



## CITY OF ATASCADERO CITY COUNCIL AGENDA

### **HYBRID MEETING INFORMATION:**

In accordance with City Council Resolution No. 2023-001 and the requirements of AB 361, 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:**

Individuals who wish to provide public comment in-person may attend the meeting in the City Council Chambers. Individuals who wish to participate remotely may 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.

If you wish to comment but not via a live platform, please email public comments to [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org). Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the City Council and made a part of the administrative record. ***To ensure distribution to the City Council prior to consideration of the agenda, the public is encouraged to submit comments no later than 12:00 p.m. the day of the meeting.*** Those comments, as well as any comments received after that time, but before the close of the item, will be distributed to the City Council, posted on the City's website, and will be made part of the official public record of the meeting. ***Please note, email comments will not be read into the record.***

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

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

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

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



# CITY OF ATASCADERO CITY COUNCIL

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## AGENDA

Tuesday, February 14, 2023

City Hall Council Chambers, 4th 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.**

**PLEDGE OF ALLEGIANCE:** Council Member Newsom

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

**APPROVAL OF AGENDA:** Roll Call

Recommendation: Council:

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

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

1. **City Council Draft Action Minutes – January 24, 2023 Regular Meeting; January 26, 2023 Special Virtual Meeting; and February 1, 2023 Special Virtual Meeting**
  - Recommendation: Council approve the January 24, 2023 Draft City Council Regular Meeting Minutes; the January 26, 2023 Draft City Council Special

Virtual Meeting Minutes; and the February 1, 2023 Special Virtual Meeting Minutes. [City Clerk]

**2. AB 361 Requirements for Virtual Meetings**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to allow for the conduct of virtual meetings. [City Manager]

**3. Authorization of Representatives for State Office of Emergency Services**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution repealing Resolution No. 2017-003 and updating the authorization of certain City representatives to execute State Office of Emergency Services documents for certain financial assistance. [Administrative Services]

**4. Contract Plan Check Services Interwest Consulting Services**

- Fiscal Impact: \$85,000 of General Fund plan check expenditures, offset by an estimated \$85,000 increase in General Fund plan check revenues.
- Recommendation: Council authorize the City Manager to enter into a contract amendment increasing Interwest Consulting Services' contract by \$85,000, for a total contract amount of \$165,000. [Community Development]

**5. Outlaws Card Parlour Business License (9850 E Front Street)**

- Fiscal Impact: None.
- Recommendation: Council review and approve the business license/tax certificate for Outlaws Card Parlour. [Community Development]

**6. Approve Final Tract Map 3204 (California Manor II)**

- Fiscal Impact: None.
- Recommendation: Council approve Final Tract Map 3204 for California Manor II creating a two-lot subdivision for condominium purposes. [Community Development]

**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. 2022 California Building and Fire Code Updates, Title 4 Public Safety Text Amendments, and Title 8 Building Code Text Amendments**

- Fiscal Impact: None.
- Recommendation: Council:
  1. Introduce Draft Ordinance A, for first reading, by title only, to approve amendments to Title 4 Public Safety, for consistency with the 2022 California Fire Code; and
  2. Introduce Draft Ordinance B, for first reading, by title only, to approve amendments to Title 8 Building Code, for consistency with the 2022 California Building Code. [Community Development and Fire & Emergency Services]

**C. MANAGEMENT REPORTS: None.**

**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. Visit SLO CAL Advisory Committee

Council Member Newsom

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. Design Review Committee
4. 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
  - a. Mayor Pro Tem Funk will request Council to direct staff to draft, and authorize the Mayor and City Manager to sign, a letter supporting ECHO's Homeless Housing, Assistance and Prevention Program Round 2 grant application.
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

## **ADJOURNMENT**



# CITY OF ATASCADERO CITY COUNCIL

## DRAFT MINUTES

Tuesday, January 24, 2023

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

<b>City Council Regular Session:</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 Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Interim Police Chief Jerel Haley, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, and Deputy City Manager – IT Luke Knight

### APPROVAL OF AGENDA:

- MOTION:** By Council Member Bourbeau and seconded by Mayor Pro Tem Funk to:
1. Approve this agenda with the addition (Item #C-2); and
  2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.
- Motion passed 5:0 by a roll-call vote.*

**A. CONSENT CALENDAR:**

1. **City Council Draft Action Minutes – January 10, 2023**
  - Recommendation: Council approve the January 10, 2023 Draft City Council Regular Meeting Minutes. [City Clerk]
2. **December 2022 Accounts Payable and Payroll**
  - Fiscal Impact: \$2,221,466.23
  - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for December 2022. [Administrative Services]
3. **Emergency Purchases for January 2023 Storms**
  - Fiscal Impact: \$500,000.
  - Recommendation: Council receive and file report. [Public Works]

A question on Consent Calendar Item #3 by Mayor Pro Tem Funk was answered by City Manager Rickard.

**MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Funk to approve the Consent Calendar Items.  
*Motion passed 5:0 by a roll-call vote.***

**UPDATES FROM THE CITY MANAGER:**

City Manager Rickard gave an update on projects and events within the City and provided information to the City Council on disaster recovery.

**COMMUNITY FORUM:**

The following persons spoke by telephone or through the webinar: Brenda Mack

**B. PUBLIC HEARINGS:**

1. **2022 California Building and Fire Codes Updates (Continuation)**
  - Fiscal Impact: None.
  - Recommendation: Council continue the item to February 14, 2023, to allow staff additional time to complete the updates to the Building and Fire Codes. [Community Development and Fire & Emergency Services]

**PUBLIC COMMENT:**

The following citizens spoke on this item: None

***Mayor Moreno noted that the item would be continued to the February 14, 2023 Regular City Council Meeting.***

**C. MANAGEMENT REPORTS:**

**1. El Camino Real Downtown Infrastructure Enhancement Project Design Public Outreach Kickoff Session**

- Fiscal Impact: None.
- Recommendation: Council provide input and receive information from the public on outreach concepts for the El Camino Real Downtown Infrastructure Enhancement Plan. [Public Works]

