveways crossing the street property line of a single site are to be limited to two (2) along the frontage of any single street except properties in excess of five hundred (500) feet of frontage may have one additional drive for each two hundred fifty (250) feet. One-way Driveways on the same non-single-family property are to be separated by a minimum of sixty fifteen (15) 60 feet. Two-way driveways on the same non-single-family property must be separated by a minimum of one hundred forty--five (145) feet if located on an arterial street and ninety-five (95) feet if on a non-arterial street. Distance is measured from the centerline of the driveway(s).
  - (iii) Driveway Design. Driveways shall be designed to provide for entrance and exit in a forward direction and to avoid backing directly into public streets.
  - (iv) Reciprocal Access Driveways. Driveways that provide access to more than one (1) residential or mixed-use residential project must provide a reciprocal access easement and may waive the landscaping required by Section 9-4.125(a)(6).
- (4) Drop-Off Points Required. Parking areas for public assembly facilities shall include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off points are to be provided for: hotels and motels; schools with fifty (50) or more students; churches with a capacity of one hundred (100) or more; restaurants with a capacity of fifty (50) or more customers; public transportation terminals; places of public assembly; public buildings; and offices larger than five thousand (5,000) square feet.
- (5) Tandem Parking. Each space in a parking lot, area or garage is to be individually accessible, except that automobiles may be parked in tandem in the following situations:
- (i) In a parking area serving a single-family dwelling or individual mobilehome where the tandem parking is not more than two (2) cars in depth; provided that both spaces are for the same dwelling, and are not located in a required front setback.
  - (ii) In a public garage or public parking area where all parking is performed by attendants at all times, or for public assembly facilities and temporary events where user arrivals and departures are simultaneous and where parking is attendant-directed.
  - (iii) For all-day employee parking lots restricted to employee use, provided that required aisle widths are maintained, and no more than fifty (50) percent of the employee spaces are designed for tandem use.

(b) Residential Garage and Carport Standards.

(1) Interior Dimensions.

- a. Single Car Garages and Carports. Parking spaces in a single-car garage or carport must have a minimum width of twelve (12) feet and a minimum length of twenty (20) feet.
- b. Multi Car Garages and Carports. All parking spaces in a garage or carport intended for more than one (1) vehicle must have a minimum width of ten (10) feet and a

minimum length of twenty (20) feet for each parking space. If the garage or carport sides are enclosed, one (1) additional foot is required on each enclosed side.

c. Measurement. The minimum width and length must be measured from within the interior dimensions of the garage or carport.

(2) Single-car garage doors must have a minimum clearance width of nine (9) feet, and double-car garage doors must have a minimum clearance width of sixteen (16) feet. No chain link doors or walls will be permitted.

(3) Garages for Multifamily uses. See Section 9-4.116(d).

**Amend 9-4.118 section (a) to read as follows:**

- (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 unless approved by the Community Development Director in conjunction with a parking management plan.
  - (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.

**9-4.119 Parking lot construction standards.**

All parking areas containing three (3) or more off-street parking spaces are to be improved as follows, except as otherwise provided by this section.

- (a) Surfacing. All parking areas are to be surfaced with an asphalt, concrete, chip seal, or crushed rock surface, or similar, as specified in the following chart or as required by property development standards listed in this Code. Where concrete or asphalt is required, brick or other masonry paving units may be substituted, including turf block. Where surfacing is intended to function as both emergency vehicle access and open space with appropriate amenities, surface must include pavers, integral color stamped concrete, masonry, brick, or permeable paving units.

**Minimum Required Surface  
Parking Lot Turnover**

Location	High	Medium	Low
Inside urban services line	Asphalt or concrete	Asphalt or concrete	Asphalt or concrete
Outside urban services line	Asphalt or concrete	Asphalt or concrete	Crushed rock or chip seal

- (b) Lining and Marking. Parking spaces in paved parking areas shall be marked with paint striping, a minimum of two (2) inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.
- (c) Wheel Stops. Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment. In addition, wheel stops are required for each parking space in a high turnover parking lot. Wheel stops shall be provided as follows:
  - (1) Materials and Installation. Wheel stops shall be constructed of concrete, continuous concrete curbing, asphalt, timber, or other durable material not less than six (6) inches in height, or an approved functional equivalent. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.
  - (2) Setback. Wheel stops or other vehicle barriers shall be located approximately three (3) feet from the front of the parking space.
  - (3) Functional Equivalent. Wherever possible, functional equivalents in the form of raised sidewalks or curbs surrounding planters or similar may be used in lieu of wheel stops.
- (d) Vertical Clearance. Covered parking spaces are to have a vertical clearance of at least seven (7) feet six (6) inches above the parking lot surface for all uses, except residential.
- (e) Slope. The finished grade of a parking lot is not to exceed five percent (5%) slope, unless approved by an administrative use permit (Section 9-1.112 of this title).
- (f) Landscaping. ~~A minimum of ten percent (10%) of the interior of all parking lots shall be landscaped, in addition to any perimeter landscaping required by subsection (g) of this section.~~ Shade trees are to be provided at approximately at a maximum spacing of thirty-five (30/35) foot-feet intervals along parking rows, except shade trees are not required where solar panel covered carports are located. ~~Landscaping fingers shall be a minimum of six (6) feet wide and shall be provided every eight (8) parking spaces.~~ These landscaping requirements do not apply to parking lots that are underground or within buildings.
- (g) Screening.

- (1) From Residential Areas. Parking lots that abut a residential zone shall be separated from such property by a landscaping strip with a minimum width of five (5) feet and a six (6) foot high solid fence or wall.
- (2) From Streets. Parking lots abutting a public street shall be separated from the street right-of-way by a landscaping strip with a minimum width of ten (10) feet; and, where parking spaces are arranged to head toward the street, by a minimum three (3) foot high solid fence decorative wall or landscape equivalent located on the parking lot side of the landscaping strip.

#### **9-4.124 Landscaping, screening and fencing.**

The purposes of landscaping, screening, and fencing standards are to: provide areas on sites which can absorb rainfall to assist in reducing storm water runoff; control erosion; reduce glare and noise; enhance the appearance of structures and property; ~~and to provide visual privacy;~~ consider the native flora and fauna; provide shade and reduce heat island effect; and screen buildings and associated non-structural site elements to the extent practicable. Landscaping, screening and fencing standards are organized in the following sections:

- 9-4.125 Landscape standards.
- 9-4.126 Standards for landscaping materials.
- 9-4.127 Landscaping plans.
- 9-4.128 Fencing and screening.
- 9-4.129 Solid waste collection and disposal.

#### **9-4.125 Landscape standards.**

- (a) Where Required. —The sites of all projects requiring approval, except for single family dwellings, are to be landscaped as follows:
- ~~—(a) Minimum Landscaped Area.~~
  - ~~—(1) In the following zoning districts, minimum landscape coverage based on the net site area are as follows:~~
    - ~~—(i) Single family zoning districts: none (see Chapter 5 of this Code for second unit landscaping requirements);~~
    - ~~—(ii) Multifamily zoning districts: twenty five percent (25%);~~
    - ~~—(iii) Commercial zoning districts (excluding downtown commercial): ten percent (10%);~~
    - ~~—(iv) Industrial zoning districts: five percent (5%);~~
    - ~~—(v) Planned Development overlay zoning districts: as required by the master plan of development and conditions of approval.~~
  - ~~—(2) Determination of Landscape Coverage Area. Landscape coverage area shall include all areas not covered by pavement or buildings, including, but not limited to, open space areas, planters, and setback areas. Decorative pavement used within a common open space area for recreational purposes may be included in the landscape coverage calculation.~~
  - ~~—(3) Criteria for Reduced Landscaping. To encourage design excellence, the Community Development Director, Planning Commission, or City Council (depending on approval process) may decrease the minimum landscaped area, upon the following criteria:~~
    - ~~—(i) Professionally designed landscaping, designs of special merit, decorative site elements, and preserving existing mature native trees are highly encouraged and considered in an applicant's request to reduce required landscaping.~~

- ~~— (ii) The Community Development Director, Planning Commission, or City Council (depending on approval process) may grant a reduction of an applicant’s landscape requirement by a total of up to fifty percent (50%) upon an applicant’s demonstration of the criteria listed below:~~
- ~~— a. Retention of existing on-site native trees with a minimum of twenty five percent (25%) canopy cover retained over the project site;~~
- ~~— b. Use of decorative pavement material such as pavers or colored stamped concrete over a minimum of twenty five percent (25%) of the paved area of the site;~~
- ~~— c. Installation of a variety of tree and plant materials, including ornamental species and native trees;~~
- ~~— d. Use of box sized trees throughout the project site.~~
- ~~— (b) Where Required. The sites of all projects requiring approval, except for single family dwellings, are to be landscaped as follows:~~
- (1) Setbacks. All setback areas required by Section 9-4.103 or Chapter 9-6 of this title, except where enclosed ~~and screened from the view of public streets and adjoining properties by solid fencing in accordance with Section 9-4.128 of this chapter~~ as a private yard and except where a required setback is traversed by a driveway or sidewalk;
- (2) Unused Areas. All areas of a building site not identified on a site plan intended for a specific use or purpose, except ~~where enclosed and blocked from the view of public streets by solid fencing and/or buildings enclosed private yards;~~
- (3) Parking Areas. As required by subsections (f) and (g) of Section 9-4.119 of this chapter;
- (4) Trash Enclosures. All trash enclosures shall be screened with landscaping unless built into the building or built in compliance with Section 9-4.129 (Solid waste collection and disposal);
- (5) Street Trees. Minimum fifteen (15)-gallon street trees shall be provided along all public and private street frontages at a minimum of thirty (30) feet on center;
  - (i) Street Tree Defined. Street trees shall be those trees planted between buildings and public rights of way, as part of a required landscape plan.
  - (ii) Downtown street trees shall be planted in accordance with adopted downtown streetscape standards.
  - (iii) Menu of Options. All projects shall provide street trees along street frontages between the public right of way and building face. Any street trees within the public right-of-way must be approved by the City Engineer. Projects may choose one of the options listed in Subsection a, b, or c to fulfill this requirement. Trees within the below listed tree size categories shall be those trees listed in the City’s Engineering standard list, or as otherwise approved by the City based on similar size characteristics (height and spread) and appropriateness for urban planting.
    - a. Large Trees. Large Trees shall be planted within an unpaved planting area and in compliance with Section 9-4.126 as follows:
      1. With a maximum spacing of seventy (70) feet on center between trees;
      2. With a three (3)-foot minimum distance from back of sidewalk; and
      3. With a twelve (12)-foot minimum distance to buildings on all sides.
      4. Encroachment with flatwork for outdoor amenity spaces may occur provided that a minimum 6-feet by 6-feet open planter area is maintained.



b. Medium Trees. Medium Trees shall be planted within an unpaved planting area and in compliance with Section 9-4.126 as follows:

1. Within a maximum spacing of forty (40) feet on center between trees;
2. With a three (3)-foot minimum distance from back of sidewalk; and
3. With an eight (8)-foot minimum distance to buildings on all sides.
4. Encroachment with flatwork for outdoor amenity spaces may occur provided that a minimum 6-feet by 6-feet open planter area is maintained.

c. Accent Trees. Accent Trees shall be planted within an unpaved planting area and in compliance with Section 9-4.126 as follows:

1. Within a maximum spacing of twenty-five (25) feet on center between trees;
2. With a three (3)-foot minimum distance from back of sidewalk; and
3. With a five (5)-foot minimum distance to buildings on all sides.
4. Encroachment with flatwork for outdoor amenity spaces may occur provided that a minimum 6-feet by 6-feet open planter area is maintained .

(iv) Tree Species. Tree species shall be consistent with the City's Engineering standard. Another comparable tree not on the City's Engineering standard list may be allowed, subject to the approval of the City Engineer and Community Development Director.

(v) Location. Street trees shall be planted outside of the public right of way unless approved by the Public Works Department.

(vi) Groupings. Naturalized tree groupings that total the same number of trees indicated in Subsections 9-4.125(a)5.i.a.1 and 9-4.125(a)5.i.b.1 may be allowed for Large and Medium Trees where warranted by unique site conditions, subject to the approval of the City Engineer and Community Development Director.

(vii) Installation. All trees within 10-feet of a public sidewalk or road surface shall be installed with a root barrier and deep root watering system.

(viii) Maintenance. Maintenance responsibilities shall be per AMC 4-6.04. All street trees must be maintained in a manner that allows the tree to reach its natural height and spread. The use of growth inhibiting substances or pruning practices is prohibited.

(ix) Removal and Replacement. Damaged or failing street trees may be removed provided replacements are provided within 8 weeks of removal, unless otherwise approved by the Community Development Director.

- (6) Special Use Sites. As required by Chapter 9-6 of this title for specific land uses, for the purposes of screening, buffering or general landscaping;
- (7) Where Required by Conditions of Approval. As set forth in conditions of approval adopted pursuant to Section 9-2.110(b)(3)(ii);
- (8) A minimum five (5) foot landscape strip must be provided within the side yard setback of all commercial and multifamily project sites, except in locations where a reciprocal access easement exists with the adjacent lot or commercial building is located (see Section 9-4.117[a][3][iv]). This side yard width may be reduced to three (3) feet if decorative concrete pavement is utilized.

**(eb) Exceptions to Required Landscaping.**

- (1) ~~Agricultural Use Zone~~. Except where required for a special use by Chapter 9-6 of this title, setback and unused area landscaping; ~~in accordance with subsections (a)(1) and (a)(2) of this section,~~ is not required where such areas are cultivated or maintained in native vegetation in association with agricultural uses.
- (2) Planning Commission Modification. Where conditional use permit approval is required, the Planning Commission may ~~waive, modify or increase~~ the landscaping requirements of this section. If landscaping is decreased from the requirements listed above, if a findings can must be made as follows:
  - (i) ~~that e~~Existing vegetation, topography, or structural arrangement preclude the need for landscaping.
  - (ii) Use of decorative pavement material such as pavers or colored stamped concrete has been incorporated over a minimum of twenty-five percent (25%) of the paved area of the site;
  - (iii) The project includes installation of a variety of tree and plant materials, including ornamental species and native trees;
  - (iv) Minimum 15-gallon trees and shrubs are used throughout the project site.
  - (v) For multi-family developments, the project meets the minimum open space requirements of Section 9-3.262

**9-4.126 Standards for landscaping materials.**

Materials used and their installation and maintenance is subject to the following provisions, except single-family residences within a single-family residential zone:

- (a) Allowable Materials. Landscaping shall include some combination of the following materials, where appropriate to achieve the intended or required purpose of the landscaping (e.g., screening, etc.) and must meet all Wildland Urban Interface (WUI) standards, as applicable but in no case shall contain only nonliving landscape materials:
  - (1) Trees (minimum fifteen (15)-gallon size), shrubs (minimum one (1)-gallon size), groundcover, non-invasive vines, flowers or lawns (drought-resistant plantings are preferred in order to minimize water use for landscaping).
  - (2) Nonliving landscaping materials, including but not limited to ~~D~~decorative pavement, mulch, decorative boulders, or other decorative materials in accordance with landscape coverage standards listed in Section 9-4.125 of this chapter;
  - (3) Natural features such as rock outcrops;
  - (4) Structural features, including fountains, ponds, walls, and fences.
  - (5) For multifamily residential projects, a pedestrian entry feature may be installed that exceeds the fence height standards but shall not exceed a maximum height of nine feet, width of eight feet, and depth of four feet.
- (b) Excluded Materials. Landscaping proposed to satisfy the requirements of this title shall not include any plant materials which:
  - (1) Have root structures that in their mature state may damage or interfere with the normal use of existing public or private underground electrical lines, cables, or conduits, pipes or other underground structures; or public or private sidewalks, curbs, gutters or paved parking and turnaround areas, drainage improvements, or adjacent structures, foundations or landscape materials. For residential projects of two units or more, landscaping and planting plan must demonstrate landscaped area can accommodate proposed plant palette at full maturity;

- (2) Will have diminished potential for survival because of proposed locations or grouping that does not satisfy the needs of the plant material necessary for healthy growth;
- (3) Because of proposed location and type, will create a potential hazard of ~~brush or forest~~wild-fire;
- (4) Will obstruct the vision of vehicle operators or pedestrians at points of intersection between pedestrian and vehicular traffic: (refer to engineering standard: Minimum Sight Distance for Driveways and Intersecting Roads with Stop Control);
- (5) Are identified on California Department of Food and Agriculture list as noxious or invasive;
- ~~(d) Concrete Curbing. Where landscaping is required to be installed by Section 9-4.125 of this chapter, such landscaping shall be enclosed by raised concrete curbing or an approved functional equivalent, prior to final unless a bond is approved by the Community Development Director.~~
- ~~(ec) Proper Maintenance Required. All required plantings shall be maintained in good growing condition, and in any case where a required planting has not survived, shall be replaced with new plant materials. All landscaping on-site or planted along street frontage shall be maintained in a manner that allows trees to grow to their full natural height and natural canopy. No growth suppressants shall be permitted that result in stunting or modifying the natural growth pattern of the tree. A maintenance agreement may be recorded against the property in a form approved by the Community Development Director.~~

#### **9-4.127 Landscaping plans.**

The purpose of a landscaping plan is to identify the placement and type of plant materials as features of project design. By detailing the plantings and method of irrigation proposed, a landscaping plan provides an effective means for evaluating whether chosen plant materials will: survive in the climate and soils of a given site; satisfy the functional objectives of landscaping (such as erosion control, screening, recreational opportunities, and shade) within a reasonable time; and whether a proposed irrigation system will adequately support landscaping while conserving water. Landscaping plans shall be prepared, processed, and used as follows:

- (a) Where Required. Landscaping plans are required for all commercial, mixed-use, and multi-family projects approved precise plan and conditional use permit applications prior to issuance of a building permit, except for:
  - ~~(1) Residential projects of two (2) units or less;~~
  - ~~(2) Agricultural uses not involving buildings and agricultural accessory buildings.~~
- (b) Landscaping Plan Content. Landscaping plans are to be neatly and accurately drawn, at an appropriate scale, that will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscaping plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans shall show the following details, in accordance with the applicable design standards:
  - (1) The location of all trees existing in or within fifty (50) feet of areas proposed for grading or other construction ~~that are eight (8) inches or larger in diameter at four (4) feet above natural grade~~. Trees proposed to be removed are to be identified (refer to Section 9-11.105 for tree removal standards);
  - (2) Any shrubs or plants identified as rare, endangered or critical by the San Luis Obispo County Native Plant Society;
  - (3) Proposed landscaping details, including the location, species, container size, and number of trees, shrubs and groundcover, and provisions for irrigation;

- (4) Details and location of proposed fencing, entries, trash collection areas and freestanding signs;
- (5) Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment;
- (6) Outdoor light fixtures, including their location, height and wattage;
- (7) Irrigation system details, where an automatic irrigation system is proposed or required. Irrigation plan details shall include:
  - (i) A plan and schedule of equipment, including gate valve, backflow preventer, control valves, piping, sprinkler heads, meter size and location,
  - (ii) Water source, including type, size of service connection, flow in gallons per minute (GPM), static water pressure in pounds per square inch (PSI), and maximum pressure in PSI required to operate the irrigation circuit with the greatest pressure loss in the system.

#### **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 front setback or side street setback adjacent to a street. All fencing must meet Wildland Urban Interface (WUI) standards, as applicable.

- (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 not exceed noise levels of 50dB at the property line and shall be screened to the height of the particular piece of equipment, as follows:
  - (i) Roof-Mounted Equipment. Mechanical equipment may be mounted on roofs, provided the equipment is concealed from the view of abutting streets with~~To be screened by~~ solid architectural features that are integrated into the overall architectural design, such as a parapet wall. Temporary and lattice materials must not be used.~~from the view of abutting streets.~~
  - (ii) Equipment at Grade. ~~When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.~~ 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 six (6) months of installation. This subsection does not apply to single-family residential uses.

- (a). Mechanical equipment located within three (3) feet of a structure shall be fully screened with structural/architectural screening that matches the architectural style and materials of the adjacent structure.
- (b). Mechanical equipment that is set back more than three (3) feet from a structure shall be fully screened with landscaping, except sides where access for maintenance is required. Proposed plant materials shall have 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. Maintenance access sides shall be oriented away from the public way or any common open space area(s).
- (c.) 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 ~~front or corner yard-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 ~~front or corner yard~~primary or secondary street frontage setback ~~can~~may 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.
  - c. Interior fences or landscape delineation between private yards and common open spaces within multifamily developments, including cottage clusters, shall comply with Section 9-4.130(k)(5).
  - d. Exterior fencing (along the original project site perimeter for cottage clusters and along the property lines for other multifamily projects) for multifamily residential projects shall be consistent in style, design, and materials throughout the project site and subject to any applicable additional standards of this section.
- (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.~~

~~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.~~

~~—(2v) The Design Review Committee (DRC) may grant an exemption to the front setback fence height requirement in setbacks adjacent to streets, 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.~~

~~(3vi) 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)(a).~~

(2) Additional Fencing Requirements. All fencing shall also comply with the following standards:

(i) Transparency. Fencing within a required primary or secondary street setback shall have at least fifty percent (50%) transparency. The following designs and/or materials may be used: hog panel with wood frame, split rail, decorative iron, metal picket, wood picket, welded pipe rail with wire, or similar as approved by the Community Development Director.

(ii) Fence Materials.

a. The following designs and/or materials must not be used in any zoning district except as specified below for Industrial and Industrial Park Zoning designations: chain-link that does not comply with sSection– 9-4.128(c)(4)(ii), barbed wire, razor wire, plywood, particle board, paper, visqueen plastic, plastic tarp, cloth, or similar material,; except that barbed, razor, or concertina wire fencing may be allowed as follows:

i. For agricultural fencing utilized in a low height four (4) feet or less within a rural setting to enclose livestock

ii. In the industrial and Industrial Park zoning districts, 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.

b. Dog-eared fencing and electric fences for animal control must not be used in any zoning district except in single-family and agriculture zoning districts.

c. Wood fencing in any multi-family or non-residential development shall include a top and bottom rail.

d. Fence posts shall be metal or pressure treated wood.

(iii) Fencing around storm drainage basins:

a. Shall not exceed four (4) feet;

b. Shall be at least seventy-five percent (75%) transparent; and

c. May be constructed of split rail or other natural materials that have horizontal material application.

- (43) Screening Materials Substitution. Where screening is required to be a solid wall or fence, the following materials may be substituted ~~through adjustment (see Section 9-1.112 of this title)~~ 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. 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 within a planting area at least three (3) feet in width 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.~~

#### 9-4.129 **Solid waste, recycling, and organics collection and disposal.**

Within the urban services line, all land uses ~~requiring a zoning approval~~, except ~~single family dwellings, temporary uses, agricultural uses, and other~~ uses that do not create a need for solid waste pickup and disposal shall provide an enclosed area for the temporary storage of solid waste before disposal truck pickup, as required by this section.

- (a) Application Content. ~~Applications Permit and entitlement applications for plot plan, precise plan and conditional use permit approval~~ shall include the location of solid waste collection areas, collection containers, and maneuvering areas for disposal trucks, including access driveways where necessary.
- (b) Collection Area Standards.
  - (1) Required Facilities. The following facilities shall be required for each project type.
    - (i) Multi-family. Multi-family developments of two (2) units or less may be served by a consolidated shared waste collection area or may be served by individual trash receptacles for each unit if the property frontage is greater than fifty (50) linear feet. Multiple-family developments with more than two (2) units shall be served by consolidated common waste collection area(s).
    - (ii) Mixed-use. All mixed-use developments shall be served by consolidated common waste collection area(s) regardless of the number of units.
    - (iii) Commercial. All commercial developments shall provide a consolidated area(s) for solid waste collection.



- (42) Location of Collection Facilities. The solid waste collection area(s) shall be located within one hundred (100) feet of the dwellings or buildings served, but is not to be located in any ~~front primary or secondary street yard~~ setback (Section 9-4.106).
- (i) Exception: For multifamily residential projects of two or more units, subject to an administrative use permit and compliance with the following standards, solid waste collection areas may be placed within a primary, secondary, or corner street setback:
- a. Solid waste collection area shall be placed at least five feet from the primary street property line;
  - b. The project shall provide an additional Tier 1 amenity for open space (described in Section 9-3.262(c)(4)(i));
  - c. The solid waste collection enclosure shall be designed to include all of the following:
    1. Shed, gabled, or trellis-style roof;
    2. A walled in area utilizing the same solid primary or secondary siding materials as the multifamily structure; and
    3. Installation of a minimum of five (5) feet of landscaping surrounding non-entry portions of the structure; and
  - d. Tree spacing along property frontage in accordance with Section 9-4.125(a)(3).
- (2) Enclosure Required. Solid waste collection areas ~~that use dumpsters or other containers with a total capacity greater than two (2) thirty three (33) gallon containers~~ shall be designed to accommodate dumpsters, cans, compost, and/or recycling containers adequate to serve the project and consistent with State law, and shall be screened from the view of public streets and adjoining properties by a solid fence or wall as high as the collection container, but not less than ~~three (3) feet nor more than~~ six (6) feet in height.
- (3) Enclosure Construction Standards.
- (i) The floor or bottom surface of a solid waste collection area shall be of concrete or other impervious materials.
  - (ii) The collection shall have adequate unobstructed vertical clearance, consistent with the solid waste removal service standards, for a minimum height of twenty five (25) feet.
- (4) Enclosure Construction Standards – Multifamily Residential and Mixed-Use Development. In addition to the above, the following standards apply to residential projects of two or more units:
- (i) Enclosures shall be constructed of the same architectural design and materials of the primary structures on site, or shall be constructed of a darker earthtone textured block. ;
  - (ii) If located between a primary building and a street, enclosures shall be compliant with Section 9-4.129(b)(i).
    - (vi) Every trash enclosure for multi-family residential development shall have a non-combustible, overhanging trellis or roof cover designed to prevent precipitation from entering trash bins.
    - (vii) Enclosures shall have solid steel vehicular entry doors and one pedestrian door.
    - (ix) Wheel stops or curbs shall be provided to prevent dumpsters from hitting walls of enclosure.

**9-4.137 Exterior lighting.**

The standards of this section are applicable to all outdoor night-lighting sources installed after the effective date of this title, except for streetlights located within public rights-of-way ~~and all uses established in the Agriculture Zone. An electrical permit may be required by Title 8.~~

- (a) Illumination Only. Outdoor lighting shall be used for the purpose of illumination only and shall not be designed for or used as an advertising display, except as provided by ~~Sections Title 9, Chapter 15 (Sign Code). 9-4.130 et seq.~~
- (b) ~~Nondecorative~~ Exterior Lighting Shielded. All ~~nondecorative~~ exterior lighting shall be dark-sky compliant or equivalent and shall be recessed at least two inches or shall be shielded with two-inch shielding as measured from the lens or light source to direct light toward buildings or the ground and reduce glare. Light sources shall be designed and adjusted to direct light away from any road or street and away from any property or buildings outside the ownership of the applicant.
- (c) Minimization of Light Intensity. ~~No light or glare shall be transmitted or reflected off-site in such concentration or intensity as to be detrimental or harmful to persons or to interfere with the use of surrounding properties or streets and must not exceed four thousand (4,000) Kelvin.~~
- (d) Decorative Exterior Lighting Shielded. The light source for all ~~Where~~ lights, including those are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source is to ~~shall~~ be shielded so as not to be ~~directly~~ visible from off-site, and must not exceed four thousand (4,000) Kelvin. String lights may be allowed in occupied dining and entertainment areas only and must not exceed three thousand (3,000) Kelvin. String lights shall not be used as landscape lights. This does not apply to seasonal lighting.
- (e) Ground Illuminating Lights. Any light source used for ground area illumination except incandescent lamps of one hundred fifty (150) watts or less ~~and light produced directly by the combustion of natural gas or other fuels,~~ shall be shielded from above in such a manner that the edge of the shield is level with or below the lowest edge of the light source. ~~Where any light source intended for ground illumination is located at a height greater than eight (8) feet, the required shielding is to extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within one thousand (1,000) feet of the light fixture.~~
- (f) Height of Light Fixtures. Freestanding outdoor lighting fixtures shall not exceed ~~the allowed height of the tallest building on the site, pursuant to Section 9-4.111~~ 12-feet in height.
- (g) Parking Lot Lighting. Parking lot lighting may not exceed the levels needed to provide low level safety lighting for parking lot areas, as demonstrated by photometric plans.
- (h) Motion Sensors. Lighting must be on motion sensors to minimize lighting when not in use.
- (i) Pedestrian Lighting. All lighting near residential units and along pedestrian pathways must be a pedestrian scale, which may include bollard lighting.
- (j) Exceptions: Lighting required for security at ATMs (and similar types of areas) may be exempt from shielding requirements if it can be shown that shielding will conflict with lighting levels required for safety.

**Amend AMC 9-4.159(b) as follows:**

- (b) Where Required. Within the urban services line, concrete curb, gutter, and sidewalk is required with any project in the following areas:
  - (1) In all commercial zones, except in commercial areas oriented to highway travel unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements.

- (2) In the RMF Zones, except ~~that area with a permitted density of ten (10) units or less where the right-of-way is not of sufficient width to accommodate sidewalks on both sides, the City Engineer may allow alternative improvements to accommodate pedestrian walking surface on one side of the street and parking on the other side of the street not be required to provide the improvements unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements. In RMF Zones with a permitted density of ten (10) units or less per acre, asphalt or similar shoulder improvements shall be provided to accommodate pedestrian.~~
- (3) In all industrial zones, except that sidewalks may not be required unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements.
- (4) In areas designated by any Curb, Gutter and Sidewalk Plan adopted by the City Council.
- (5) In Planned Developments except where an alternative pedestrian path system is proposed and accepted by the City Engineer.
- (6) Along El Camino Real.
- (7) Along Morro Road (Capistrano Avenue to San Gabriel Road).

**Amend AMC 9-9.102 to add the following definitions:**

**Abutting/Adjoining.** Contiguous to; having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street).

**Adjacent.** The condition of being near to or close to but not necessarily having a common dividing line. Two properties that are separated by an alley, public or private right-of-way, street, ~~(other than a principal arterial)~~, public access easement, or creek, river, stream, or other natural or artificial waterway shall be considered as adjoining one another. See also “Abutting/Adjoining.”

**Open Space, Common.** Open space that is accessible to all dwelling units on the site in the form of courtyards, landscaping, pedestrian paths, and recreational facilities.

**Open Space, Private.** Open space that is accessible directly from the living area of a dwelling unit in the form of a fenced yard or patio, a deck, or balcony.

**Open space, usable.** Areas designed and intended to support residents’ passive or active use and located on the same parcel as the dwelling units for which it is required, or development where shared access and use is provided. Usable open space shall not include any portion of parking areas-, streets, driveways, sidewalks, or turnaround areas.

Applicants are advised to consult the Planning and Zoning Code [https://library.qcode.us/lib/atascadero\\_ca/pub/municipal\\_code/item/title\\_9](https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_9) and Planning Division staff prior to applying. This checklist is a summary but is not all inclusive of requirements.

CITY OF ATASCADERO  
 Community Development Department, **Planning Division**  
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 Website: www.atascadero.org

<b>Mixed-use Project Checklist</b>		
<b>Project Complies</b>	<b>Description</b>	<b>Section</b>
<b>9-3.331 MIXED-USE RESIDENTIAL REQUIREMENTS</b>		
<input type="checkbox"/>	<b>Maximum Density.</b> Maximum 24 du/acre	9-3.331; 9-3.347
<input type="checkbox"/>	<b>Fractional Density.</b> <b>Check one</b> <input type="checkbox"/> <b>Fractional Density Applied.</b> The following may be used to calculate multi-unit development density allowed on a parcel: - Units up to 600 square feet = 0.50 units - Units of 601 square feet up to 1,000 square feet = 0.66 unit - Units over 1,000 square feet = 1 unit <input type="checkbox"/> <b>Fractional Density Not Applied</b>	9-3.331(b)
<b>9-4.106 - 9-4.128, 9-3.347 SETBACKS, HEIGHT, PARKING, LANDSCAPING, AND FENCING</b>		
<input type="checkbox"/>	<b>Maximum Height.</b> <b>Check one</b> <input type="checkbox"/> <b>CN, CP, CR, CS, DO Zoning Districts.</b> 35 feet <input type="checkbox"/> <b>DC Zoning District.</b> 45 feet	9-4.113; 9-3.347
<input type="checkbox"/>	<b>Street Setback for Residential Uses.</b> <b>Check one</b> <input type="checkbox"/> <b>Frontage on El Camino Real or Highway 41.</b> Minimum 15 feet <input type="checkbox"/> <b>Frontage on other streets.</b> Minimum 12 feet <input type="checkbox"/> <b>DC or DO Zone.</b> No minimum	9-4.106
<input type="checkbox"/>	<b>Street Trees.</b> <b>Check one</b> <input type="checkbox"/> <b>Large Trees.</b> Planted in an unpaved planting area 70 feet on center; set back minimum 12 feet from buildings and minimum 3 feet from back of sidewalk <input type="checkbox"/> <b>Medium Trees.</b> Planted in an unpaved planting area 40 feet on center; set back minimum 8 feet from buildings and minimum 3 feet from back of sidewalk <input type="checkbox"/> <b>Accent Trees.</b> Planted in an unpaved planting area 25 feet on center; set back minimum 5 feet from buildings and minimum 3 feet from back of sidewalk	9-4.125(a)(5)
<input type="checkbox"/>	<b>Parking Lot Landscaping.</b> Shade trees at 35-foot intervals	9-4.119(f) and (g)
<input type="checkbox"/>	<b>Parking.</b> Complies with required number of spaces, parking design, parking location	9-4.115 to 9-4.119
<input type="checkbox"/>	<b>Mechanical Equipment.</b> Minimum 5-foot setback from property line, not visible from public right-of-way, and screened	9-3.331(d), 9-4.128
<input type="checkbox"/>	<b>Fencing.</b> Fence height, materials, and screening	9-4.128
<input type="checkbox"/>	<b>Storage Space.</b> Minimum 130 cubic feet of enclosed storage per unit, not located within the unit. May be combined for units, such as long-term bicycle storage.	9-3.331(e)
<input type="checkbox"/>	<b>Downtown Maximum Average Unit Size.</b> <b>Check one</b> <input type="checkbox"/> Maximum average unit size is 1,200 square feet or less (within a new mixed-use project in the Downtown districts (DO or DC). <input type="checkbox"/> <b>Does not apply.</b>	9-3.331(g)
<b>9-3.331(h) OUTDOOR RECREATION OR GATHERING AREAS</b>		
<i>Only applies to projects with 5 or more units in Commercial zoning districts and 11 or more units in Downtown zoning districts.</i>		
<input type="checkbox"/>	<b>Open Space Size</b> <input type="checkbox"/> Minimum 30 square feet per unit <input type="checkbox"/> <b>Does not apply</b>	9-3.331(h)(1)