Public Works Director DeBar, together with City consultants, Jorge Aguilar and Sarah Huffman of Wallace Group gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: None

***The City Council received the report on the El Camino Real Downtown Infrastructure Enhancement Plan and encouraged the public to attend one of the workshops and provide feedback on the outreach concepts for the Plan.***

**2. Fiscal Year 2021-22 Audit**

- Fiscal Impact: None.
- Recommendation: Council review and accept the financial audit for the period ended June 30, 2022. [Administrative Services]

Administrative Services Director Rangel gave the report and answered questions from the Council. City Auditor, Adam Guise of Moss, Levy & Hartzheim also provided comment to the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None

***The City Council reviewed and accepted accept the financial audit for the period ended June 30, 2022.***

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

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

Mayor Moreno

1. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Funk

1. Homeless Services Oversight Council

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)



Council Member Dariz

1. Air Pollution Control District
3. Community Action Partnership of San Luis Obispo (CAPSLO)

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

**F. ADJOURNMENT**

Mayor Moreno adjourned the meeting at 7:27 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
City Clerk

**APPROVED:**

# VIRTUAL SPECIAL MEETING ATASCADERO CITY COUNCIL

Thursday, January 26, 2023  
2:00 p.m.

**\*\*VIRTUAL MEETING ONLY\*\***

## COMMISSION INTERVIEWS AND APPOINTMENTS

### DRAFT MINUTES

Mayor Moreno called the meeting to order at 2:02 p.m.

#### ROLL CALL:

Present: **By Teleconference** – Council Members Bourbeau, Dariz, Newsom, Mayor Pro Tem Funk, and Mayor Moreno

Absent: None

Staff Present: **By Teleconference** – Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager – IT Luke Knight, and Administrative Assistant/Deputy City Clerk Dillon Dean James

#### INTERVIEWS AND APPOINTMENTS:

1. **Interview Process**

- *City Clerk Recommendation: Council discuss process for conducting Commission interviews.*

Deputy City Manager/City Clerk Christensen briefed the City Council on the virtual interviews and Mayor Moreno led a discussion on how the interview process would proceed.

2. **Planning Commission and Citizens' Sales Tax Oversight Committee**

- *City Clerk Recommendation: Council interview the candidates and select, by ballot, two citizens to serve on the Planning Commission and two citizens to serve on the Citizens' Sales Tax Oversight Committee.*

The City Council interviewed five candidates for Planning Commission and 3 candidates for Citizens' Sales Tax Oversight Committee and selected, by ballot, Jeff van den Eikhof and Randy Hughes to serve in the At-large positions on the Planning Commission and Max Zappas and Erik Rodriguez to serve in the At-large positions on the Citizens' Sales Tax Oversight Committee.

**3. Announcement of Appointments**

The City Council Members announced their directly appointed Commissioners:

<b>CITY COUNCIL MEMBER</b>	<b>PLANNING COMMISSION</b>
Mayor Moreno	Greg Heath
Mayor Pro Tem Funk	Tori Keen
Council Member Bourbeau	Victoria Carranza
Council Member Dariz	Jason Anderson
Council Member Newsom	Dennis Schmidt

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

Mayor Moreno adjourned the meeting at 3:51 p.m. to the next Regular Session scheduled for Tuesday, February 14, 2023 at 6:00 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager/City Clerk

**APPROVED:**

# VIRTUAL SPECIAL MEETING ATASCADERO CITY COUNCIL

Wednesday, February 1, 2023  
2:00 p.m.

**\*\*VIRTUAL MEETING ONLY\*\***

## DRAFT MINUTES

Mayor Moreno called the meeting to order at 2:01 p.m.

### ROLL CALL:

Present: **By Teleconference** – Council Members Dariz, Newsom, Mayor Pro Tem Funk, and Mayor Moreno

Absent: Council Member Bourbeau

Staff Present: **By Teleconference** – Administrative Service Director Jeri Rangel, Public Works Director Nick DeBar, and Deputy City Manager/City Clerk Lara Christensen

### DISCUSSION:

1. **Emergency Contract Award for Atascadero Creek Slope Stabilization Project at Lift Station #5**
  - Fiscal Impact: \$263,037.
  - Recommendation: Council ratify, by review and determination, that there is a need to continue the Emergency Services Director's authorization to contract with Michael Frederick Paving Company, Earth Systems Pacific and Terra Verde Environmental Consulting to complete emergency Atascadero Creek Slope Stabilization Project at Lift Station #5, pursuant to City's Purchasing Police and Public Contract Code Section 22050. [Public Works]

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

### PUBLIC COMMENT:

The following persons spoke on this item: None

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

**MOTION:** By Council Member Newsom and seconded by Council Member Dariz to ratify, by review and determination, that there is a need to continue the Emergency Services Director's authorization to contract with Michael Frederick Paving Company, Earth Systems Pacific and Terra Verde Environmental Consulting to complete emergency Atascadero Creek Slope Stabilization Project at Lift Station #5, pursuant to City's Purchasing Police and Public Contract Code Section 22050. (Contract Nos. 2023-003, 2023-004, and 2023-005).

***Motion passed 4:0 by a roll-call vote. Bourbeau absent.***

**ADJOURNMENT:**

Mayor Moreno adjourned the meeting at 2:14 p.m. to the next Regular Session scheduled for Tuesday, February 14, 2022 at 6:00 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager/City Clerk

**APPROVED:**



# ***Atascadero City Council***

## ***Staff Report - City Manager***

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### **AB 361 Requirements for Virtual Meetings**

#### **RECOMMENDATION:**

Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings.

#### **DISCUSSION:**

On March 4, 2020, Governor Newsom declared a state of emergency due to the novel coronavirus COVID-19. That declaration is still in effect. Since March 12, 2020, Executive Orders from the Governor relaxed various Brown Act meeting requirements relating to teleconferencing rules, temporarily suspending the Brown Act provisions requiring the physical presence of council, board and commission members at public meetings. The most recent extension of those Orders expired on September 30, 2021.

On Friday, September 17, 2021, the Governor signed AB 361. AB 361 amends Government Code section 54953 to provide more clarity on the Brown Act's rules and restrictions surrounding the use of teleconferencing to conduct meetings. The newly enacted Government Code Section 54953(e) creates alternate measures to protect the ability of the public to appear before local legislative bodies.

With the passage of AB 361, local agencies are allowed to continue to conduct virtual meetings during a declared state of emergency, provided local agencies comply with specified requirements. The City Council previously adopted Resolution No. 2021-066 on September 28, 2021, finding that the requisite conditions exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with AB 361. (Government Code Section 54953(e).) AB 361 requires the City Council to reconsider the circumstances of the state of emergency not later than 30 days after teleconferencing for the first time pursuant to AB 361 and every 30 days thereafter in order to continue to conduct remote teleconference meetings. The City Council previously adopted Resolution No. 2021-069 on October 26, 2021; Resolution No. 2021-073 on November 23, 2021; Resolution No. 2021-074 on December 14, 2021; Resolution No. 2022-001 on January 11, 2022; Resolution No. 2022-003 on February 8, 2022; Resolution No. 2022-010 on March 8, 2022; Resolution No. 2022-010 on April 12, 2022; Resolution No. 2022-032 on May 10, 2022; Resolution No. 2022-038 on May 26, 2022; Resolution No. 2022-044 on June 14, 2022; Resolution No. 2022-064 on July 12, 2022; Resolution No. 2022-066 on August 9, 2022; Resolution No. 2022-068 on

September 13, 2022; Resolution No. 2022-071 on October 11, 2022; Resolution No. 2022-073 on November 8, 2022; Resolution No. 2022-074 on December 13, 2022; and Resolution No. 2023-001 on January 10, 2023, making the requisite findings to continue remote teleconferencing. Circumstances have not changed since the Council's adoption of Resolution No. 2023-001.

In order to continue remote teleconferencing, the City Council must make the following findings (Gov. Code § 52953(e)(3)):

- The City Council has reconsidered the circumstances of the state of emergency.
- Any of the following circumstances exist:
  - The state of emergency continues to directly impact the ability of the members to meet safely in person.
  - State or local officials continue to impose or recommend measures to promote social distancing.

Social distancing is the term used for measures that reduce physical contact between infectious and susceptible people during a disease outbreak. While local and state mask mandates have been lifted, and the San Luis Obispo County local health emergency has been terminated, there are still some remaining social distancing measures in place to reduce the spread of COVID.

- The California Department of Public Health continues to strongly recommend masks for all persons, regardless of vaccine status, in indoor public settings and businesses.
- The City remains subject to the State Occupational Safety and Health Administration (CalOSHA) regulations which, among other requirements, continues to obligate an employer to provide training to employees on COVID-19 transmission and risk reduction, including "The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination." (CCR Section 3205(c)5(D).)
- CDC continues to have quarantine and isolation recommendations for those that have tested positive for COVID, those that have symptoms of COVID and for those that have been exposed to COVID. These isolation and quarantine requirements continue to often prevent employees and community members from attending meetings in person.

Should the Draft Resolution not be adopted, and the City Council (or an individual Council Member) elects to attend virtually, the City must comply with the provisions of Government Code Section 54953(3)(b):

- Agendas shall be posted at all teleconferencing locations
- Each teleconference location shall be identified on the agenda
- Each teleconference location shall be accessible to the public
- At least a quorum of the Council shall participate from locations with the boundaries of the City
- The public shall be provided an opportunity to address the Council directly at each teleconference location

Adoption of the Draft Resolution does not prohibit the conduct of a traditional or hybrid meeting in accordance with state and local regulations. At Council's direction on March 8, 2022, and because CDC measures are still in place that could prevent a member of the public from participating in the meeting in person, if the Draft Resolution were not adopted, hybrid City Council meetings will continue to be conducted, allowing public participation both virtually and in-person. At this time, there is not staff available to conduct all advisory body meetings (such as Planning Commission, Design Review Committee, ATBID, CSTOC) in a hybrid fashion and adoption of the Draft Resolution allows these meetings to continue to be conducted virtually. If the Draft Resolution was not adopted, these advisory bodies would need to return to the traditional in-person meeting model, effective immediately.

**FISCAL IMPACT:**

None.

**ATTACHMENT:**

Draft Resolution



**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA,  
PROCLAIMING THE CONTINUING NEED TO MEET BY  
TELECONFERENCE PURSUANT TO  
GOVERNMENT CODE SECTION 54953(e)**

**WHEREAS**, all meetings of the City of Atascadero legislative bodies are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, Government Code section 54953(e) was added by AB 361, signed by Governor Newsom on September 17, 2021; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic; and

**WHEREAS**, on March 17, 2020, the City of Atascadero declared a State of Emergency as a result of the COVID-19 pandemic; and

**WHEREAS**, such State of Emergency remains in effect; and

**WHEREAS**, COVID-19 continues to threaten the health and lives of City of Atascadero residents; and

**WHEREAS**, subsequent variants are highly transmissible in indoor settings and breakthrough cases are more common; and

**WHEREAS**, state officials have imposed or recommended measures to promote social distancing to include the wearing of masks indoors, regardless of vaccination status; and

**WHEREAS**, the City Council previously adopted Resolution No. 2021-066 on September 28, 2021; Resolution No. 2021-069 on October 26, 2021; Resolution No. 2021-073 on November 23, 2021; Resolution No. 2021-074 on December 14, 2021; Resolution No. 2022-001 on January 11, 2022; Resolution No. 2022-003 on February 8, 2022; Resolution No. 2022-006 on March 8, 2022; Resolution No. 2022-010 on April 12, 2022; Resolution No. 2022-032 on May 10, 2022; Resolution No. 2022-038 on May 26, 2022; Resolution No. 2022-064 on July 12, 2022; Resolution No. 2022-066 on August 9, 2022; Resolution No. 2022-068 on September 13, 2022; Resolution No. 2022-071 on October 11, 2022; Resolution No. 2022-073 on November 8, 2022; Resolution No. 2022-074 on December 13, 2022; and Resolution No. 2023-001 on January 10, 2023, finding that the requisite conditions exist and continue to exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with Government Code Section 54953(e); and

**WHEREAS**, Government Code Section 54953(e) requires that the City Council must reconsider the circumstances of the state of emergency every 30 days in order to continue to conduct remote teleconference meetings in compliance with AB 361.