Project Complies	Description	Section
<input type="checkbox"/>	<b>Open Space Type. <u>Check one</u></b> <b>&lt; 50 units</b> <input type="checkbox"/> Private amenity <input type="checkbox"/> Common open space, minimum 750 square feet <input type="checkbox"/> Combination private/common <b>50+ units</b> <input type="checkbox"/> Common open space, minimum 750 square feet <input type="checkbox"/> Combination private/common, no more than 50% is private	9-3.331(h)(1)
<input type="checkbox"/>	<b>Private Open Space Minimum Dimensions. <u>Check one</u></b> <input type="checkbox"/> Minimum 5 feet (width and depth) in any direction <input type="checkbox"/> <b>Does not apply</b>	9-3.331(h)(2)
<input type="checkbox"/>	<b>Common Open Space Minimum Dimensions. <u>Check one</u></b> <input type="checkbox"/> Minimum 10 feet (width and depth) and at least 750 square feet <input type="checkbox"/> <b>Does not apply</b>	9-3.331(h)(3)
<b>9-4.129 SOLID WASTE, RECYCLING, AND ORGANICS COLLECTION AND DISPOSAL</b>		
<input type="checkbox"/>	<b>Design. <u>Check all</u></b> <input type="checkbox"/> Matches architectural design and materials of primary structure <input type="checkbox"/> Trellis or roof cover <input type="checkbox"/> Solid steel door <input type="checkbox"/> Wheel stops or curbs	9-4.129(b)(4)
<b>9-4.130 MULTIFAMILY AND MIXED-USE BUILDING DESIGN STANDARDS</b>		
<b>9-4.130(f)(2) Tier 1: Required Components</b>		<i>Table 9-4.130-2</i>
<input type="checkbox"/>	<b>Ground Floor Height.</b> Minimum 10 feet	9-4.130(f)(2)(i)
<input type="checkbox"/>	<b>Transparencies.</b> <b>Nonresidential Ground-Floor Uses.</b> - Minimum 30% of building façades facing primary streets. - Minimum 20% of building façades facing non-primary streets. <b>Nonresidential Upper-Floor Uses and Residential Uses.</b> Minimum 15%	9-4.130(f)(2)(ii)
<input type="checkbox"/>	<b>Windows.</b> Minimum 2 inch inset	9-4.130(f)(2)(iii)
<input type="checkbox"/>	<b>Blank Walls.</b> Maximum 20 feet in length	9-4.130(f)(2)(iv)
<input type="checkbox"/>	<b>Corner Treatments. <u>Check one</u></b> <input type="checkbox"/> Project located at intersection, provide the following within 25 feet of street intersection. <b><u>Check a minimum of two</u></b> <input type="checkbox"/> <b>Ground Floor Entry.</b> <input type="checkbox"/> <b>Material Variation.</b> (80% façade height, cannot be combined with color variation) <input type="checkbox"/> <b>Color Variation.</b> (80% façade height, cannot be combined with material variation) <input type="checkbox"/> <b>Fenestration Variation.</b> (80% façade height) <input type="checkbox"/> <b>Tower Element.</b> <input type="checkbox"/> <b>Roof Style Variation.</b> <input type="checkbox"/> <b>Does not apply.</b>	9-4.130(f)(2)(v)
<b>9-4.130(f)(3) Tier 2: Wall Plane Variation</b>		
<input type="checkbox"/> All façades facing the public right-of-way include variation that cumulatively equals at least 25% of the total façade plane area that faces the public right-of-way. <i>(Only applies to buildings 25 feet in length or more.)</i>		
<input type="checkbox"/> <b>Does not apply.</b>		
<i>Buildings 25 feet or less (length)</i>	<i>Between 25 feet and 50 feet (length)</i>	<i>More than 50 feet (length)</i>
<b>No requirement.</b>	<b>Check a minimum of one.</b>	<b>Check a minimum of two.</b>

CITY OF ATASACADERO

MIXED-USE PROJECT CHECKLIST

Project Complies	Description	Section						
<input type="checkbox"/>	<b>Plaza or Forecourt.</b> Minimum 12 feet (depth) by minimum 20% of the primary street-facing building façade (length)	9-4.130(f)(3)(i)(a)						
<input type="checkbox"/>	<b>Upper Story Stepback.</b> Minimum 8 feet (depth) by minimum 15% of the primary street-facing building façade (length)	9-4.130(f)(3)(i)(b)						
<input type="checkbox"/>	<b>Balconies.</b> Projected or recessed balconies - See Section 9-4.130[g][2] for balcony requirements	9-4.130(f)(3)(i)(c)						
<input type="checkbox"/>	<b>General Massing Break.</b> Minimum 1 foot (depth) by 3 feet (length) by 8 feet (height)	9-4.130(f)(3)(i)(d)						
<input type="checkbox"/>	<b>Full Brick Façade.</b> Minimum 90% of total nontransparent façade. See also Subsection 9-4.130[i][1][ii] for returning materials at corners.	9-4.130(f)(3)(i)(e)						
<b>4.130(f)(3)(ii) and (iii) Tier 2: Wall Plane Variation Additional Regulations</b>								
<input type="checkbox"/>	<b>Vertical Elements on Horizontal Buildings.</b> <b>Check one.</b> <input type="checkbox"/> At least 1 (of the required Tier 2 design strategy options) shall be a vertical element - <i>Only applies to buildings more than 50 feet (length)</i> <input type="checkbox"/> <b>Does not apply</b>	9-4.130(f)(3)(ii)						
<input type="checkbox"/>	<b>Wall Plane Variation Projections Allowance.</b> <b>Check one.</b> <input type="checkbox"/> No more than 50% of total wall plane variation (measured in square feet) may project 2 feet into the front setback <input type="checkbox"/> <b>Projection Allowance Not Applied</b>	9-4.130(f)(3)(iii)						
<b>9-4.130(f)(4) Tier 3: Fenestration and Materials</b>								
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:33%;">Buildings 25 feet or less (length)</th> <th style="width:33%;">Between 25 feet and 50 feet (length)</th> <th style="width:33%;">More than 50 feet (length)</th> </tr> </thead> <tbody> <tr> <td><b>Check a minimum of three.</b></td> <td><b>Check a minimum of three.</b></td> <td><b>Check a minimum of three.</b></td> </tr> </tbody> </table>			Buildings 25 feet or less (length)	Between 25 feet and 50 feet (length)	More than 50 feet (length)	<b>Check a minimum of three.</b>	<b>Check a minimum of three.</b>	<b>Check a minimum of three.</b>
Buildings 25 feet or less (length)	Between 25 feet and 50 feet (length)	More than 50 feet (length)						
<b>Check a minimum of three.</b>	<b>Check a minimum of three.</b>	<b>Check a minimum of three.</b>						
<input type="checkbox"/>	<b>Awnings.</b> Minimum 3 foot depth, covering at least 75% of windows and doors on the ground floor on street-facing facades - See Section 9-4.130[g][1] for awning requirements	9-4.130(f)(4)(i)						
<input type="checkbox"/>	<b>Transparency.</b> Exceed minimum transparency requirements by 5 additional percentage points on street and common open space facing facades - See Section 9-4.130[f][2][ii] for transparency standards	9-4.130(f)(4)(ii)						
<input type="checkbox"/>	<b>Window Trim.</b> Minimum 3½ inches (width) and ¾ inch (depth) on street and common open space facing facades	9-4.130(f)(4)(iii)						
<input type="checkbox"/>	<b>Window Frame Material.</b> Window frame material (all windows) that is not white vinyl	9-4.130(f)(4)(iv)						
<input type="checkbox"/>	<b>Lintels.</b> Applied over at least 50% of all window and door openings on street and common open space facing facades	9-4.130(f)(4)(v)						
<input type="checkbox"/>	<b>Windowsills.</b> Minimum 2 inch projection beyond the building façade, applied to at least 50% of all window openings on street and common open space facing facades	9-4.130(f)(4)(vi)						
<input type="checkbox"/>	<b>Decorative Trim.</b> Molding, cornice, corbeled end beams, and/or rafter tails between stories (not at roof level) - See Figure 4-e: Decorative Trim	9-4.130(f)(4)(vii)						
<input type="checkbox"/>	<b>Secondary Cladding Material.</b> Minimum 25% of any street-facing façade area (excluding windows and doors), or the first story of the street-facing façade	9-4.130(f)(4)(viii)						
<b>9-4.130(f)(5) Tier 4: Roofs</b>								
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:33%;">Buildings 25 feet or less (length)</th> <th style="width:33%;">Between 25 feet and 50 feet (length)</th> <th style="width:33%;">More than 50 feet (length)</th> </tr> </thead> <tbody> <tr> <td><b>Check a minimum of one.</b></td> <td><b>Check a minimum of two in Commercial zones, one in DO or DC zones.</b></td> <td><b>Check a minimum of two in Commercial zones, one in DO or DC zone.</b></td> </tr> </tbody> </table>			Buildings 25 feet or less (length)	Between 25 feet and 50 feet (length)	More than 50 feet (length)	<b>Check a minimum of one.</b>	<b>Check a minimum of two in Commercial zones, one in DO or DC zones.</b>	<b>Check a minimum of two in Commercial zones, one in DO or DC zone.</b>
Buildings 25 feet or less (length)	Between 25 feet and 50 feet (length)	More than 50 feet (length)						
<b>Check a minimum of one.</b>	<b>Check a minimum of two in Commercial zones, one in DO or DC zones.</b>	<b>Check a minimum of two in Commercial zones, one in DO or DC zone.</b>						
<input type="checkbox"/>	<b>Eaves and Rakes.</b> Minimum 18-inch projection on all roof sections.	9-4.130(f)(5)(i)						
<input type="checkbox"/>	<b>Corbeled End Beams/Rafter Tails.</b> Minimum 16-inch projection, spaced minimum 2 feet (maximum 3 feet) apart, for the length of each roof eave	9-4.130(f)(5)(ii)						
<input type="checkbox"/>	<b>Cornice.</b> Minimum 1-inch (maximum 8-inch) projection, extending the length of the building (except vertical features), or soldier row on an all-brick building.	9-4.130(f)(5)(iii)						

CITY OF ATASACADERO

MIXED-USE PROJECT CHECKLIST

Project Complies	Description	Section
<input type="checkbox"/>	<b>Roof Profile Variation. <i>Check one.</i></b> <input type="checkbox"/> <b>Height.</b> Variation in height of the same roof type by minimum 18 inches <input type="checkbox"/> <b>Pitch.</b> Variation in pitch of the same roof type by minimum 25% <input type="checkbox"/> <b>Gables.</b> Minimum 40% of façade length.	9-4.130(f)(5)(iv)
<input type="checkbox"/>	<b>Multiple Roof Types.</b> Secondary roof type for minimum 25% of total roof line. <i>See Section 9.4-130[g][3] for roof standards. May also be used to comply with Section 9-4.130[f][2][v][f] requirement if applied at a street intersection corner.</i>	9-4.130(f)(5)(v)
<input type="checkbox"/>	<b>Dormers.</b> Minimum 50% of upper floor windows and no less than 2 windows	9-4.130(f)(5)(vi)
<b>9-4.130(h)(1) Allowable Entryway Types by Building Type</b>		
<input type="checkbox"/>	<b>Mixed-use. <i>Check one.</i></b> <input type="checkbox"/> <b>Shopfront</b> <i>See Section 9.4-130[h][3][i] for shopfront standards.</i> <input type="checkbox"/> <b>Arcade</b> <i>See Section 9.4-130[h][3][ii] for arcade standards.</i>	9-3.262(h)(1)
<b>9-4.130(i)(4) Color Variety</b>		
<input type="checkbox"/>	<b>Building Exterior.</b> Minimum 2 (maximum 4) colors on building wall exterior. <i>See Section 9.4-130[i] for allowed/prohibited building materials and colors.</i>	9-3.262(i)(4)
<b>ADDITIONAL STANDARDS IF ADJACENT TO SINGLE FAMILY ZONING DISTRICT</b>		
Where the side or rear property line abuts a property in the RR, RS, RSF, or LSF zoning districts.		
<b>9-4.130(j) Transition to Abutting Rural and Single Family Uses</b>		
<input type="checkbox"/>	<b>Landscape Buffer.</b> Minimum 5-foot landscape buffer (clear of any wall footings)	9-4.130(j)(4)
<input type="checkbox"/>	<b>Screening Wall.</b> Minimum 6 feet (height) of solid wall or fence	9-4.130(j)(5)
<input type="checkbox"/>	<b>Balcony Orientation. <i>Check one</i></b> <input type="checkbox"/> Balconies oriented away from abutting single-family <input type="checkbox"/> <b>Does not apply</b>	9-4.130(j)(3)
<b>9-4.130(j) Transition to Abutting Rural and Single Family Uses</b> <i>Only applies to mixed-use and multifamily projects of 5 units or more.</i> <input type="checkbox"/> <b>Does not apply</b>		
<input type="checkbox"/>	<b>10-Foot Setback.</b> From abutting single family zoning district	9-4-130(j)(1)
<input type="checkbox"/>	<b>Additional Setback. <i>Check one</i></b> <input type="checkbox"/> <b>Upper Story Stepback.</b> 6 feet minimum - <i>See Figure 4-l: Upper Story Stepback</i> <input type="checkbox"/> <b>Building Setback.</b> Additional 5 feet minimum - <i>See Figure 4-m: Building Setback</i>	9-4-130(j)(2)

Applicants are advised to consult the Planning and Zoning Code [https://library.qcode.us/lib/atascadero\\_ca/pub/municipal\\_code/item/title\\_9](https://library.qcode.us/lib/atascadero_ca/pub/municipal_code/item/title_9) and Planning Division staff prior to applying. This checklist is a summary but is not all inclusive of requirements.

CITY OF ATASCADERO  
 Community Development Department, **Planning Division**  
 6500 Palma Ave, Atascadero, CA 93422  
 Tel: (805) 461-5035 ♦ Email: PermitCenter@atascadero.org  
 Website: www.atascadero.org

<b>Multifamily Project Checklist</b>		
<b>Project Complies</b>	<b>Description</b>	<b>Section</b>
<b>9-3.245 DENSITY – RMF ZONE</b>		
<input type="checkbox"/>	<b>Minimum and Maximum Density. <i>Check one</i></b> <input type="checkbox"/> <b>RMF-10.</b> Minimum 2 du/acre; maximum 10 du/acre <input type="checkbox"/> <b>RMF-20.</b> Minimum 20 du/acre; maximum 24 du/acre	9-3.252
<input type="checkbox"/>	<b>Fractional Density. <i>Check one</i></b> <input type="checkbox"/> <b>Fractional Density Applied.</b> The following may be used to calculate multi-unit development density allowed on a parcel: - Units up to 600 square feet = 0.50 units - Units of 601 square feet up to 1,000 square feet = 0.66 unit - Units over 1,000 square feet = 1 unit <input type="checkbox"/> <b>Fractional Density Not Applied</b>	9-3.252
<b>9-4.106 - 9-4.128 SETBACKS, HEIGHT, PARKING, LANDSCAPING, AND FENCING</b>		
<input type="checkbox"/>	<b>Maximum Height.</b> 35 feet	9-4.113
<input type="checkbox"/>	<b>Street Setback. <i>Check one</i></b> <input type="checkbox"/> <b>Frontage on El Camino Real or Highway 41.</b> Minimum 15 feet <input type="checkbox"/> <b>Frontage on other streets.</b> Minimum 12 feet	9-4.106
<input type="checkbox"/>	<b>Side Setback.</b> Minimum 5 feet	9-4.107
<input type="checkbox"/>	<b>Rear Setback.</b> Minimum 10 feet	9-4.108
<input type="checkbox"/>	<b>Interior Setbacks (Building Separation).</b> Minimum 6 feet between buildings	9-4.109
<input type="checkbox"/>	<b>Parking. <i>Check all</i></b> <input type="checkbox"/> <b>General.</b> Complies with required number of spaces, parking design, parking location <input type="checkbox"/> <b>Garages.</b> Garage width maximum 14 feet wide and 5 ft setback from façade (or no attached garages provided), or compliant with exception in Section 9-4.116(d)(1)(i) <input type="checkbox"/> <b>Parking for Guest and Other Required Spaces.</b> Located in a shared parking area	9-4.115 to 9-4.119
<input type="checkbox"/>	<b>Street Trees. <i>Check one</i></b> <input type="checkbox"/> <b>Large Trees.</b> Planted in an unpaved planting area 70 feet on center; set back minimum 12 feet from buildings and minimum 3 feet from back of sidewalk <input type="checkbox"/> <b>Medium Trees.</b> Planted in an unpaved planting area 40 feet on center; set back minimum 8 feet from buildings and minimum 3 feet from back of sidewalk <input type="checkbox"/> <b>Accent Trees.</b> Planted in an unpaved planting area 25 feet on center; set back minimum 5 feet from buildings and minimum 3 feet from back of sidewalk	9-4.125(a)(5)
<input type="checkbox"/>	<b>Parking Lot Landscaping.</b> Shade trees at 35-foot intervals	9-4.119(f) and (g)
<input type="checkbox"/>	<b>Fencing.</b> Fence height, materials, and mechanical equipment screening	9-4.128
<b>9-3.262 PROPERTY DEVELOPMENT STANDARDS – RMF</b>		
<input type="checkbox"/>	<b>Storage Space.</b> Minimum 130 cubic feet of enclosed storage per unit, which must be accessed from outside the unit. May be combined for units, such as long-term bicycle storage.	9-3.262(b)
<input type="checkbox"/>	<b>Laundry Facilities. <i>Check one</i></b> <input type="checkbox"/> Laundry hookups within each individual dwelling unit <input type="checkbox"/> Shared laundry facility	9-3.262(f)