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

**SECTION 1. Recitals**. The above recitals are true and correct and are incorporated into this Resolution by this reference.

**SECTION 2. Findings**. The City Council does hereby find that:

1. The City Council has reconsidered the circumstances of the state of emergency declared as a result of the COVID-19 pandemic.
2. The state of emergency continues to directly impact the ability of the members to meet safely in person.
3. State or local officials continue to impose or recommend measures to promote social distancing.

**SECTION 3. Compliance with Government Code Section 54953(e)**. The City Council and other legislative bodies will continue to meet by teleconference in accordance with Government Code section 54953(e).

**SECTION 4. Effective Date of Resolution**. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Atascadero may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of February, 2023.

CITY OF ATASCADERO

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

ATTEST:

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



# ***Atascadero City Council***

## ***Staff Report – Administrative Services Department***

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### **Authorization of Representatives for State Office of Emergency Services**

#### **RECOMMENDATION:**

Council adopt Draft Resolution repealing Resolution No. 2017-003 and updating the authorization of certain City representatives to execute State Office of Emergency Services documents for certain financial assistance.

#### **DISCUSSION:**

The Federal Emergency Management Agency (FEMA) declared a federal disaster and announced that federal disaster assistance has been made available to the State of California to supplement State and local recovery efforts in the areas affected by severe winter storms from December 27, 2022 through January 31, 2023. San Luis Obispo County was included in the declaration and the City of Atascadero is eligible for federal and state funding.

In order to execute the documents necessary to obtain the financial assistance, the City must designate certain City representatives to execute assurances and agreements pursuant to the laws of the State of California, Office of Emergency Services (Cal OES). These representatives are designated in the attached draft resolution.

The City previously adopted Resolution 2017-003 in March 2017. Cal OES keeps resolutions on file for three years, and then requires updates adopted by the City Council.

#### **FISCAL IMPACT:**

The resolution will allow the City to be eligible for federal and state financial assistance.

#### **ATTACHMENT:**

Draft Resolution repealing Resolution No. 2017-003 and updating the authorization of certain city representatives to execute State Office of Emergency Services Documents for certain financial assistance.

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA,  
REPEALING RESOLUTION 2017-003 AND UPDATING THE  
AUTHORIZATION OF CERTAIN CITY REPRESENTATIVES  
TO EXECUTE STATE OFFICE OF EMERGENCY SERVICES  
DOCUMENTS FOR CERTAIN FINANCIAL ASSISTANCE**

**WHEREAS**, the City Council of the City of Atascadero must designate certain City representatives to execute assurances and agreements pursuant to the laws of the State of California, Office of Emergency Services; and

**WHEREAS**, the City Council of the City of Atascadero adopted Resolution No. 2017-003 authorizing certain City representatives to execute State Office of Emergency Services documents for certain financial assistance; and

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero that the Resolution No. 2017-003 is now repealed, and the following named individuals shown on the attached Cal OES Form 130 are hereby authorized to execute for, and on behalf of, the City of Atascadero, a public entity established under the laws of the state of California, applications and documents for purposes of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and/or state financial assistance under the California Disaster Assistance Act.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of February, 2023.

CITY OF ATASCADERO

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

ATTEST:

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



Cal OES ID No: \_\_\_\_\_

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE \_\_\_\_\_ OF THE \_\_\_\_\_  
(Governing Body) (Name of Applicant)

THAT \_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_, OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the \_\_\_\_\_,  
(Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM),** under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA),** under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the \_\_\_\_\_, a public entity established under the  
(Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



STATE OF CALIFORNIA  
CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
**DESIGNATION OF APPLICANT'S AGENT RESOLUTION**  
**NON-STATE AGENCIES**  
OES-FPD-130 (Rev. 10-2022)

RECOVERY DIRECTORATE  
FINANCIAL PROCESSING DIVISION

**Please check the appropriate box below**

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): \_\_\_\_\_

Passed and approved this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
(Name) (Title)

\_\_\_\_\_, do hereby certify that the above is a true and  
(Name of Applicant)

correct copy of a resolution passed and approved by the \_\_\_\_\_  
(Governing Body)

of the \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
(Name of Applicant)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)



# ***Atascadero City Council***

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

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### **Contract Plan Check Services Interwest Consulting Services**

#### **RECOMMENDATION:**

Council authorize the City Manager to enter into a contract amendment increasing Interwest Consulting Services' contract by \$85,000, for a total contract amount of \$165,000.

#### **DISCUSSION:**

Interwest Consulting Services provides construction plan check services through a contract with the City for the review of commercial and multi-family building permit applications submitted to the City. Most single-family construction plans are reviewed in-house by building inspection staff. While the cost of plan check services may vary somewhat from year to year, the City's plan check services budget is adopted at an amount that assumes an average construction permit workload. The City's adopted Fiscal Year budget for the plan check services is \$80,000 for the current fiscal year.

In calendar year 2022, the number of construction plans submitted to the City exceeded average years by more than 25%. Additionally, many of the plans submitted included very complex and large multi-family and commercial projects that consumed additional plan check services time. One plan check invoice alone in December 2022 exceeded \$50,000, which is very unusual. Further complicating the matter is the change in the building code that occurred on January 1, 2023. Many applicants submitted plans in December in time to keep their plans in line with the prior building code, thus saving some construction costs; however, this increase in plan check activity resulted in increased staff and consultant time spent on the review of construction plans.

Based upon the foregoing, it is estimated that services provided by Interwest Consulting Services will cost approximately \$165,000 for the fiscal year, an increase of \$85,000 over the original budget. Fortunately, these services are reimbursed from the applicants through the payment of plan check review fees that are designed to cover the cost of plan check services.

The City's Purchasing Policy requires City Council approval of any professional service contract in excess of \$100,000. Staff followed the Purchasing Policy requirements for the existing \$80,000 contract with Interwest, which required the City Manager's approval.

Now that the City's need for extra contract services will exceed \$100,000, staff is bringing this contract forward for Council's consideration.

In 2018, a Request for Proposals was widely advertised for plan check services. There were three respondents, of which Interwest Consulting Services was one. The City has determined Interwest to be responsive and competitively priced. Staff has found that Interwest Consulting Services produces quality and timely work and helps to advance Council's goal of economic development with a business-friendly approach while still emphasizing quality.

Staff recommends Council approve an increase in the contract with Interwest Consulting Services in the amount of \$85,000, for a total contract amount of \$165,000.

### **FISCAL IMPACT:**

Authorization of the contract amendment increasing the Interwest Consulting Services' plan check contract would result in an estimated additional \$85,000 of General Fund plan check expenditures, offset by an estimated \$85,000 increase in General Fund Plan Check Revenues.

### **ALTERNATIVES:**

Council may not award the contract extension and cancel the contract plan checking services. This would result in a significant delay in the issuance of commercial and multi-family building permits as the City does not have the staff time nor expertise to complete these plan checks in-house





# **Atascadero City Council**

## **Staff Report – Community Development**

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### **Outlaws Card Parlour Business License (9850 E Front Street)**

#### **RECOMMENDATION:**

Council review and approve the business license/tax certificate for Outlaws Card Parlour.

#### **BACKGROUND:**

The City of Atascadero's Municipal Code Chapter 3-5.105 (*Cardrooms, Attachment 1*) provides procedures for the administration of a business license for a cardroom. The cardroom approval process is outlined in the Municipal Code as shown below. This section of the Municipal Code prescribes both local and state regulations that apply to cardrooms. It also outlines a review process for a new cardroom business license, including, but not limited to background checks for all employees. The final step in the business license review process includes approval by the City Council.

#### **DISCUSSION:**

In 2021 Outlaws Card Parlour, the City's only operating cardroom, changed ownership, and the new owner applied for a new business license and paid the applicable fees. They have also worked to comply with the City ordinance by providing the necessary information, background checks and associated fees. At this time, the applicant has submitted the necessary items to complete the City's review process. Based on the adopted Municipal Code, the business license application takes a final action from the City Council. Now, the applicant is seeking City Council approval to complete their approval process.

#### **The purpose of the City's review:**

Chapter 3-5.105 of the Municipal Code outlines the basic provisions for our review as identified below in subsection d below:

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

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

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

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

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

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

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

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

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

Staff has reviewed the application materials for the Outlaws Card Parlour change of ownership and has verified that the applicant has completed these items in compliance with the Municipal Code.

### **FISCAL IMPACT:**

The amount of fiscal impact is unknown at this time but may include additional business-related revenues and/or staff costs related to any necessary responses.

### **ATTACHMENT:**

City of Atascadero Municipal Code Section 3-5.105, Cardrooms

**Municipal Code Section 3-5.105**

## **3-5.105 Cardrooms.**

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

(b) Definitions.

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

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

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

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

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

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

(7) Chief of Police. "Chief of Police" means the Chief of Police and designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) No card table license shall be issued unless the location for the cardroom(s) is in compliance with all applicable zoning and building regulations of the City. The Community Development Department shall review all applications to verify compliance with the Zoning Code. The Council shall consider the effect of the operation of a cardroom on other sensitive uses located in the vicinity of the cardroom, including but

not limited to schools, public parks or recreational areas, public buildings with programs for minors, and religious institutions.

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

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

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

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

(e) Cardroom Work Permit—Application and Denial.

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

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

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

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

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

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

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

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

(g) Revocation of Licenses. The City Council shall have the right to revoke any cardroom license when the possessor thereof has violated, or permitted the violation of, any of the terms of this chapter. The City Council may also revoke any cardroom license when the business being operated is not being conducted in accordance with the public health, safety or welfare or when, in the discretion of the City Council, it is found that the continued operation of such business will create or is creating a policy problem for the City. Prior to revoking any cardroom license, the City Council shall cause to be served

on the applicant a notice of its intention to do so at least five (5) days prior to the date upon which it intends to consider the matter of such revocation, and also stating the right of the licensee to appear before the City Council and to show cause why such license should not be revoked. The decision of the City Council with respect to such revocation shall be final.

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

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

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

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

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

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

(k) Annual Fee. Licenses shall be issued on an annual basis. The annual license fee, payable each fiscal year beginning July 1, 2006, shall be established by resolution of the City Council. The fees shall be payable to the City after the Council has approved



the issuance of the license but prior to the issuance of the license. The operator of a cardroom shall pay the license fee set forth in this section regardless of the license fees he or she might pay for other businesses. If the same person operates two (2) or more cardrooms, he or she shall pay on each cardroom the license fee set forth in this section and shall have a separate license for each cardroom.

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

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

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

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

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

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

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

(o) Penalties for Violations. Any violation of this chapter shall constitute a misdemeanor, and any person found guilty thereof shall, upon conviction or plea of guilty, be punished by a fine pursuant to Chapter 3 of Title 1 of the Municipal Code or by imprisonment in the jail of the City, or in the jail of the County of San Luis Obispo, for not more than three (3) months, or by both such fine and imprisonment, and when a fine

is imposed the judgment may direct that the defendant be imprisoned in the county jail until such fine is satisfied at the rate established by the county.

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



# ***Atascadero City Council***

## ***Staff Report – Public Works Department***

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### **Approve Final Tract Map 3204 (California Manor II)**

#### **RECOMMENDATION:**

Council approve Final Tract Map 3204 for California Manor II creating a two-lot subdivision for condominium purposes.

#### **DISCUSSION:**

Vesting Tentative Tract Map 3204 was approved by the City of Atascadero Planning Commission on November 1, 2022 (PC Resolution 2022-0017). This map proposes to subdivide Parcel A of Parcel Map AT-81-183 (currently 10165 El Camino Real) into two parcels and establish a two-lot subdivision for condominium purposes. The gross area of the parent parcel is 4.73 acres, with the proposed subdivision resulting in lots that are 2.95 acres and 1.78 acres. Lot 1 fronts El Camino Real and contains the existing California Manor I building. Lot 2 (1.78 acres) is for condominium purposes and includes seventy-six (76) airspace condominium units for the development of California Manor II Apartments, a low-income affordable senior housing complex.