Project Complies	Description	Section						
<input type="checkbox"/>	<b>Pedestrian Connections.</b> All residential units are connected to pedestrian pathways or linked to off-site pedestrian connections	9-3.262(g)						
<b>9-3.262(c) OUTDOOR RECREATION OR GATHERING AREAS</b>								
<input type="checkbox"/>	<b>Size.</b> Minimum 200 square feet per unit	9-3.262(c)(1)						
<input type="checkbox"/>	<b>Type. <i>Check one</i></b> <b>2-3 units</b> <input type="checkbox"/> Private amenity <input type="checkbox"/> Common open space, minimum 400 square feet <input type="checkbox"/> Combination private/common <b>4-9 units</b> <input type="checkbox"/> Common open space, 50% or more is minimum 800 square feet <input type="checkbox"/> Combination, no more than 50% is private <b>10+ units</b> <input type="checkbox"/> Common open space, 50% or more is minimum 1,000 square feet <input type="checkbox"/> Combination, no more than 50% is private	9-3.262(c)(1)						
<input type="checkbox"/>	<b>Private Open Space Minimum Dimensions. <i>Check one</i></b> <input type="checkbox"/> Minimum 6 feet (width and depth) in any direction <input type="checkbox"/> <i>Does not apply</i>	9-3.262(c)(2)(i)						
<input type="checkbox"/>	<b>Common Open Space Minimum Dimensions. <i>Check one</i></b> <input type="checkbox"/> Minimum 10 feet (width and depth) in any direction <input type="checkbox"/> <i>Does not apply</i>	9-3.262(c)(3)(i)						
<input type="checkbox"/>	<b>Not</b> located in drainage basins with 2 feet (depth) or greater and/or areas not accessible to the units being served	9-3.262(c)(3)(iii)						
<b>9-3.262(c)(4) Common Open Space – Required Amenities</b>								
<input type="checkbox"/>	<b>Tier 1 Amenities. <i>Check a minimum of one</i></b> <input type="checkbox"/> Courtyard Entry - <i>Only applies to projects of 3 units or more</i> <input type="checkbox"/> Shade over 50% of common open space, including one canopy tree <input type="checkbox"/> Public or interactive art <input type="checkbox"/> On-site tree preservation	9-3.262(c)(4)(i)						
<input type="checkbox"/>	<b>Tier 2 Amenities.</b> <table border="1" data-bbox="313 1346 1224 1413"> <thead> <tr> <th>2-3 units</th> <th>4-9 units</th> <th>10+ units</th> </tr> </thead> <tbody> <tr> <td><i>Check a minimum of one</i></td> <td><i>Check a minimum of two</i></td> <td><i>Check a minimum of two</i></td> </tr> </tbody> </table> <input type="checkbox"/> Fixed or movable seating/outdoor dining area <input type="checkbox"/> Enclosed, off-leash dog run/relief/wash area <input type="checkbox"/> Children’s play area <input type="checkbox"/> Sports court or other outdoor activity stations <input type="checkbox"/> Pool or spa <input type="checkbox"/> Outdoor kitchen <input type="checkbox"/> Fire pit with permanent natural gas line <input type="checkbox"/> Patio (minimum area 150 square feet and dimension of 10 feet in any direction) <input type="checkbox"/> Preservation of 25% of existing mature tree canopy <input type="checkbox"/> Parking court - <i>Only applies to projects of 4 units or less</i>	2-3 units	4-9 units	10+ units	<i>Check a minimum of one</i>	<i>Check a minimum of two</i>	<i>Check a minimum of two</i>	9-3.262(c)(4)(ii)
2-3 units	4-9 units	10+ units						
<i>Check a minimum of one</i>	<i>Check a minimum of two</i>	<i>Check a minimum of two</i>						
<input type="checkbox"/>	<b>Tier 3 Amenities.</b> <table border="1" data-bbox="313 1766 1224 1833"> <thead> <tr> <th>2-3 units</th> <th>4-9 units</th> <th>10+ units</th> </tr> </thead> <tbody> <tr> <td><i>Check a minimum of one</i></td> <td><i>Check a minimum of one</i></td> <td><i>Check a minimum of two</i></td> </tr> </tbody> </table> <input type="checkbox"/> Vertical landscaping <input type="checkbox"/> Community garden	2-3 units	4-9 units	10+ units	<i>Check a minimum of one</i>	<i>Check a minimum of one</i>	<i>Check a minimum of two</i>	9-3.262(c)(4)(iii)
2-3 units	4-9 units	10+ units						
<i>Check a minimum of one</i>	<i>Check a minimum of one</i>	<i>Check a minimum of two</i>						

Project Complies	Description	Section
	<input type="checkbox"/> Flowering plants or edible landscaping <input type="checkbox"/> 100% native, drought-tolerant plants and habitat <input type="checkbox"/> Interpretive or educational information <input type="checkbox"/> Nature trail	
<b>9-3.262(c)(5) Open Space Area – Additional Standards and Restrictions</b>		
<input type="checkbox"/>	<b>Slope.</b> Maximum 6% slope	9-3.262(c)(5)(i)
<input type="checkbox"/>	<b>Front Setback. Check one</b> <input type="checkbox"/> If located in a front setback, open space use areas shall be set back at least 5 feet from the property line/edge of right-of-way. <input type="checkbox"/> <b>Does not apply.</b>	9-3.262(c)(5)(iv)
<b>9-3.262(d) Open Space Reductions</b>		
<input type="checkbox"/>	<b>Location. Check one</b> <input type="checkbox"/> Project site is within 500 feet of public park; 50% reduction of required open space <input type="checkbox"/> Project site is within 1,000 feet of public park; 25% reduction of required open space <input type="checkbox"/> <b>Reduction Not Applied.</b>	9-3.262(d)(1)
<input type="checkbox"/>	<b>Indoor Recreation Area. Only applies to buildings more than 50 feet (length). Check one</b> <input type="checkbox"/> Indoor recreation area (2,000 square feet); 25% reduction of required open space <input type="checkbox"/> <b>Reduction Not Applied.</b>	9-3.262(d)(2)
<b>9-4.129 SOLID WASTE, RECYCLING, AND ORGANICS COLLECTION AND DISPOSAL</b>		
<input type="checkbox"/>	<b>Location. Check one</b> <input type="checkbox"/> Not in the front yard setback <input type="checkbox"/> In the front yard setback (requesting AUP) and compliant with 9-4.129(b)(1)(i)	9-4.129(b)(1)
<input type="checkbox"/>	<b>Individual/Consolidated. Check one</b> <input type="checkbox"/> Consolidated shared waste collection area. <input type="checkbox"/> Individual trash receptacles. <i>Only allowed for projects with 2 or fewer units and a frontage greater than 50 linear feet.</i>	9-4.129(b)(2)
<input type="checkbox"/>	<b>Design. Check all</b> <input type="checkbox"/> Matches architectural design and materials of primary structure <input type="checkbox"/> Trellis or roof cover <input type="checkbox"/> Solid steel door <input type="checkbox"/> Wheel stops or curbs	9-4.129(b)(4)

Project Complies	Description	Section
<b>9-4.130 MULTIFAMILY AND MIXED-USE BUILDING DESIGN STANDARDS</b>		
<b>9-4.130(f)(2) Tier 1: Required Components</b>		<i>Table 9-4.130-2</i>
<input type="checkbox"/>	<b>Transparencies.</b> Minimum 15%	9-4.130(f)(2)(ii)
<input type="checkbox"/>	<b>Windows.</b> Minimum 2 inch inset	9-4.130(f)(2)(iii)
<input type="checkbox"/>	<b>Blank Walls.</b> Maximum 20 feet in length	9-4.130(f)(2)(iv)
<b>9-4.130(f)(3)(i) Tier 2: Wall Plane Variation</b>		
<input type="checkbox"/>	All façades facing the public right-of-way include variation that cumulatively equals at least 25% of the total façade plane area that faces the public right-of-way.	
<input type="checkbox"/>	<b>Does not apply.</b> (Does not apply to projects with less than 5 units or cottage clusters.)	
	<i>Duplex, Triplex, Fourplex, Cottages</i>	<i>5+ Units and less than 50 feet (length)</i>
		<i>5+ Units and more than 50 feet (length)</i>
	<b>No requirement</b>	<b>Check a minimum of one</b>
		<b>Check a minimum of two</b>
<input type="checkbox"/>	<b>Plaza or Forecourt.</b> Minimum 12 feet (depth) by minimum 20% of the primary street-facing building façade (length)	9-4.130(f)(3)(i)(a)
<input type="checkbox"/>	<b>Upper Story Stepback.</b> Minimum 8 feet (depth) by minimum 15% of the primary street-facing building façade (length)	9-4.130(f)(3)(i)(b)
<input type="checkbox"/>	<b>Balconies.</b> Projected or recessed balconies - See Section 9-4.130[g][2] for balcony requirements	9-4.130(f)(3)(i)(c)
<input type="checkbox"/>	<b>General Massing Break.</b> Minimum 1 foot (depth) by 3 feet (length) by 8 feet (height)	9-4.130(f)(3)(i)(d)
<input type="checkbox"/>	<b>Full Brick Façade.</b> Minimum 90% of total nontransparent façade. See also Subsection 9-4.130[i][1][ii] for returning materials at corners.	9-4.130(f)(3)(i)(e)
<b>9-4.130(f)(3)(ii) and (iii) Tier 2: Wall Plane Variation Additional Regulations</b>		
<input type="checkbox"/>	<b>Vertical Elements on Horizontal Buildings.</b> <b>Check one.</b> <input type="checkbox"/> At least 1 (of the required Tier 2 design strategy options) shall be a vertical element - Only applies to buildings more than 50 feet (length) <input type="checkbox"/> Does not apply	9-4.130(f)(3)(ii)
<input type="checkbox"/>	<b>Wall Plane Variation Projections Allowance.</b> <b>Check one.</b> <input type="checkbox"/> No more than 50% of total wall plane variation (measured in square feet) may project 2 feet into the front setback <input type="checkbox"/> Projection Allowance Not Applied	9-4.130(f)(3)(iii)
<b>9-4.130(f)(4) Tier 3: Fenestration and Materials</b>		
	<i>Duplex, Triplex, Fourplex, Cottages</i>	<i>5+ Units and less than 50 feet (length)</i>
		<i>5+ Units and more than 50 feet (length)</i>
	<b>Check a minimum of two</b>	<b>Check a minimum of three</b>
		<b>Check a minimum of three</b>
<input type="checkbox"/>	<b>Transparency.</b> 20%+ transparency on street and common open space facing facades	9-4.130(f)(4)(ii)
<input type="checkbox"/>	<b>Window Trim.</b> Minimum 3½ inches (width) and ¾ inch (depth) on street and common open space facing facades	9-4.130(f)(4)(iii)
<input type="checkbox"/>	<b>Window Frame Material.</b> Window frame material (all windows) that is not white vinyl	9-4.130(f)(4)(iv)
<input type="checkbox"/>	<b>Lintels.</b> Applied over at least 50% of all window and door openings on street and common open space facing facades	9-4.130(f)(4)(v)
<input type="checkbox"/>	<b>Windowsills.</b> Minimum 2-inch projection beyond the building façade, applied to at least 50% of all window openings on street and common open space facing facades	9-4.130(f)(4)(vi)
<input type="checkbox"/>	<b>Decorative Trim.</b> Molding, cornice, corbeled end beams, and/or rafter tails between stories (not at roof level) - See Figure 4-e: Decorative Trim	9-4.130(f)(4)(vii)
<input type="checkbox"/>	<b>Secondary Cladding Material.</b> <b>Check one.</b> <input type="checkbox"/> Duplex, Triplex, Fourplex, or Cottage Cluster. Minimum 10% of any street-facing façade area (excluding windows and doors), or the first story of the street-facing façade	9-4.130(f)(4)(viii)

CITY OF ATASACADERO

MULTI-FAMILY PROJECT CHECKLIST

Project Complies	Description	Section
<input type="checkbox"/>	<b>Multiplex.</b> Minimum 25% of any street-facing façade area (excluding windows and doors), or the first story of the street-facing façade	
<b>9-4.130(f)(5) Tier 4: Roofs</b>		
	<i>Duplex, Triplex, Fourplex, Cottages</i>	<i>5+ Units and less than 50 feet (length)</i>
	<i>5+ Units and more than 50 feet (length)</i>	
	<b>Check a minimum of one</b>	<b>Check a minimum of two</b>
<input type="checkbox"/>	<b>Eaves and Rakes.</b> Minimum 18-inch projection on all roof sections	9-4.130(f)(5)(i)
<input type="checkbox"/>	<b>Corbeled End Beams/Rafter Tails.</b> Minimum 16-inch projection, spaced minimum 2 feet (maximum 3 feet) apart, for the length of each roof eave	9-4.130(f)(5)(ii)
<input type="checkbox"/>	<b>Cornice.</b> Minimum 1-inch (maximum 8-inch) projection, extending the length of the building (except vertical features), or soldier row on an all-brick building	9-4.130(f)(5)(iii)
<input type="checkbox"/>	<b>Roof Profile Variation. Check one.</b> <input type="checkbox"/> <b>Height.</b> Variation in height of the same roof type by minimum 18 inches <input type="checkbox"/> <b>Pitch.</b> Variation in pitch of the same roof type by minimum 25% <input type="checkbox"/> <b>Gables.</b> Minimum 40% of façade length	9-4.130(f)(5)(iv)
<input type="checkbox"/>	<b>Multiple Roof Types.</b> Secondary roof type for minimum 25% of total roof line - See Section 9.4-130[g][3] for roof standards	9-4.130(f)(5)(v)
<input type="checkbox"/>	<b>Dormers.</b> Minimum 50% of upper floor windows and no less than 2 windows	9-4.130(f)(5)(vi)
<b>9-4.130(h)(1) Allowable Entryway Types by Building Type</b>		
<input type="checkbox"/>	<b>Entryway. Check one</b> <b>Duplex, Triplex, Fourplex, or Cottage Cluster.</b> <input type="checkbox"/> <b>Porch</b> See Section 9.4-130[h][3][iii] for porch standards <b>Multiplex (5+ units)</b> <input type="checkbox"/> <b>Arcade</b> See Section 9.4-130[h][3][ii] for arcade standards <input type="checkbox"/> <b>Porch</b> See Section 9.4-130[h][3][iii] for porch standards	9-3.262(h)(1)
<b>9-4.130(i)(4) Color Variety</b>		
<input type="checkbox"/>	<b>Building Exterior.</b> Minimum 2 (maximum 4) colors on building wall exterior - See Section 9.4-130[i] for allowed/prohibited building materials and colors	9-3.262(i)(4)
<b>ADDITIONAL STANDARDS IF ADJACENT TO SINGLE FAMILY ZONING DISTRICT</b> Where the side or rear property line abuts a property in the RR, RS, RSF, or LSF zoning districts.		
<b>9-4.130(j) Transition to Abutting Rural and Single Family Uses</b>		
<input type="checkbox"/>	<b>Landscape Buffer.</b> Minimum 5-foot landscape buffer (clear of any wall footings)	9-4.130(j)(4)
<input type="checkbox"/>	<b>Screening Wall.</b> Minimum 6 feet (height) of solid wall or fence	9-4.130(j)(5)
<input type="checkbox"/>	<b>Balcony Orientation. Check one</b> <input type="checkbox"/> Balconies oriented away from abutting single-family <input type="checkbox"/> <b>Does not apply</b>	9-4.130(j)(3)
<b>9-4.130(j) Transition to Abutting Rural and Single Family Uses Only applies to mixed-use and multifamily projects of 5 units or more. <input type="checkbox"/> Does not apply</b>		
<input type="checkbox"/>	<b>10-Foot Minimum Setback.</b> From abutting single family zoning district	9-4-130(j)(1)
<input type="checkbox"/>	<b>Additional Setback.</b> For buildings within 15-feet of abutting residential property. <b>Check one</b> <input type="checkbox"/> <b>Upper Story Setback.</b> 6 feet minimum - See Figure 4-l: Upper Story Setback <input type="checkbox"/> <b>Building Setback.</b> Additional 5 feet minimum - See Figure 4-m: Building Setback	9-4-130(j)(2)
<b>9-4.130(l) ADDITIONAL STANDARDS FOR COTTAGE CLUSTERS</b>		
<b>9-4.130(l)(2) Site Planning</b>		
<input type="checkbox"/>	<b>Unit Count.</b> Minimum of 3 and maximum of 12 cottages per single cottage cluster.	9-4.130(l)(2)(i)
<input type="checkbox"/>	<b>Common Courtyard. Check one</b>	9-4.130(l)(2)(ii)