There is blanket private access, private sewer, private water, private utility and private drainage easements proposed across both Lots 1 and 2 in accordance with the conditions of approval. These blanket easements ensure Lot 2 is served from El Camino Real. A Condominium Plan, Covenants, Conditions and Restrictions (CC&Rs), Shared Maintenance Agreement, and Grant of Reciprocal Easement and Declaration of Restrictions and Affordable Housing Agreement have been reviewed and approved by City staff for recordation along with the Map.

The City Engineer and Community Development Director have reviewed Tract Map 3204 and find it to be in substantial conformance with the approved Vesting Tentative Tract Map. Pursuant to California Government Code Title 7, Division 2, the approving legislative body (City Council) shall not deny a Tract Map provided it finds the Final Tract Map is in substantial conformance with the previously approved Vesting Tentative Tract Map.

If adopted, the Final Tract Map will be recorded by County Recorder's Office within ten business days after submittal by the City.

**FISCAL IMPACT:**

None.

**ATTACHMENT:**

Tract Map 3204 (California Manor II)

**OWNER'S STATEMENT**

WE THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF, AND ALL RECORD HOLDERS OF SECURITY INTEREST IN, AND ALL PARTIES HAVING ANY RECORD TITLE IN THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION AND PROJECT SHOWN ON THIS MAP, AND THAT EACH OF US DOES HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP.

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS AND ASSIGNS CERTAIN PRIVATE ACCESS, PRIVATE SEWER, PRIVATE WATER, PRIVATE UTILITY AND PRIVATE DRAINAGE EASEMENT FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS AS DELINEATED ON THIS MAP.

**OWNER INFORMATION**

ATASCADERO CALIFORNIA MANOR, LP, A CALIFORNIA LIMITED PARTNERSHIP

CALLIE CONDRY \_\_\_\_\_ DATE \_\_\_\_\_  
 MANAGER

**NOTARY**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA  
 COUNTY OF \_\_\_\_\_

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_ (HERE INSERT NAME AND TITLE OF THE OFFICER), PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITIE(S), AND THAT BY HIS/HER/ THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL,

SIGNATURE \_\_\_\_\_ (SEAL)

PRINTED NAME \_\_\_\_\_

COUNTY OF \_\_\_\_\_

COMMISSION NO. \_\_\_\_\_

COMMISSION EXPIRATION \_\_\_\_\_

**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ATASCADERO CALIFORNIA MANOR, LP. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP. I ALSO STATE THAT ALL MONUMENTS WILL BE SET WITHIN ONE YEAR OF RECORDATION OF THIS MAP AND WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

*Jeffrey N. Wyant* 12/01/2022  
 \_\_\_\_\_ DATE  
 JEFFREY NELSON WYANT, PLS 9338



**CITY COUNCIL'S STATEMENT**

I, LARA K. CHRISTENSEN, CITY CLERK OF THE CITY OF ATASCADERO, HEREBY CERTIFY THAT THE CITY COUNCIL OF THE AFORESAID CITY DID ON \_\_\_\_\_, 20\_\_\_\_ APPROVE THIS MAP OF "TRACT 3204" SHOWN HEREON AND IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

LARA K. CHRISTENSEN, CITY CLERK  
 CITY OF ATASCADERO

**RECORDER'S DISCLAIMER**

THE TABULATION, LISTING AND NUMBERING OF ANY SEPARATE DOCUMENTS AUTHORIZED TO BE RECORDED CONCURRENTLY WITH THIS MAP HAVE BEEN PROVIDED BY THE SUBDIVIDER OR BY THE LOCAL AGENCY APPROVING THE MAP. THE COUNTY RECORDER MAKES NO REPRESENTATIONS REGARDING THE ACCURACY OR THE TABULATION, LISTING AND NUMBERING OF ANY SEPARATE DOCUMENTS REFERRED TO ON THIS MAP.

NOTE: THE FOLLOWING DOCUMENTS AFFECTING THE PROPERTY DENOTED HEREON ARE BEING RECORDED CONCURRENTLY HEREWITH:

1. CONDOMINIUM PLAN - DOC#: \_\_\_\_\_
2. COVENANTS, CONDITIONS AND RESTRICTIONS - DOC#: \_\_\_\_\_
3. GRANT OF RECIPROCAL EASEMENT AND DECLARATION OF RESTRICTIONS - DOC#: \_\_\_\_\_
4. SHARED MAINTENANCE AGREEMENT - DOC#: \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**REPORTS**

THE FOLLOWING REPORTS WERE PREPARED FOR THIS PROJECT:

TITLE REPORT  
 PLACER TITLE COMPANY  
 301 UNIVERSITY AVENUE, SUITE 120  
 SACRAMENTO, CA 95825  
 REPORT # P-538817  
 DATED: AUGUST 18, 2022

SOILS ENGINEERING REPORT  
 GEO SOLUTIONS, INC.  
 220 HIGH STREET  
 SAN LUIS OBISPO, CA 93401  
 REPORT # SL12125-1  
 DATED: APRIL 13, 2021

**NON-PLOTTABLE EASEMENTS**

EXCEPTION #4 - AN EASEMENT OVER SAID LAND FOR TELEPHONE AND ELECTRIC POLES AND INCIDENTAL PURPOSES RESERVED BY I. L. MITCHELL AND HENRIETTA G. MITCHELL, HUSBAND AND WIFE, IN DEED RECORDED JULY 2, 1925. (BOOK) 3 (PAGE) 470, OFFICIAL RECORDS.

EXCEPTION #6 - AN EASEMENT OVER SAID LAND FOR UNDERGROUND CONDUITS, PIPES, MANHOLES, SERVICE BOXES, WIRES, CABLES AND ELECTRICAL CONDUCTORS, ABOVEGROUND MARKER POSTS, RISERS AND SERVICE PEDESTALS, UNDERGROUND AND ABOVEGROUND SWITCHES, FUSES, TERMINALS, TRANSFORMERS WITH ASSOCIATED CONCRETE PADS, FIXTURES AND INCIDENTAL PURPOSES GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, IN DEED RECORDED JUNE 30, 1976. (BOOK) 1906 (PAGE) 765, OFFICIAL RECORDS.

**SIGNATURE OMISSIONS**

THE SIGNATURES OF PACIFIC GAS AND ELECTRIC COMPANY AND PACIFIC BELL TELEPHONE COMPANY OWNERS OF A PUBLIC UTILITY EASEMENT, AS DISCLOSED BY DEED RECORDED AS IN BOOK 1906, PAGE 765 OF OFFICIAL RECORDS OF SAN LUIS OBISPO COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a-3-A-I) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY

THE SIGNATURES OF PACIFIC GAS AND ELECTRIC COMPANY AND PACIFIC BELL TELEPHONE COMPANY OWNERS OF A PUBLIC UTILITY EASEMENT, AS DISCLOSED BY DEED RECORDED AS IN BOOK 2896, PAGE 204 OF OFFICIAL RECORDS OF SAN LUIS OBISPO COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a-3-A-I) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY

THE SIGNATURES OF CCO SOCIAL I, LLC OWNERS OF A NONEXCLUSIVE INSTALLATION EASEMENT, AS DISCLOSED BY DEED RECORDED AS INSTRUMENT NUMBER 2015-029991 OFFICIAL RECORDS OF SAN LUIS OBISPO COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a-3-A-I) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY

**CITY ENGINEER'S STATEMENT**

I, NICHOLAS D. DE BAR, HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED "TRACT 3204", THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

NICHOLAS D. DE BAR, RCE 89291 \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY ENGINEER  
 CITY OF ATASCADERO

I, JOHN R. SANDERS, ACTING ON BEHALF OF THE CITY ENGINEER OF THE CITY OF ATASCADERO, AS ALLOWED UNDER SECTION 66416.5 OF THE SUBDIVISION MAP ACT, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP SHOWN HEREON AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

JOHN R. SANDERS, PLS 5812 \_\_\_\_\_ DATE \_\_\_\_\_

**CITY PLANNING COMMISSION STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THIS TRACT MAP ENTITLED "TRACT 3204", THAT SAID MAP SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP AS APPROVED BY THE CITY OF ATASCADERO ON NOVEMBER 1, 2022. THIS MAP IS THEREFORE APPROVED BY THE CITY OF ATASCADERO.

PHIL DUNSMORE \_\_\_\_\_ DATE \_\_\_\_\_  
 COMMUNITY DEVELOPMENT DIRECTOR  
 CITY OF ATASCADERO

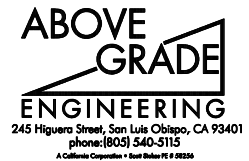
**COUNTY RECORDER'S STATEMENT**

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_, CA, IN

BOOK \_\_\_\_\_ OF MAPS, AT PAGE \_\_\_\_\_, AT THE REQUEST OF JEFFREY NELSON WYANT, DOCUMENT NO. \_\_\_\_\_

FEES: \_\_\_\_\_

COUNTY RECORDER \_\_\_\_\_ DEPUTY \_\_\_\_\_



**TRACT 3204**

A TWO LOT SUBDIVISION FOR CONDOMINIUM PROPOSES OF PARCEL A, OF PARCEL MAP AT-81-183, AS SHOWN ON THE MAP RECORDED IN BOOK 31, PAGE 26 OF PARCEL MAPS, IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

November 30, 2022

BY: JNW \_\_\_\_\_ JOB No. 21007 \_\_\_\_\_ SHEET 1 OF 3

**BENEFICIARY'S STATEMENT**

THE UNITED STATES OF AMERICA, ACTING THROUGH THE FARMERS HOMES ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE, AS BENEFICIARY UNDER DEED OF TRUST DATED OCTOBER 10, 1986, RECORDED IN BOOK 2896, PAGE 498 OF OFFICIAL RECORDS AND BY INSTRUMENT NUMBER 2013-037354, DATED JUNE 28, 2013 AND INSTRUMENT NUMBER 2013-037358, DATED JUNE 28, 2013 OF OFFICIAL RECORDS OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

SIGNATURE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_  
 TITLE \_\_\_\_\_

**NOTARY**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA  
 COUNTY OF \_\_\_\_\_  
 ON \_\_\_\_\_ BEFORE ME \_\_\_\_\_ (HERE INSERT NAME AND TITLE OF THE OFFICER), PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.  
 SIGNATURE \_\_\_\_\_ (SEAL)  
 PRINTED NAME \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_  
 COMMISSION NO. \_\_\_\_\_  
 COMMISSION EXPIRATION \_\_\_\_\_

**BENEFICIARY'S STATEMENT**

BONNEVILLE MORTGAGE COMPANY, AS BENEFICIARY UNDER DEED OF TRUST DATED JUNE 14, 2013, RECORDED BY INSTRUMENT NUMBER 2013-037354 OF OFFICIAL RECORDS OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

SIGNATURE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_  
 TITLE \_\_\_\_\_

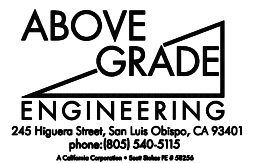
**NOTARY**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA  
 COUNTY OF \_\_\_\_\_  
 ON \_\_\_\_\_ BEFORE ME \_\_\_\_\_ (HERE INSERT NAME AND TITLE OF THE OFFICER), PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.  
 SIGNATURE \_\_\_\_\_ (SEAL)  
 PRINTED NAME \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_  
 COMMISSION NO. \_\_\_\_\_  
 COMMISSION EXPIRATION \_\_\_\_\_



TRACT 3204  
 A TWO LOT SUBDIVISION FOR CONDOMINIUM PROPOSES OF PARCEL A, OF PARCEL MAP AT-81-183, AS SHOWN ON THE MAP RECORDED IN BOOK 31, PAGE 26 OF PARCEL MAPS, IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

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# ***Atascadero City Council***

## ***Staff Report - Community Development Department / Fire & Emergency Services Department***

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### **2022 California Building and Fire Code Updates, Title 4 Public Safety Text Amendments, and Title 8 Building Code Text Amendments**

#### **RECOMMENDATIONS:**

Council:

1. Introduce Draft Ordinance A, for first reading, by title only, to approve amendments to Title 4 Public Safety, for consistency with the 2022 California Fire Code;
2. Introduce Draft Ordinance B, for first reading, by title only, to approve amendments to Title 8 Building Code, for consistency with the 2022 California Building Code.