## CITY OF ATASACADERO

## MULTI-FAMILY PROJECT CHECKLIST

Project Complies	Description	Section
	<input type="checkbox"/> Shared common courtyard <input type="checkbox"/> <b>Does not apply</b> (Cluster less than 5 units exempt.)	
<input type="checkbox"/>	<b>Garages/Carports.</b> No more than 25% garages/carports of common courtyard's perimeter abutted by garages	9-4.130(l)(2)(iii)
<input type="checkbox"/>	<b>Allowed Building Type(s).</b> <b>Check all that apply</b> <input type="checkbox"/> Single detached units <input type="checkbox"/> Duplexes	9-4.130(l)(2)(iv)
<b>9-4.130(l)(3) Setbacks</b>		
<input type="checkbox"/>	<b>Setback from Property Line.</b> Aligns with underlying zoning district	9-4.130(l)(3)(i)
<input type="checkbox"/>	<b>Setback between Structures.</b> Minimum 6 feet	9-4.130(l)(3)(ii)
<b>9-4.130(l)(4) Maximum Building Footprint</b>		
<input type="checkbox"/>	<b>Individual Units.</b> <b>Check all that apply</b> <input type="checkbox"/> Single Detached Unit. Maximum 800 square feet <input type="checkbox"/> Duplex. Maximum 1,000 square feet	9-4.130(l)(4)
<b>9-4.130(l)(5) Open Space</b>		
<input type="checkbox"/>	<b>Common Courtyard Minimum Dimensions.</b> Minimum 15 feet (width) and no less than 400 square feet	9-4.130(l)(5)(i)
<input type="checkbox"/>	<b>Cottage Orientation to Common Courtyard.</b> <b>Check a minimum of one</b> <input type="checkbox"/> Abuts common courtyard <input type="checkbox"/> Main entrance faces common courtyard <input type="checkbox"/> Within 10 feet from a pedestrian path connecting to common courtyard	9-4.130(l)(5)(ii)
<input type="checkbox"/>	<b>Impervious Elements.</b> Maximum 75% of total common courtyard area consists of impervious elements	9-4.130(l)(5)(iii)
<b>9-4.130(l)(6) Fences</b>		
<input type="checkbox"/>	<b>Fences Delineating Private Yards and Common Open Spaces.</b> <ul style="list-style-type: none"> <li>- Maximum 42 inches (height)</li> <li>- Minimum 50% transparent</li> <li>- See Section 9-4.130(l)(6)(ii)(a) for prohibited materials</li> </ul>	9-4.130(l)(6)(ii)
<b>9-4.130(l)(7) Pedestrian Access</b>		
<input type="checkbox"/>	<b>Access.</b> A pedestrian path (hard-surfaced and 3 feet wide) is required to provide access from each cottage cluster to the following: <ul style="list-style-type: none"> <li>- Common courtyard</li> <li>- Shared parking area</li> <li>- Sidewalks</li> <li>- Public rights-of-way abutting the site</li> </ul>	9-4.130(l)(7)(i)
<b>9-4.130(l)(8) Existing Structures</b>		
<input type="checkbox"/>	<b>Existing Structures.</b> <b>Check one</b> <input type="checkbox"/> No existing dwelling on site to remain <input type="checkbox"/> Existing structures on site to be retained - See Section 9-4.130(l)(8) (Maximum Footprint)	9-4.130(l)(8)



# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item B2

**Department:** Community  
Development  
**Date:** 6/11/24  
**Placement:** Public Hearing

**TO:** JAMES R. LEWIS, CITY MANAGER

**FROM:** PHIL DUNSMORE, DIRECTOR OF COMMUNITY DEVELOPMENT

**PREPARED BY:** LORELI CAPPEL, DEPUTY DIRECTOR OF ECONOMIC & COMMUNITY DEVELOPMENT

**SUBJECT:** Economic Development Subsidy - Restaurant Incentive Loan Program

### RECOMMENDATION:

Council:

1. Conduct a public hearing to receive public testimony on the Economic Development Subsidy for the City's Restaurant Incentive Loan Program.
2. Receive and file the information on the Subsidy required pursuant to Government Code Section 53083.

### DISCUSSION:

On December 13, 2022, the City Council approved the Restaurant Incentive Loan Program as an action item to support Downtown Vibrancy under the 2023-2025 City Council Action Plan. The program is managed and operated by the Economic Development Collaborative (EDC), a third-party non-profit that operates loan programs for other jurisdictions in Santa Barbara and Ventura Counties. In July of 2023, the city launched the Loan Program. The EDC lends city general funds in loan increments of up to \$125,000 at 4.25% over a 7-year term. The loan fund includes \$1,000,000 of general fund dollars and is a revolving fund that will replenish over time as balances are paid down, allowing for future public reinvestment.

The primary goal of this program is to assist in the facilitation of commercial kitchen installation in the Downtown Commercial Zoning District. The program's ongoing purpose is to support the growth and success of restaurants in the city by incentivizing additional restaurants, offsetting the rising costs of opening eating and drinking establishments, and increasing downtown vibrancy while generating jobs and sales tax revenue in the city.

The program is authorized under Government Code §53083: Economic Development Subsidies. The program will have a projected tax revenue of \$80,000 per year (once all loan money is distributed). This figure is generated from the estimate of 10 new downtown restaurants created, multiplied by approx. \$8,000 per year in tax revenue from each restaurant (average derived by HDL reports), for a total of \$80,000 of local agency tax revenue. The estimated number of jobs

created by this subsidy is approximately 20 full-time jobs as derived by the industry standard of one job per every \$50,000 of funding lent.

As of today, the loan fund (\$500,000 from FY23-24) will be funding three (3) restaurants at \$125,000 each for a total of \$375,000. Each loan applicant is asked to engage with an experienced restaurant business coach (paid for by the state under the Small Business Administration). The remaining \$125,000 will remain in the fund for new applicants. To date, over 25 hours of consulting have been provided to our loan applicants to ensure their business's success. The second disbursement of city funding (\$500,000 from FY24-25) will be deposited for year two funding on July 31<sup>st</sup>, 2024. The program is estimated to incentivize between 8 - 10 downtown restaurants.

Pursuant to government code §53083, the City needs to approve a Public Notice of Hearing and Report for the Restaurant Incentive Loan Program. The Public Notice is included as Attachment 1.

**FISCAL IMPACT:**

This program will use \$1,000,000 in General Funds for the loans and third-party loan administration; all interest income will be put back into the program.

**REVIEWED BY OTHERS:**

This item has been reviewed by Legal Counsel and the Administrative Services Director.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENT(S):**

1. Economic Development Subsidy Information (per Govt Code 53083) – Restaurant Incentive Loan Program

**ECONOMIC DEVELOPMENT SUBSIDY INFORMATION**  
**PURSUANT TO GOVERNMENT CODE SECTION 53083**

ECONOMIC DEVELOPMENT SUBSIDY TO BE GIVEN  
UNDER AN OPERATING COVENANT AGREEMENT  
BETWEEN THE CITY OF ATASCADERO AND THE  
ECONOMIC DEVELOPMENT COLLABORATIVE (EDC)

The purpose of the following report is to provide the information required pursuant to Government Code Section 53083. This report shall remain available to the public and posted on the City's website until the end date of the economic development subsidy (described in Item 2 below).

1. **The name and address of all corporations or any other business entities, except for sole proprietorships, that are the beneficiary of the economic development subsidy.**

The Agreement is with the Economic Development Collaborative (EDC) and all entities that they select for the Restaurant Assistance Loan Program. The EDC is a non-profit 501c-3 whose address is 4001 Mission Oaks Blvd., Suite A-1, Camarillo, California 93012, Attn: Marvin Boateng.

2. **The start and end dates and schedule, if applicable, for the economic development subsidy.**

The start date of the economic development subsidy will be June 11, 2024, and the end date will be seven (7) years after such date.

3. **A description of the economic development subsidy, including the estimated total amount of the expenditure of public funds by, or of revenue lost to, the local agency as a result of the economic development subsidy.**

Total Loan Capital to establish the Revolving Loan Fund is \$1,000,000. The economic development subsidy will be paid by the city to the EDC in 2 payments on July 31, 2023, and on July 31, 2024, each payment being \$500,000 paid to the EDC's interest-bearing account held in Trust for lending to applicants on behalf of the City of Atascadero's Restaurant Loan program.

4. **A statement of the public purposes for the economic development subsidy.**

The primary goal of this program is to assist in the facilitation of commercial kitchen installation in the Downtown Commercial Zoning District. The program's ongoing purpose is to support the growth and success of restaurants in the City by incentivizing additional restaurants, offsetting the rising costs for opening eating and drinking establishments, and increasing downtown vibrancy while generating jobs and sales tax revenue in the City.

5. **The projected tax revenue to the local agency as a result of the economic development subsidy.**



The program will have a projected tax revenue of \$80,000 per year (once all loan funds are disbursed) as a result of the economic development subsidy.

This figure is generated from the estimate of 10 new downtown restaurants created, multiplied by approx. \$8,000 per year in tax revenue from each restaurant (average derived by HDL reports), for a total of \$80,000 of local agency tax revenue.

6. **The estimated number of jobs created by the economic development subsidy, broken down by full-time, part-time, and temporary positions.**

The economic subsidy is projected to create 20 full-time equivalent jobs. This figure is generated from the industry standard of 1 job per every \$50,000 of funding lent. There are no part-time or temporary positions anticipated at this time.



# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item B3

**Department:** Community Services & Promotions  
**Date:** 6/11/24  
**Placement:** Consent

**TO:** JAMES R. LEWIS, CITY MANAGER  
**FROM:** TERRIE BANISH, DIRECTOR OF COMMUNITY SERVICES & PROMOTIONS  
**PREPARED BY:** TERRIE BANISH, DIRECTOR OF COMMUNITY SERVICES & PROMOTIONS

**SUBJECT:** Downtown Parking and Business Improvement Area (DPBIA)  
 Confirmation of Annual Assessment for Fiscal Year 2024-2025

### RECOMMENDATIONS:

Council adopt Draft Resolution, confirming the annual assessment for the Downtown Parking and Business Improvement Area (DPBIA) for Fiscal Year 2024-2025.

### DISCUSSION:

The City of Atascadero established a Downtown Parking and Business Improvement Area in 1986 (Chapter 11 of the Atascadero Municipal Code) for the purpose of *acquisition, construction or maintenance of parking facilities, decoration of public places, promotion of public events, and general promotion of business activities in the downtown area*. The formation and operation of a Parking and Business Improvement Area is governed by the California Streets and Highways Code (Section 36500 et. Seq.). The Code requires the City to levy and collect the assessments, the City Council to adopt an annual Resolution of Intention declaring the City’s intent to levy an annual Downtown Parking and Business Improvement Area assessment and hold a public hearing confirming the assessment. The City Council adopted a Draft Resolution of Intention on May 28, 2024, and set a public hearing for June 11, 2024, to receive public comment.

The assessment was reduced to \$0.00 in 2010 at the behest of downtown landlords and as part of a program to encourage downtown businesses. In January 2018, staff was approached by an informal committee of downtown business owners, who expressed interest in reinstating the full levy of the assessment for the Downtown Parking and Business Improvement Area (DPBIA). The full levy of the assessment is equal to 100 percent of the business license fee, essentially doubling the business license fee, and is charged to businesses located in the BIA.

In 2019, the City entered into an agreement with the Atascadero Chamber of Commerce. The Chamber of Commerce serves as the advisory body and the sub-contractor to the City regarding the DPBIA. The informal committee of downtown business owners advises the Chamber of Commerce on expenditures and assists in the creation of the annual budget. As part of the contract, the Chamber provides an annual accounting of expenditures for the BIA funds.

The Chamber has submitted a report, which was provided to the Council at the May 28, 2024, meeting and is Exhibit A to the proposed Resolution confirming the assessment. The Downtown Parking and Business Improvement Area assessments collected by the City are estimated at approximately \$14,500 annually. The recommended action would confirm the assessment and collection of these funds for downtown revitalization activities for 2024/2025. The report does not propose any changes to the boundaries of the DPBIA or of the assessment.

The Chamber of Commerce is proposing expenditures for 2024-20245 with the Downtown Parking and Business Improvement Area funds as follows:

	<b>2023-2024 ESTIMATED</b>	<b>2024-2025 REQUESTED</b>
<b><u>REVENUES</u></b>		
BIA Assessments- Received from the City	\$ 13,500	\$ 14,500
Revenue from Events	-	-
Total Revenues	<u>13,500</u>	<u>14,500</u>
<b><u>EXPENSES</u></b>		
Events	(1,320)	(4,000)
Beautification / Miscellaneous	(95)	(31,000)
Marketing	(1,890)	(5,000)
Administration	(1,350)	(1,450)
Total Expenses	<u>(4,655)</u>	<u>(41,450)</u>
<b>Net Income</b>	8,845	(26,950)
<b>BEGINNING AVAILABLE BALANCE</b>	<u>27,598</u>	<u>36,443</u>
<b>ENDING AVAILABLE BALANCE</b>	<u>\$ 36,443</u>	<u>\$ 9,493</u>

The proposed expenditures focus on a combination of events and beautification ideas to help promote the downtown and strengthen the businesses in the area. In 2023/2024 the downtown business owners organized Trick-Or-Treat on Entrada and #ATownWithHeart. Downtown kiosk maps were updated twice, and courtesy parking notifications were created to assist with employee parking challenges. In 2024/2025 the Chamber will continue working with downtown business owners to use beautification funds to install string lighting over Entrada Avenue.

An annual Draft Resolution of Intention, declaring the City's intent to levy an annual Downtown Parking and Business Improvement Area assessment and holding a public hearing, is required by the California Streets and Highways Code for the City to levy and collect the assessments.

Consistent with State law, the City Council is required to adopt a Draft Resolution of Intention and set a public hearing to receive public comment prior to the assessment being collected.

The City will collect funds for the Downtown Parking and Business Improvement Area along with business license fees in December and January.

**FISCAL IMPACT:**

Adopting the staff recommendation will result in the collection of approximately \$14,500 and expenditure of \$14,500 in budgeted DPBIA funds.

**ALTERNATIVES:**

1. The City Council may choose not to adopt the Resolution, confirming the levy of the assessment as recommended, and discontinue the levy.
2. The City Council may grant Downtown Parking and Business Improvement Area assessment funds in an amount lower than requested.

**REVIEWED BY OTHERS:**

This item reviewed by the Administrative Services Director and the Deputy City Manager.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENT(S):**

1. Draft Resolution
2. Annual Report (FY 2024-2025)

## DRAFT RESOLUTION

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, CONFIRMING DOWNTOWN PARKING AND BUSINESS IMPROVEMENT AREA ASSESSMENT FOR FISCAL YEAR 2024/2025

**WHEREAS**, the City of Atascadero established a Downtown Parking and Business Improvement Area (DBPIA) consistent with Section 36500 et seq. of the Streets and Highways Code of the State of California; and

**WHEREAS**, Section 36533 of the Streets and Highway Code of the State of California requires a report to be filed with the City prior to the levy and collection of the assessment; and

**WHEREAS**, the City Council determined in 2010 to set the assessment at \$0.00 to provide a stimulus to downtown businesses in this time of unprecedented economic downturn, eliminating the need for a report in accordance with Section 36533 of the Streets and Highway Code of the State of California; and

**WHEREAS**, the City Council reinstated the full levy of the assessment for the DPBIA in 2018 at the request of downtown businesses; and

**WHEREAS**, the City has entered into an agreement with the Chamber of Commerce, which serves as the advisory body and the sub-contractor to the City regarding the DPBIA; and

**WHEREAS**, an informal committee of downtown business owners advises the Chamber of Commerce on expenditures and assists in the creation of the annual budget; and

**WHEREAS**, the Atascadero Chamber of Commerce filed a report with the City in accordance with Section 36533 of the Streets and Highway Code of the State of California attached hereto and incorporated herein by this reference; and

**WHEREAS**, the City Council having received the report adopted Resolution No. 2024-027 declaring intent to levy annual Downtown Parking and Business Improvement Area assessment pursuant to Section 36534 of said code; and

**WHEREAS**, the City Council did fix a time and place for a public hearing on the levy of the proposed assessment for fiscal year 2024-2025; and

**WHEREAS**, on June 11, 2024, the City Council conducted a public hearing at the date and time for such purpose; and

**WHEREAS**, the City Council did not receive the required number of protests for the levy of such assessment.

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

**SECTION 1.** The City Council of the City of Atascadero does hereby confirm approval of the Section 36533 Report as originally filed and confirmation of approval of such report constitutes the levy of an assessment for fiscal year 2024-2025, pursuant to the Streets and Highways Code of the State of California.

**SECTION 2.** The Atascadero Chamber of Commerce is hereby designated to receive and manage, with direction from the downtown businesses, Downtown Parking and Business Improvement Area assessment funds for fiscal year 2024-2025.

**SECTION 3.** The City Council directs staff to make appropriations in the City’s budget in accordance with such report.

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

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

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

CITY OF ATASCADERO:

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

ATTEST:

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

## Exhibit A

### Atascadero Chamber of Commerce Downtown Parking and Business Improvement Area Annual Report for Fiscal Year 2024-2025

The California Streets and Highways Code Section 36533 requires the preparation of a report for each fiscal year for which assessments are to be levied and collected to pay the costs of improvements and activities of the Improvement Area. The report may propose changes, including, but not limited to the boundaries of the Parking and Business Improvement Area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses.

No boundary changes are proposed for Fiscal Year 2024-2025. The boundaries are more specifically described as follows:

From the south corner of Morro Road at the Highway 101 over-crossing then in the generally northwest direction immediately adjacent to Highway 101, to a point at the intersection of El Camino Real and Rosario Avenue, then easterly along Rosario Avenue, to a point at the intersection of Rosario and Palma Avenue, then easterly along Palma Avenue to the rear lot line of parcels on the east side of Traffic Way, then north along said rear lot lines to include Lot 24 of Block LA, of Atascadero, then northerly along the center line of Traffic Way, to a point, then easterly to include the presently existing National Guard Armory Property. Then to a point easterly to the intersection of West Mall and Santa Ysabel Avenue at the West Mall bridge, then southerly along Santa Ysabel Avenue to a point at the intersection of the southerly leg of Hospital Drive and Santa Ysabel Avenue, then easterly from that point to the extension of proposed Highway 41, then southwesterly to the Morro Road/Highway 101 over-crossing, point of beginning.

Since 2000, the City, Community Redevelopment Agency, Chamber of Commerce, other organizations and the community have worked to strengthen the downtown business community, and implement the downtown revitalization strategy. In 2009, as the economic downturn was affecting businesses, the City Council made the decision to levy a \$0 assessment on the businesses in the District. The State of California dissolved all redevelopment agencies in 2011, and the City, Chamber of Commerce, and other organizations have worked in collaboration to continue the efforts of the Community Redevelopment Agency to provide better services to and strengthen the businesses in the downtown.

In 2017, an informal committee of downtown business owners formed to promote economic vitality and encourage business growth in the downtown. This committee will advise the Chamber of Commerce on expenditures and will assist in the creation of the annual budget for the Downtown Parking and Business Improvement Area (DPBIA). The Atascadero Chamber of Commerce will serve as the advisory body and the sub-contractor to the City regarding the Downtown Parking and Business Improvement Area. The Chamber of Commerce is requesting that the City levy an assessment of 100%

of the business license fee for businesses in the DPBIA. Each licensed business in the Improvement Area shall contribute to the assessment. Activities and improvements in the DPBIA are funded by the assessment.

The proposed work plan and budget for Fiscal Year 2024-2025 is as follows:

	<b><u>2023-2024</u></b> <b><u>ESTIMATED</u></b>	<b><u>2024-2025</u></b> <b><u>REQUESTED</u></b>
<b><u>REVENUES</u></b>		
BIA Assessments- Received from the City	\$ 13,500	\$ 14,500
Revenue from Events	-	-
Total Revenues	<u>13,500</u>	<u>14,500</u>
<b><u>EXPENSES</u></b>		
Events	(1,320)	(4,000)
Beautification / Miscellaneous	(95)	(31,000)
Marketing	(1,890)	(5,000)
Administration	<u>(1,350)</u>	<u>(1,450)</u>
Total Expenses	<u>(4,655)</u>	<u>(41,450)</u>
<b>Net Income</b>	8,845	(26,950)
<b>BEGINNING AVAILABLE BALANCE</b>	<u>27,598</u>	<u>36,443</u>
<b>ENDING AVAILABLE BALANCE</b>	<u>\$ 36,443</u>	<u>\$ 9,493</u>

This report shall be filed with the City Clerk on behalf of the DPBIA for Fiscal Year 2024-2025.





# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item B4

**Department:** Community Services & Promotions  
**Date:** 6/11/24  
**Placement:** Consent

**TO:** JAMES R. LEWIS, CITY MANAGER  
**FROM:** TERRIE BANISH, DIRECTOR OF COMMUNITY SERVICES & PROMOTIONS  
**PREPARED BY:** TERRIE BANISH, DIRECTOR OF COMMUNITY SERVICES & PROMOTIONS  
**SUBJECT:** Atascadero Tourism Business Improvement District (ATBID)  
Confirmation of Annual Assessment for Fiscal Year 2024-2025

### RECOMMENDATIONS:

Council adopt Draft Resolution, confirming the annual assessment for the Atascadero Tourism Business Improvement District (ATBID) for Fiscal Year 2024-2025.

### DISCUSSION:

The City of Atascadero established the Atascadero Tourism Business Improvement District (ATBID) to levy annual assessments under the Parking and Business Improvement Area Law of 1989, by adopting Title 3, Chapter 16 of the Atascadero Municipal Code in April 2013. The activities to be funded by the assessments, on lodging businesses within the ATBID, are tourism promotions and marketing programs to promote the City as a tourism destination. The formation and operation of a Tourism Business Improvement District is governed by the California Streets and Highways Code (Section 36500 et. Seq.). The budget for the ATBID is submitted in conjunction with the City's annual budget.

The City Council appointed ATBID Advisory Board Members to serve at the pleasure of the Council. The Advisory Board is made up of lodging business owners or employees, or other representatives holding the written consent of a lodging business owner within the ATBID area. Lodging owners are assessed (2%) of the rent charged by the business per occupied room or space per night for transient occupancies.

The Streets and Highways Code requires that the Advisory Board provide a specific report to the City Council annually for the expenditure of funds derived from the assessment paid by lodging businesses within the City. The annual report must identify: (1) proposed activities, programs,

and projects for the fiscal year; (2) the approximate cost of such activities, programs, and projects for the fiscal year; (3) the amount of surplus or deficit revenues carried over from a previous fiscal year; and (4) contributions received other than assessments. The annual report must meet the requirements of the California Streets and Highways Code §36533. The City Council may approve the report as filed or may modify any particular contained in the report and approve it as modified.

ATBID revenue in fiscal year 2023-24 is expected to be approximately \$427,580, exceeding projected revenue of \$414,120 by \$13,460. In fiscal year 2024-25, revenue is projected to be approximately \$422,400, and expenses are projected to be \$432,470. The ATBID fund balance is projected to be \$725,980 on June 30, 2025.

Following the public hearing, staff recommends that Council adopt the proposed Resolution. Adoption of the Resolution constitutes the levying of the assessment.

**FISCAL IMPACT:**

Annual assessments are expected to be approximately \$422,400 and expenditures are budgeted at \$432,470 for fiscal year 2024-2025.

**ALTERNATIVE:**

Council may direct staff to amend the Resolution before adoption.

**REVIEWED BY OTHERS:**

This item has been reviewed by the Administrative Services Director.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENT(S):**

1. Draft Resolution

**DRAFT RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA, CONFIRMING  
ATASCADERO TOURISM BUSINESS IMPROVEMENT DISTRICT  
(ATBID) ASSESSMENT FOR FISCAL YEAR 2024/2025**

**WHEREAS**, the City of Atascadero established the Atascadero Tourism Business Improvement District (ATBID) consistent with Section 36500 et seq. of the Streets and Highways Code of the State of California; and

**WHEREAS**, the City Council has determined to set the assessment at two percent (2%) of the rent charged by the Business per occupied room or space per night for transient occupancies; and

**WHEREAS**, the purpose of this assessment is to provide tourism promotions and marketing programs to promote the City as a tourism destination pursuant to the Streets and Highways Code of the State of California; and

**WHEREAS**, the City Council, having received the annual report from the ATBID, adopted Resolution No. 2024-028, declaring intent to levy annual ATBID assessment pursuant to Section 36534 of the California Streets and Highways Code; and

**WHEREAS** the City Council did fix a time and place for a public hearing on the levy of the proposed assessment for fiscal year 2024-2025; and

**WHEREAS**, on June 11, 2024, the City Council conducted a public hearing at the date and time for such purpose; and

**WHEREAS**, the City Council did not receive the required number of protests for the levy of such assessment.

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

**SECTION 1.** The City Council of the City of Atascadero does hereby confirm the assessment at two percent (2%) of the rent charged by the Business per occupied room or space per night for transient occupancies.

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

CITY OF ATASCADERO:

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

ATTEST:

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



# CITY OF ATASCADERO

## CITY COUNCIL STAFF REPORT

Item C1

**Department:** City Clerk  
**Date:** 6/11/24  
**Placement:** Management Report

**TO:** JAMES R. LEWIS, CITY MANAGER  
**FROM:** LARA K. CHRISTENSEN, CITY CLERK  
**PREPARED BY:** LARA K. CHRISTENSEN, CITY CLERK

**SUBJECT:** General Municipal Election – November 5, 2024

### RECOMMENDATIONS:

Council:

1. Introduce, for first reading, by title only, Draft Ordinance A amending Title 3, Chapter 17 of the Atascadero Municipal Code, extending a transactions and use tax to be administered by the California Department of Tax and Administration.
2. Introduce, for first reading, by title only, Draft Ordinance B amending Title 2, Chapters 4, 7, 14, and 20 of the Atascadero Municipal Code, stating that the City Treasurer is appointive and authorizing the City Manager to appoint the City Treasurer, subject to adoption by the electorate.
3. Adopt the following Draft Resolutions for the purpose of electing a Mayor, two members to the City Council, and to submit ballot measures to the voters:
  - A. Draft Resolution A, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 5, 2024, for the election of certain officers, approving ballot measure text related to the extension of Measure F-14, and submission to the voters a question relating to the City Treasurer position; and
  - B. Draft Resolution B, requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 5, 2024; and
  - C. Draft Resolution C, setting priorities for filing written arguments regarding the City measures and directing the City Attorney to prepare an impartial analysis; and
  - D. Draft Resolution D, providing for the filing of rebuttal arguments for City measures submitted at Municipal Elections.
4. Authorize the Director of Administrative Services to appropriate \$31,000 of General Fund reserves in fiscal year 2024-2025 to the City Clerk budget for the November 5, 2024, General Municipal Election.

### REPORT IN BRIEF:

The City Council must approve ballot measure language and adopt resolutions to initiate the election process, to combine the City's election with the County, and to submit the ballot measures to the voters.

## DISCUSSION:

The General Municipal Election will be held on Tuesday, November 5, 2024. The terms of two Council Members, Charles Bourbeau and Mark Dariz, and Mayor Heather Moreno will expire in November 2024. The Council Members have four-year terms and the Mayor has a two-year term. The City Council must adopt a resolution to initiate the election process (Draft Resolution A). Also, to combine our election with the County, the Council must adopt a resolution requesting consolidation with the County (Draft Resolution B).

The qualifications required to run for Mayor are the same as for City Council Members; you must be registered to vote in the City of Atascadero and live within the Atascadero City limits. In addition, all Council Members, whether or not they are up for re-election, may also run for the office of elected Mayor. If a Council Member is mid-term when they run for Mayor, and is successful, the Council Member's position will become vacant. The City Council must then appoint a replacement, or call for a Special Election, within 60 days of the position becoming vacant. The vacancy would occur in December 2024 once the Mayor is sworn into office.

### Ballot Measure Process

The City Council directed the City Clerk in March and May 2024 to bring back to Council at the June 11 meeting, the resolutions to place ballot measures on the November ballot related to the extension of a local transaction and use tax (Measure F-14) and a question related to the City Treasurer position.

### *Measure F-14 Extension*

Measure F-14 is a ½ cent per dollar transactions and use (sales tax) approved by 58% of voters in November 2014 that will sunset on March 31, 2027. While Measure F-14 is a general tax, the revenue generated by the measure was targeted for and has been used solely to maintain, repair, and rehabilitate neighborhood and other roadways. If the City would like to continue maintenance, repair, and rehabilitation of neighborhood roads, including local and collector roads, and fund the 26 neighborhood roadway segment projects contingently programmed after April 2027, the sales tax must be renewed prior to the sunset date. Since June 30, 2023, Measure F-14 has resulted in 13 projects, totaling over \$17.2 million dollars spent directly on neighborhood roads that would otherwise not have had budget available or funding needed to be completed. Eighty neighborhood road segments equaling 52 centerline miles have been addressed with the funds received from this measure and the overall pavement condition index (PCI) in the City has raised by 2 points since the measure was passed. This 2-point increase in PCI (47 to 49) is a significant improvement from the estimated 17 point decrease (PCI of 30) expected had Measure F-14 not passed. Furthermore, the PCI was also expected to drop to 40 over this 10-year period (2014-2024) even with the additional Measure F-14 funding, but the PCI has held relatively steady during this period. The extension of the transaction and use tax (Measure F-14) is necessary to keep the City's PCI steady and address the 26 roadway segment projects

contingent upon funds generated by a sales tax measure, and to have necessary funding for additional neighborhood road projects.

Because Measure F-14 will sunset, a new tax measure must be approved by the voters to continue the collection of the current ½ cent per dollar sales tax. The City Council does not have the authority to establish or raise taxes, only to put a measure on the ballot for voter approval. In order to place a tax measure on the November 5, 2024 ballot, the City Council must approve an ordinance and resolutions by a 2/3 vote of the City Council (at least 4 members). If passed by the Council and the electorate, the collection of the tax would be effective no sooner than the first day of the first calendar quarter of 2027 occurring more than 840 days following the effective date of the ordinance approving the tax. Therefore, the tax would be effective no sooner than April 1, 2027, and would be a seamless transition from the Measure F-14 sunset to the implementation of the new tax measure. To be clear, this measure would not be a ½ cent per dollar on top of the current Measure F-14 ½ cent per dollar sales tax—it would supplant Measure F-14 once that measure sunsets.

Proposition 218 requires that all City tax election measures be placed on the same election when City Council Members are selected. The next Council election is scheduled for November 5, 2024. Subsequent Council elections are held every two years. As noted at the March 26, 2024 Council Meeting, the Council will need to adopt the attached resolutions and introduce Draft Ordinance A at this meeting, in order to allow sufficient time for the placement of the measure on the November ballot.

Revenue and Taxation Code requires that that the Council approve Draft Ordinance A in order to place the item on the ballot. The attached Draft Ordinance A would then become the full text of the sales tax measure. If introduced at this meeting, the ordinance would be brought back before the Council on June 25, 2024, for second reading and approval, but the ordinance would not take effect unless and until approved by the voters at the November 5 election.

### *Treasurer Position*

The position of the City Treasurer is an elected position and has been since the City was incorporated in 1979. The trend of cities throughout the State has been to convert to the use of appointive rather than elected city Treasurers. Under State law, the only qualifications needed to serve in the elected City Treasurer position is to be at least 18 years of age, a resident of Atascadero, and a registered voter of Atascadero. The City is prohibited from establishing any other requirements. The City Treasurer position necessitates the Treasurer be current and well versed with highly technical professional standards, laws, regulations, and management systems. Placing a measure on the November 2024 ballot asking “Shall the City Treasurer be appointive?” will allow voters to decide. Voting for an appointive Treasurer would:

- Help ensure the City is able to appoint an individual to the position of City Treasurer that possesses the necessary qualifications and expertise.
- Eliminate the potential for individuals to be elected to this position that require duties that they are unqualified to perform, which could cause serious problems for the City.

- Remove this position from political pressures in performing the duties and responsibilities.

If the position of Treasurer was appointive, it would potentially save up to about \$17,000 annually in monthly stipend and health benefit costs.

In light of the requirement that an ordinance be approved by Council for the sales tax measure mentioned above, the ordinance updates for the City Treasurer position, if changed to appointed rather than elected, is also being brought to Council for placement on the ballot. If approved by the electorate, Draft Ordinance B would then replace those Chapters of the AMC related to the City Treasurer position as elected. If introduced at this meeting, Draft Ordinance B would be brought back before the Council on June 25, 2024, for second reading and adoption. Again, however, it would not go into effect unless and until approved by the voters at the November 5 election.

*Additional Actions*

Following approval and introduction of Draft Ordinance A and B, Council must take additional actions regarding the mechanics of placing both measures on the ballot. The Council must adopt a resolution calling and giving notice of the election and authorizing the language for the ballot measures; requesting consolidation with the County; setting priorities for written arguments and directing the City Attorney to prepare an impartial analysis for the ballot measures; and providing for the filing of rebuttal arguments.

In order to submit the measures to the voters, Council must call and give notice of the election and approve specific language in the Election Resolutions to clarify for the San Luis Obispo County Clerk-Recorder the requested wording for the November 5, 2024 ballots (Draft Resolution A).

If the Council wishes to add the measures to the ballot, the following ballot language needs to be approved as part of Draft Resolution A:

<b><u>BALLOT MEASURE #</u></b>	
To provide funding that cannot be seized by Sacramento, and that will stay in Atascadero for such things as repair of neighborhood roads and aging infrastructure along with other vital City needs, shall the City extend its current ½ cent per dollar sales tax (Measure F-14) until ended by voters, with citizen committee oversight, published annual reporting and independent financial audits?	Yes
	No

<b><u>BALLOT MEASURE #</u></b>	Yes
Shall the office of City Treasurer be appointive?	No

Additionally, a resolution setting the priorities for the filing of written arguments and directing the City Attorney to prepare an impartial analysis will need to be adopted (Draft Resolution B). The impartial analysis shall not exceed 500 words. In Resolution C, the City Council also authorizes Council Members to write arguments in favor of the measure. Council Members are not required to write an argument in favor of the Measure, however Draft Resolution B gives them the option. Registered voters may also file written arguments in favor or opposition of the ballot measure with the City Clerk.

Arguments shall not exceed 300 words and must be signed by the author(s). The City Clerk has fixed June 25, 2024, as the last day for submitting arguments for and against the ballot measure, and the impartial analysis by the City Attorney. This will allow ample time for the 10-calendar-day public examination period, translation, typesetting, printing and submission to the County. A notice of this deadline will be posted in the kiosk in front of City Hall. If two or more arguments are submitted in favor of or against the measure, the California Elections Code sets up priorities the City Clerk must follow to choose one of each for printing and distribution to the voters.

Lastly, the adoption of a resolution providing for the filing of rebuttal arguments for the ballot measure is required (Draft Resolution C). The rebuttal arguments shall not exceed 250 words. The deadline for the filing of rebuttal arguments is July 5, 2024, 10 days after the deadline for the filing of the arguments in favor or opposed.

### Conclusion

Measure F-14 will sunset on March 31, 2027. While the City does have other funding sources for roadway projects, these sources are constrained, programmed for those roadway projects not covered by Measure F-14, and the City would not be able to use these other funding sources to supplement the loss of Measure F-14 funds. A sales tax measure that extends Measure F-14 is needed to continue the good work that has been accomplished as a result of the passage of Measure F-14.

The Council is not, by this action, voting on whether the sales tax should be continued; but rather whether the voters should be given the opportunity to decide if continuing the additional ½ cent per dollar sales tax is the right thing for the community. The voters are the only ones who may approve a sales tax measure such as this one.

At the direction of Council, proposed ballot measure language is being presented for the Council to decide whether to ask the community if they want to continue with the current ½ cent per dollar on taxable sales to be used to maintain neighborhood roads in the City and other legally permitted uses, and whether the position of City Treasurer should be appointive.



In order to move forward with these measures, the Council will need to introduce and ultimately adopt ordinances detailing the specifics of extending the current sales tax, effective April 2027 at the time Measure F-14 sunsets, and updating the AMC to remove reference to the City Treasurer position as elected if approved by voters. Council will also need to adopt resolutions calling the election, submitting the proposed measure to the voters in order for the County Clerk to place the measures on the November ballot, and consolidating the election with the County.

**FISCAL IMPACT:**

The cost to the City is determined by the number of registered voters on Election Day, and the number of Candidate Statements included in the Voter Pamphlet. The County’s estimate for the 2024 election of officials in Atascadero is \$62,130. The City Clerk’s estimate for the addition of the ballot measures is approximately \$12,000. Therefore, the total estimate for the 2024 election, including ballot measures, is \$74,130 in General Funds, of which, \$43,260 is currently budgeted.

**REVIEWED BY OTHERS:**

This item has been reviewed by the Administrative Services Director and the City Attorney.

**REVIEWED AND APPROVED FOR COUNCIL AGENDA**



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James R. Lewis, City Manager

**ATTACHMENT(S):**

1. Draft Ordinance A
2. Draft Ordinance B
3. Draft Resolution A
4. Draft Resolution B
5. Draft Resolution C
6. Draft Resolution D

## DRAFT ORDINANCE A

### AN ORDINANCE OF THE PEOPLE OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 3, CHAPTER 17 OF THE ATASCADERO MUNICIPAL CODE EXTENDING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND ADMINISTRATION

**WHEREAS**, one of the primary roles of City government is to provide vital public services such as maintaining and repairing neighborhood roads and aging infrastructure and other vital City needs; and

**WHEREAS**, the cost to provide these vital services continues to escalate and exceeds the amount of funds and revenues generated from all other sources of income available for such purposes; and

**WHEREAS**, the City is fiscally challenged and addressing critical infrastructure needs, particularly roads, has been a top priority of the City Council and Measure F-14, a transaction and use tax was placed on the November 2014 ballot; and

**WHEREAS**, Measure F-14, a ½ cent per dollar transactions and use tax increase, passed with over 58% voter approval and since it went into effect in April 2015, funds from F-14 have been targeted towards the improvements of neighborhood roads and local and collector roads; and

**WHEREAS**, Measure F-14 has made a significant impact on the maintenance, repair and rehabilitation of neighborhood and other roadways in the City, allowing the City to address 80 neighborhood road segments, equaling 52 centerline miles, for a total of \$17.2 million dollars; and

**WHEREAS**, Measure F-14 will sunset on March 31, 2027, unless renewed by voters and without this additional tax revenue, there will be little to no funding for the 26 neighborhood roadway segments contingently programmed after April 2027; and

**WHEREAS**, the extension of the transactions and use tax (Measure F-14) is necessary for the City to program or complete any additional neighborhood road projects following the sunset of Measure F-14; and

**WHEREAS**, without the extension of Measure F-14, the City will have to either generate additional revenue to continue to repair such things as neighborhood roads and aging City infrastructure or begin making cuts to other vital City services; and

**WHEREAS**, the proceeds from the extended transactions and use tax cannot not be seized by Sacramento and will stay in Atascadero to be spent on the repair of neighborhood roads and aging infrastructure along with other vital City needs; and

**WHEREAS**, revenues from this transaction and use tax, like all City revenues, are subject to annual independent audits with public review of the City's budget being widely available, including at City Hall, and online, and will have published annual reporting, and subject to citizen committee oversight; and

**WHEREAS**, under applicable law, to renew the transactions and use tax, the City Council of the City of Atascadero must approve the Transactions and Use Tax Ordinance and the voters of the City of Atascadero must also adopt it upon majority vote at an election.

**NOW THEREFORE, THE PEOPLE OF THE CITY OF ATASCADERO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The above findings are true and correct.

**SECTION 2. Title and Text.** This ordinance shall be known as the Transactions and Use Tax Ordinance, the full text of which is set forth in Attachment “A,” attached hereto and incorporated herein by reference.

**SECTION 3. Approval by City Council.** Pursuant to California Revenue Taxation Code Section 7285.9, this ordinance was duly introduced on June 11, 2024, and approved upon second reading for placement on the ballot by a two-thirds (2/3) supermajority of all members of the City Council on \_\_\_\_\_, 2024.

**SECTION 4. Approval by the Voters.** Pursuant to California Elections Code Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Atascadero voting at the Regular Election on November 5, 2024, and shall be deemed adopted and take effect ten days after the City Council has certified the results of that election by resolution.

**SECTION 5. Operative Date.** “Operative Date” for the Transactions and Use Tax adopted by this ordinance means the first day of the first calendar quarter commencing more than eight hundred and forty (840) days after the effective date of this ordinance, as set forth in Section 4, above.

**SECTION 6. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 7. Summary.** The title and a summary of the Ordinance, along with the names of the City Council Members voting for and against the Ordinance, shall be published twice in a newspaper of general circulation in the City of Atascadero.

**SECTION 8. Publication.** The City Clerk shall certify to the adoption of this Ordinance no later than fifteen (15) days following the passage of this Ordinance, and shall cause this ordinance to be published by title and summary.

**APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, by a vote of at least two-thirds of the City Council.

CITY OF ATASCADERO

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
David M. Fleishman, City Attorney

**PASSED** and **ADOPTED** by the People of the City of Atascadero this 5<sup>th</sup> day of November 2024.

ATTEST:

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

**ATTACHMENT A****CHAPTER 3-17  
TRANSACTIONS AND USE TAX****Sections:**

- 3-17.010 Title.
- 3-17.020 Operative Date.
- 3-17.030 Purpose.
- 3-17.040 Contract with State.
- 3-17.050 Transaction Tax Rate.
- 3-17.060 Place of Sale.
- 3-17.070 Use Tax Rate.
- 3-17.080 Adoption of Provisions of State Law.
- 3-17.090 Limitations on Adoption of State Law and Collection of Use Taxes.
- 3-17.100 Permit Not Required.
- 3-17.110 Exemptions and Exclusions.
- 3-17.120 Amendments.
- 3-17.130 Enjoining Collection Forbidden.
- 3-17.140 Severability.
- 3-17.150 Effective Date.
- 3-17.160 Termination and Repeal.
- 3-17.170 Independent Annual Financial Audit.
- 3-17.180 Citizens' Oversight Committee.
- 3-17.190 Annual Road Report.

**3-17.010 Title.**

This chapter is designated and shall be known as the Atascadero Transactions and Use Tax Ordinance. The City of Atascadero hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

**3-17.020 Operative Date.**

As to adoption of the transaction and use tax pursuant to Ordinance No. 581 approved by voters in November 2014, "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of Ordinance No. 581.

Otherwise, "Operative Date" means the first day of the first calendar quarter commencing more than 840 days after the adoption of this chapter, the date of such adoption being as set forth below.

**3-17.030 Purpose.**

This chapter is intended to achieve the following, among other purposes, and shall be interpreted liberally in order to accomplish all of its lawful purposes:

A. To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

E. To provide transaction and use tax revenue for unrestricted general revenue purposes, and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any legal municipal purposes.

**3-17.040 Contract with State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this chapter; provided that, if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**3-17.050 Transaction tax rate.**

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date.

**3-17.060 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**3-17.070 Use tax rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in the territory of the City at the rate of 0.5% of the sales price of the property. The sales

price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**3-17.080 Adoption of provision of State law.**

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

**3-17.090 Limitations on adoption of State law and collection of use taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the City of Atascadero shall be substituted. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter;

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from the taxes of this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**3-17.100 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

**3-17.110 Exemptions and exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or

county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a



contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3-17.120 Amendments.**

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. The City Council may amend this chapter to comply with applicable law or as may be otherwise necessary in order to further the chapter's stated purposes.

However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Atascadero affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

**3-17.130 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**3-17.140 Severability.**

If any provision of this chapter or its application to any person or circumstance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall not effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**3-17.150 Effective date.**

This chapter relates to the levying and collecting of the City transactions and use taxes and shall take effect ten days after the November 2024 election results are declared by the City Council (CA Elections Code §9217).. The operative date (Section 3-17.020) will be the first day of the first calendar quarter commencing more than 840 days after the adoption of this ordinance, which will be April 1, 2027.

**3-17.160 Termination and repeal.**

The authority to levy a retail transaction and use tax shall be in effect until and unless repealed by the voters of the City in the manner provided by law.

**3-17.170 Independent annual financial audit.**

The amount generated by this general purpose revenue source and how it was used shall be included in the annual audit of the City's financial operations by an independent certified public accountant.

**3-17.180 Citizens' oversight committee.**

There shall be a permanent citizens' advisory committee called the "Citizens' Oversight Committee" (hereafter "Committee") which shall annually review revenues and expenditures from the collection of the tax. The committee shall have 9 members. Seven members shall be appointed to the committee by individual Atascadero community groups. Two members shall be appointed by the City Council. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official.

**3-17.190 Annual road report.**

An Annual Road Report shall be prepared by the City no later than the last day of the sixth month following the end of each City fiscal year. The Report shall be submitted to the Citizens' Oversight Committee for review. The Committee will submit their findings and conclusions to the City Council. The Report will also be made available to the public. The Annual Road Report shall detail the prior fiscal year's activities related to the retail transaction and use tax. The Report shall include revenues generated by the Transaction and Use Tax, expenditures (in summary form), funds carried over from

previous fiscal years, and any remaining funds to be carried over for expenditure in subsequent fiscal years.

## **DRAFT ORDINANCE B**

### **AN ORDINANCE OF THE PEOPLE OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 2, CHAPTERS 4, 7, 14 AND 20 OF THE ATASCADERO MUNICIPAL CODE, STATING THE CITY TREASURER IS APPOINTIVE AND AUTHORIZING THE CITY MANAGER TO APPOINT THE CITY TREASURER**

The People of the City of Atascadero, California do ordain as follows:

**SECTION 1.** The following findings are true and correct.

- A. The office of the City Treasurer has been an elected position since the City of Atascadero's incorporation in 1979 and the trend of cities throughout the State has been to convert to the use of appointive rather than elected city treasurers.
- B. The City Treasurer position necessitates the Treasurer be current and well versed with highly technical professional standards, laws, regulations, and management systems however, the only qualifications needed to serve in the City Treasurer position are to be 18 years of age, a resident of Atascadero, and a registered voter of Atascadero.
- C. An appointive City Treasurer ensures the City is able to appoint an individual with the necessary qualifications and expertise, eliminates the potential for unqualified individuals to be elected to the position, and removes the position from political pressures in performing the required duties and responsibilities.
- D. California Government Code 36508 states that the City Council may submit to the electors the question whether the elective officers, except Council Members, shall be appointed.
- E. The Atascadero City Council placed on the November 2024 election ballot, a ballot measure asking the voters if the City Treasurer position should be appointive.
- F. Chapters 4, 7, 14, and 20 of the Atascadero Municipal Code will need to be updated to reflect the position of City Treasure as appointive and authorize the City Manager to appoint the position.

**SECTION 2.** Section 2-4.28 shall be added as follows:

2-4.28 Delegation of Authority to Appoint City Treasurer.

As a result of the November 2024 General Election, the voters decided to have the office of the City Treasurer appointed. The position will remain elected until the end of term, December 2026, or sooner if there is a vacancy. Once a vacancy occurs, the City Council authorizes the City Manager to appoint the City Treasurer, pursuant to Government Code Section 36510.

**SECTION 3.** Section 2-7.01 shall be amended as follows:

2-7.01 Creation and functions.

- (a) The office of the City Treasurer is confirmed as provided in Sections 36501 and 36502 of the Government Code of the State. As a result of the November 2024 General Election, the office shall be appointive. The City Treasurer shall perform such duties as are prescribed by Sections 41001 through 41007 of the Government Code of the State. The City Treasurer shall perform such other duties consistent with this Code as may be required of them by the Council.
- (b) The principal functions of the City Treasurer shall be to receive and safely keep all public funds coming into their hands as treasurer, and to comply with all laws governing the deposit and securing of public funds and the handling of trust funds in their possession.

**SECTION 4.** Section 2-7.03 shall be amended as follows:

2-7.03 Compensation.

The elected City Treasurer shall receive a salary of \$400 per calendar month. Once the position is appointed by the City Manager, the four hundred dollars (\$400.00) monthly salary will end.

**SECTION 5.** Section 2-14.02 of the Atascadero Municipal Code shall be amended as follows:

2-14.02 Elected positions.

- (a) The electors shall elect a Mayor and four (4) City Councilmembers.
- (b) The term of office of the Mayor shall be two (2) years. The term of the office of the Councilmembers shall be four (4) years

**SECTION 6.** Section 2-20.01 of the Atascadero Municipal Code shall be amended as follows:

2-20.01 Elected officials designated.

Elected officials in the City of Atascadero are the Mayor and City Councilmembers.

**SECTION 7.** Effective Date

If this ordinance is approved by a majority of the electors voting on the issue at the November 5, 2024, general municipal election, pursuant to Elections Code Section 9217, the ordinance shall become effective ten (10) calendar days after the City Council accepts the certified results of the election.

**SECTION 8.** The title and a summary of this ordinance, along with the names of the Council Members voting for and against the ordinance, shall be published twice: at least five days prior to its final passage in a newspaper of general circulation in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in a newspaper of general circulation in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

**APPROVED AND ADOPTED** by the City Council of the City of Atascadero, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, by a vote of a majority of the City Council.

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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David M. Fleishman, City Attorney

**PASSED** and **ADOPTED** by the People of the City of Atascadero this 5<sup>th</sup> day of November 2024.

ATTEST:

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Lara K. Christensen, City Clerk

## DRAFT RESOLUTION A

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE QUALIFIED ELECTORS A MEASURE RELATING TO THE EXTENSION OF A LOCAL TRANSACTION AND USE TAX (MEASURE F-14) AND A QUESTION RELATING TO THE CITY TREASURER POSITION

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the election of Municipal Officers; and

**WHEREAS**, the City Council proposes to continue the existing sales tax rate in the City to fund, enhance, and maintain important City services, with the rate set at one-half cent per dollar; and

**WHEREAS**, pursuant to California Revenue & Taxation Code Sections 7251 *et seq.* and 7285.9, the City of Atascadero (“City”) is authorized to levy a Transactions and Use Tax (sales tax) for general purposes, subject to voter approval; and

**WHEREAS**, the City Council desires to levy a Transaction and Use Tax for general purposes, to be known as the “Essential Services Transactions and Use Tax”; and

**WHEREAS**, the Essential Services Transactions and Use Tax cannot be imposed without voter approval; and

**WHEREAS**, the City Council desires to submit the Essential Services Transactions and Use Tax measure to the voters of the City at the General Municipal Election to be held on Tuesday, November 5, 2024, and to be consolidated with any other election to be held on that date; and

**WHEREAS**, the proposed Transactions and Use Tax is more completely described in the ordinance attached hereto as Attachment “A” and incorporated herein by reference.

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

**SECTION 1.** The City Council hereby finds and determines that the foregoing recitals are true and correct.

**SECTION 2.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Atascadero, California on Tuesday, November 5, 2024, a General Municipal Election for the purpose of

electing a Mayor for the full term of two years; and two Members of the City Council for the full term of four years.

**SECTION 3.** That the City Council, pursuant to its right and authority, does hereby approve and order submitted to the voters at the General Municipal Election the following questions:

<u>BALLOT MEASURE #</u>	
To provide funding that cannot be seized by Sacramento, and that will stay in Atascadero for such things as repair of neighborhood roads and aging infrastructure along with other vital City needs, shall the City extend its current ½ cent per dollar sales tax (Measure F-14) until ended by voters, with citizen committee oversight, published annual reporting and independent financial audits?	Yes
	No

<u>BALLOT MEASURE #</u>	
Shall the office of City Treasurer be appointive?	Yes
	No

**SECTION 4.** That the proposed complete text of the measures (Ordinances) submitted to the voters are attached as Exhibit A and Exhibit B.

**SECTION 5.** Pursuant to Article XIII C of the Constitution, these measures require approval by a majority (50% + 1) of the votes cast.

**SECTION 6.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 7.** That the City Clerk is authorized, instructed and directed to coordinate with the County of San Luis Obispo Clerk-Recorder to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 8.** That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Elections Code Section 14401 of the State of California.

**SECTION 9.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 10.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.



**SECTION 11.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 12.** The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

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

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

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

CITY OF ATASCADERO:

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

ATTEST:

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

## DRAFT ORDINANCE A

### AN ORDINANCE OF THE PEOPLE OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 3, CHAPTER 17 OF THE ATASCADERO MUNICIPAL CODE EXTENDING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND ADMINISTRATION

**WHEREAS**, one of the primary roles of City government is to provide vital public services such as maintaining and repairing neighborhood roads and aging infrastructure and other vital City needs; and

**WHEREAS**, the cost to provide these vital services continues to escalate and exceeds the amount of funds and revenues generated from all other sources of income available for such purposes; and

**WHEREAS**, the City is fiscally challenged and addressing critical infrastructure needs, particularly roads, has been a top priority of the City Council and Measure F-14, a transaction and use tax was placed on the November 2014 ballot; and

**WHEREAS**, Measure F-14, a ½ cent per dollar transactions and use tax increase, passed with over 58% voter approval and since it went into effect in April 2015, funds from F-14 have been targeted towards the improvements of neighborhood roads and local and collector roads; and

**WHEREAS**, Measure F-14 has made a significant impact on the maintenance, repair and rehabilitation of neighborhood and other roadways in the City, allowing the City to address 80 neighborhood road segments, equaling 52 centerline miles, for a total of \$17.2 million dollars; and

**WHEREAS**, Measure F-14 will sunset on March 31, 2027, unless renewed by voters and without this additional tax revenue, there will be little to no funding for the 26 neighborhood roadway segments contingently programmed after April 2027; and

**WHEREAS**, the extension of the transactions and use tax (Measure F-14) is necessary for the City to program or complete any additional neighborhood road projects following the sunset of Measure F-14; and

**WHEREAS**, without the extension of Measure F-14, the City will have to either generate additional revenue to continue to repair such things as neighborhood roads and aging City infrastructure or begin making cuts to other vital City services; and

**WHEREAS**, the proceeds from the extended transactions and use tax cannot not be seized by Sacramento and will stay in Atascadero to be spent on the repair of neighborhood roads and aging infrastructure along with other vital City needs; and

**WHEREAS**, revenues from this transaction and use tax, like all City revenues, are subject to annual independent audits with public review of the City's budget being widely available, including at City Hall, and online, and will have published annual reporting, and subject to citizen committee oversight; and

**WHEREAS**, under applicable law, to renew the transactions and use tax, the City Council of the City of Atascadero must approve the Transactions and Use Tax Ordinance and the voters of the City of Atascadero must also adopt it upon majority vote at an election.

**NOW THEREFORE, THE PEOPLE OF THE CITY OF ATASCADERO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The above findings are true and correct.

**SECTION 2. Title and Text.** This ordinance shall be known as the Transactions and Use Tax Ordinance, the full text of which is set forth in Attachment “A,” attached hereto and incorporated herein by reference.

**SECTION 3. Approval by City Council.** Pursuant to California Revenue Taxation Code Section 7285.9, this ordinance was duly introduced on June 11, 2024, and approved upon second reading for placement on the ballot by a two-thirds (2/3) supermajority of all members of the City Council on \_\_\_\_\_, 2024.

**SECTION 4. Approval by the Voters.** Pursuant to California Elections Code Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Atascadero voting at the Regular Election on November 5, 2024, and shall be deemed adopted and take effect ten days after the City Council has certified the results of that election by resolution.

**SECTION 5. Operative Date.** “Operative Date” for the Transactions and Use Tax adopted by this ordinance means the first day of the first calendar quarter commencing more than eight hundred and forty (840) days after the effective date of this ordinance, as set forth in Section 4, above.

**SECTION 6. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 7. Summary.** The title and a summary of the Ordinance, along with the names of the City Council Members voting for and against the Ordinance, shall be published twice in a newspaper of general circulation in the City of Atascadero.

**SECTION 8. Publication.** The City Clerk shall certify to the adoption of this Ordinance no later than fifteen (15) days following the passage of this Ordinance, and shall cause this ordinance to be published by title and summary.

**APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, by a vote of at least two-thirds of the City Council.

CITY OF ATASCADERO

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
David M. Fleishman, City Attorney

**PASSED** and **ADOPTED** by the People of the City of Atascadero this 5<sup>th</sup> day of November 2024.

ATTEST:

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

## ATTACHMENT A

### CHAPTER 3-17 TRANSACTIONS AND USE TAX

#### Sections:

- 3-17.010 Title.
- 3-17.020 Operative Date.
- 3-17.030 Purpose.
- 3-17.040 Contract with State.
- 3-17.050 Transaction Tax Rate.
- 3-17.060 Place of Sale.
- 3-17.070 Use Tax Rate.
- 3-17.080 Adoption of Provisions of State Law.
- 3-17.090 Limitations on Adoption of State Law and Collection of Use Taxes.
- 3-17.100 Permit Not Required.
- 3-17.110 Exemptions and Exclusions.
- 3-17.120 Amendments.
- 3-17.130 Enjoining Collection Forbidden.
- 3-17.140 Severability.
- 3-17.150 Effective Date.
- 3-17.160 Termination and Repeal.
- 3-17.170 Independent Annual Financial Audit.
- 3-17.180 Citizens' Oversight Committee.
- 3-17.190 Annual Road Report.

#### **3-17.010 Title.**

This chapter is designated and shall be known as the Atascadero Transactions and Use Tax Ordinance. The City of Atascadero hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

#### **3-17.020 Operative Date.**

As to adoption of the transaction and use tax pursuant to Ordinance No. 581 approved by voters in November 2014, "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of Ordinance No. 581.

Otherwise, "Operative Date" means the first day of the first calendar quarter commencing more than 840 days after the adoption of this chapter, the date of such adoption being as set forth below.

#### **3-17.030 Purpose.**

This chapter is intended to achieve the following, among other purposes, and shall be interpreted liberally in order to accomplish all of its lawful purposes:

- A. To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

E. To provide transaction and use tax revenue for unrestricted general revenue purposes, and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any legal municipal purposes.

**3-17.040 Contract with State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this chapter; provided that, if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**3-17.050 Transaction tax rate.**

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date.

**3-17.060 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**3-17.070 Use tax rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in the territory of the City at the rate of 0.5% of the sales price of the property. The sales

price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**3-17.080 Adoption of provision of State law.**

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

**3-17.090 Limitations on adoption of State law and collection of use taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the City of Atascadero shall be substituted. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter;

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from the taxes of this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**3-17.100 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

**3-17.110 Exemptions and exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or

county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a



contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3-17.120 Amendments.**

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. The City Council may amend this chapter to comply with applicable law or as may be otherwise necessary in order to further the chapter's stated purposes.

However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Atascadero affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

**3-17.130 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**3-17.140 Severability.**

If any provision of this chapter or its application to any person or circumstance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall not effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**3-17.150 Effective date.**

This chapter relates to the levying and collecting of the City transactions and use taxes and shall take effect ten days after the November 2024 election results are declared by the City Council (CA Elections Code §9217).. The operative date (Section 3-17.020) will be the first day of the first calendar quarter commencing more than 840 days after the adoption of this ordinance, which will be April 1, 2027.

**3-17.160 Termination and repeal.**

The authority to levy a retail transaction and use tax shall be in effect until and unless repealed by the voters of the City in the manner provided by law.

**3-17.170 Independent annual financial audit.**

The amount generated by this general purpose revenue source and how it was used shall be included in the annual audit of the City's financial operations by an independent certified public accountant.

**3-17.180 Citizens' oversight committee.**

There shall be a permanent citizens' advisory committee called the "Citizens' Oversight Committee" (hereafter "Committee") which shall annually review revenues and expenditures from the collection of the tax. The committee shall have 9 members. Seven members shall be appointed to the committee by individual Atascadero community groups. Two members shall be appointed by the City Council. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official.

**3-17.190 Annual road report.**

An Annual Road Report shall be prepared by the City no later than the last day of the sixth month following the end of each City fiscal year. The Report shall be submitted to the Citizens' Oversight Committee for review. The Committee will submit their findings and conclusions to the City Council. The Report will also be made available to the public. The Annual Road Report shall detail the prior fiscal year's activities related to the retail transaction and use tax. The Report shall include revenues generated by the Transaction and Use Tax, expenditures (in summary form), funds carried over from

previous fiscal years, and any remaining funds to be carried over for expenditure in subsequent fiscal years.

## DRAFT ORDINANCE B

### AN ORDINANCE OF THE PEOPLE OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 2, CHAPTERS 4, 7, 14 AND 20 OF THE ATASCADERO MUNICIPAL CODE, STATING THE CITY TREASURER IS APPOINTIVE AND AUTHORIZING THE CITY MANAGER TO APPOINT THE CITY TREASURER

The People of the City of Atascadero, California do ordain as follows:

**SECTION 1.** The following findings are true and correct.

- A. The office of the City Treasurer has been an elected position since the City of Atascadero's incorporation in 1979 and the trend of cities throughout the State has been to convert to the use of appointive rather than elected city treasurers.
- B. The City Treasurer position necessitates the Treasurer be current and well versed with highly technical professional standards, laws, regulations, and management systems however, the only qualifications needed to serve in the City Treasurer position are to be 18 years of age, a resident of Atascadero, and a registered voter of Atascadero.
- C. An appointive City Treasurer ensures the City is able to appoint an individual with the necessary qualifications and expertise, eliminates the potential for unqualified individuals to be elected to the position, and removes the position from political pressures in performing the required duties and responsibilities.
- D. California Government Code 36508 states that the City Council may submit to the electors the question whether the elective officers, except Council Members, shall be appointed.
- E. The Atascadero City Council placed on the November 2024 election ballot, a ballot measure asking the voters if the City Treasurer position should be appointive.
- F. Chapters 4, 7, 14, and 20 of the Atascadero Municipal Code will need to be updated to reflect the position of City Treasure as appointive and authorize the City Manager to appoint the position.

**SECTION 2.** Section 2-4.28 shall be added as follows:

2-4.28 Delegation of Authority to Appoint City Treasurer.

As a result of the November 2024 General Election, the voters decided to have the office of the City Treasurer appointed. The position will remain elected until the end of term, December 2026, or sooner if there is a vacancy. Once a vacancy occurs, the City Council authorizes the City Manager to appoint the City Treasurer, pursuant to Government Code Section 36510.

**SECTION 3.** Section 2-7.01 shall be amended as follows:

2-7.01 Creation and functions.

- (a) The office of the City Treasurer is confirmed as provided in Sections 36501 and 36502 of the Government Code of the State. As a result of the November 2024 General Election, the office shall be appointive. The City Treasurer shall perform such duties as are prescribed by Sections 41001 through 41007 of the Government Code of the State. The City Treasurer shall perform such other duties consistent with this Code as may be required of them by the Council.
- (b) The principal functions of the City Treasurer shall be to receive and safely keep all public funds coming into their hands as treasurer, and to comply with all laws governing the deposit and securing of public funds and the handling of trust funds in their possession.

**SECTION 4.** Section 2-7.03 shall be amended as follows:

2-7.03 Compensation.

The elected City Treasurer shall receive a salary of \$400 per calendar month. Once the position is appointed by the City Manager, the four hundred dollars (\$400.00) monthly salary will end.

**SECTION 5.** Section 2-14.02 of the Atascadero Municipal Code shall be amended as follows:

2-14.02 Elected positions.

- (a) The electors shall elect a Mayor and four (4) City Councilmembers.
- (b) The term of office of the Mayor shall be two (2) years. The term of the office of the Councilmembers shall be four (4) years

**SECTION 6.** Section 2-20.01 of the Atascadero Municipal Code shall be amended as follows:

2-20.01 Elected officials designated.

Elected officials in the City of Atascadero are the Mayor and City Councilmembers.

**SECTION 7.** Effective Date

If this ordinance is approved by a majority of the electors voting on the issue at the November 5, 2024, general municipal election, pursuant to Elections Code Section 9217, the ordinance shall become effective ten (10) calendar days after the City Council accepts the certified results of the election.

**SECTION 8.** The title and a summary of this ordinance, along with the names of the Council Members voting for and against the ordinance, shall be published twice: at least five days prior to its final passage in a newspaper of general circulation in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in a newspaper of general circulation in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

**APPROVED AND ADOPTED** by the City Council of the City of Atascadero, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, by a vote of a majority of the City Council.

CITY OF ATASCADERO

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
David M. Fleishman, City Attorney

**PASSED** and **ADOPTED** by the People of the City of Atascadero this 5<sup>th</sup> day of November 2024.

ATTEST:

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

**DRAFT RESOLUTION B**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO ELECTIONS CODE SECTION 10403**

**WHEREAS**, the City Council of the City of Atascadero called a General Municipal Election to be held on November 5, 2024, for the purpose of the election of a Mayor and two Members of the City Council; and

**WHEREAS**, the City Council is submitting to the voters a measure to enact an ordinance extending the transactions and use tax (Measure F-14) and a question related to the City Treasurer position; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of San Luis Obispo canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

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

**SECTION 1.** That pursuant to the requirements of Elections Code Section 10403, the Board of Supervisors of the County of San Luis Obispo is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of the election of a Mayor, two Members of the City Council, and the submittal of two ballot measures to the voters.

**SECTION 2.** That the measures are to appear on the ballot as follows:

<u><b>BALLOT MEASURE #</b></u>	
To provide funding that cannot be seized by Sacramento, and that will stay in Atascadero for such things as repair of neighborhood roads and aging infrastructure along with other vital City needs, shall the City extend its current ½ cent per dollar sales tax (Measure F-14) until ended by voters, with citizen committee oversight, published annual reporting and independent financial audits?	Yes
	No

<b><u>BALLOT MEASURE #</u></b>	Yes
Shall the office of City Treasurer be appointive?	No

**SECTION 3.** That the vote requirement for the measures to pass is a majority (50%+1) of the votes cast.

**SECTION 4.** That the County Election Department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

**SECTION 5.** That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**SECTION 6.** That the City of Atascadero recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any related costs.

**SECTION 7.** That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Department of the County of San Luis Obispo.

**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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

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

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

CITY OF ATASCADERO

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

ATTEST:

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



**DRAFT RESOLUTION C**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING CITY MEASURES AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS**

**WHEREAS**, a General Municipal Election is to be held in the City of Atascadero, California, on November 5, 2024, at which there will be submitted to the voters the following measures:

<u>BALLOT MEASURE #</u>	
To provide funding that cannot be seized by Sacramento, and that will stay in Atascadero for such things as repair of neighborhood roads and aging infrastructure along with other vital City needs, shall the City extend its current ½ cent per dollar sales tax (Measure F-14) until ended by voters, with citizen committee oversight, published annual reporting and independent financial audits?	Yes
	No

<u>BALLOT MEASURE #</u>	
Shall the office of City Treasurer be appointive?	Yes
	No

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

**SECTION 1.** That the City Council authorizes the following member(s) of the City Council:

- \_\_\_\_\_, Council Member In Favor
- \_\_\_\_\_, Council Member In Favor
- \_\_\_\_\_, Council Member In Favor
- \_\_\_\_\_, Council Member In Favor
- \_\_\_\_\_, Council Member In Favor

to file (a) written argument(s), not exceeding 300 words regarding the City measures as specified above by printing name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, on behalf of the City Council. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

**SECTION 2.** That the City Council directs the City Clerk to transmit a copy of the measures to the City Attorney, unless the organization or salaries of the office of the city attorney are affected.

a. The City Attorney shall prepare an impartial analysis of the measures not exceeding 500 words showing the effect of the measures on the existing law and the operation of the measures. If the measures affect the organization or salaries of the office of the city attorney, the city clerk shall prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measures were placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measures is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: “The above statement is an impartial analysis of Measure \_\_\_\_\_.”

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

**SECTION 3.** Pursuant to Elections Code Section 9286(b), the deadline for filing (and changing or withdrawing) arguments for or against the City measure described above with the City Clerk shall be not later than 5:00 p.m. on June 25, 2024.

**SECTION 4.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED AND ADOPTED** at a regular meeting of the City Council on the \_\_\_\_\_ day of June, 2024.

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

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

CITY OF ATASCADERO

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

ATTEST:

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

**DRAFT RESOLUTION D**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS**

**WHEREAS**, a General Municipal Election is to be held in the City of Atascadero, California, on November 5, 2024, at which there will be submitted to the voters the following measures:

<u>BALLOT MEASURE #</u>	
To provide funding that cannot be seized by Sacramento, and that will stay in Atascadero for such things as repair of neighborhood roads and aging infrastructure along with other vital City needs, shall the City extend its current ½ cent per dollar sales tax (Measure F-14) until ended by voters, with citizen committee oversight, published annual reporting and independent financial audits?	Yes
	No

<u>BALLOT MEASURE #</u>	
Shall the office of City Treasurer be appointive?	Yes
	No

**WHEREAS**, Elections Code Section 9282 of the State of California provides for written arguments to be filed in favor of or against city measures not to exceed 300 words in length; and

**WHEREAS**, Elections Code Section 9285 of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections.

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

**SECTION 1.** That pursuant to Section 9285 of the Elections Code of the State of California, when the Elections Official has selected the arguments for and against the measure (not exceeding 300 words each) which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the measure to the authors of any argument against the measure, and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

**SECTION 2.** The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit or sign the rebuttal argument. A rebuttal argument may not be signed by more than five authors. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, **not more than 10 days after** the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

**SECTION 3.** That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

**SECTION 4.** That the provisions of Section 1 shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

**SECTION 5.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** at a regular meeting of the City Council on the \_\_\_\_\_ day of June, 2024.

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

CITY OF ATASCADERO

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

ATTEST:

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