#### **DISCUSSION:**

##### Background

The 2022 California Building Codes (CBC) were adopted by the State of California on July 1, 2022 and became effective throughout the State on January 1, 2023, regardless of adoption by local jurisdictions. All permit applications for construction projects received on or after January 1, 2023 are subject to the new code requirements. Now is also the time to review local amendments and adopt amendments to update the Fire Code. Staff is recommending that the City amend both Title 4, Public Safety and Title 8, Building Code, for consistency with 2022 California Building Code and State Agency Requirements.

The typical building code adoption process is as follows:

- The State adopts the new building codes on July 1, 2022, to take effect six months later (January 1, 2023).
- Local jurisdictions use the six-month period to review the new codes and adopt local amendments as needed.
- Local amendments must be based on geologic, topographic, or climatic conditions, and must be at least as restrictive as the State code.
- Local amendments become effective 30 days after second reading.



- Local amendments may be made at any time and need not await a State building code update.

Jurisdictions may make local modifications to the new State codes if justified by climatic, topographic, or geological conditions, and provided the modifications are at least as restrictive as the State mandated codes and are codified by ordinance based on findings. Typically, the City utilizes the code update process to adopt local amendments to the code that respond to unique conditions in Atascadero. The recommended update includes both the required adoption of the new state codes in addition to local amendments to the California Fire Code (Title 4), and the California Building Code (Title 8).

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

This update includes the adoption of the 2022 edition of the California Fire Code. The City adopts the Fire Code through Title 4, chapter 7 of the Municipal Code. During the previous update in 2019, the City adopted the 2018 edition of the Wildland-Urban Interface Code along with other appendices of the code to help respond to local conditions.

The Fire Department has reviewed Chapter 7 of Title 4, Fire Code, for consistency with the combination of the 2022 edition of the California Fire Code, and the 2021 International Wildland-Urban Interface Code (WUI) for incorporation into the Municipal Code. The update repeals Title 4 Chapter 7 in its entirety and replaces it with:

- The 2022 Edition California Fire Code, published by the International Code Council
- The 2021 Edition of the International Wildland-Urban Interface Code, published by the International Code Council

#### **Notable changes to the Fire Code for 2022**

1. Lithium Ion battery storage. The new state code added requirements for the storage of the batteries as well as a requirement for emergency planning and preparedness that specifically relates to lithium ion batteries.
2. Requirements for Electrical Storage Systems (ESS) and devices that need protection from impact and specific installations that would trigger the need for impact protection.
3. Design and safety criterion were added for inflatable amusement devices such as “bounce houses” requiring them to be designed, anchored, operated and maintained within manufacturer’s instructions.
4. Requirements for Wildland-Urban Interface Fire Areas.

These changes added sections to grant authority to local fire officials to require building owners to provide a fire protection plan to mitigate the wildfire hazards that may exist based on a project-specific wildfire hazard assessment that includes considerations of

location, topography, aspect, and climatic and fire history. It also added additional requirements for the development, identification and maintenance of the vegetation management zones adjacent to structures, as well as design criteria for specific types of fire-resistant and non-fire-resistant vegetation.

Appendix P – Community Wildland-Urban Interface (WUI) Fire Hazard Evaluation Framework was also added. This appendix is meant to be a tool to enable communities to collect, assemble and represent the associated risks within a WUI fire area.

The scope of the amendments to the current Title 4, Chapter 7 of the Municipal Code in regards to the 2021 Edition of the International Wildland-Urban Interface Code include the following:

1. (d) 402.1.1 Access. This proposed amendment will reflect the CA Fire Code rather than the International Fire Code.
2. (e) 402.2.1 Access. This proposed amendment will have addresses comply with the current standard for addresses within the Municipal Code.
3. (f) 403.2.1 Dimensions. This proposed amendment will require fire access roads to comply with the standards that have been established by the City of Atascadero.
4. (g) 403.2.4 Turnarounds. This proposed amendment will require fire access turnarounds to comply with the standards that have previously been established by the City of Atascadero.

### **Local Amendments**

Local amendments are necessary to protect the life and safety of the public. It is the intent of all codes to ensure public safety; however, certain state level codes do not fully consider all aspects of life safety in practical daily application. The scope of the local amendments to Title 4, Chapter 7 of the Municipal Code for the 2022 Edition of the California Fire Code includes the following:

### **Atascadero Municipal Code (AMC) 4-7.103 Local Fire Code Modifications**

1. Chapter I, Division II, Section 111.1 Board of appeals established. Suggested amendments would remove the fire code official as an ex officio member to the board acting as a secretary upon recommendation of the City Attorney.
2. (d) **503.1.1 Buildings and Facilities**. Suggested amendments remove an exception which allows the fire access road that serves a solar/photovoltaic generation facility to be exempt from typical width and slope standards. Removing this exception will ensure that all fire access roads to solar generating facilities meet the standards to safely provide fire protection. A solar generation facility is a commercial use that

generates energy for off-site users. There are currently no known facilities of this nature in the City.

This amendment also re-instates the exception for automatic fire sprinklers that was inadvertently removed in the previous code update. Reinstating this exception allows buildings equipped with automatic fire sprinklers to exceed the fire access hose extension requirement of 150', therefore allowing structures to be built with longer driveways.

3. **(e) 503.2.1.1 Driveways.** This section has been added to the code to allow for flexibility in the dimensions of driveways. A Fire apparatus access road is defined as a road that provides fire truck access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway; this would include driveways. With this definition driveways can be developed at a reduced width with the inclusion of a dry standpipe (dry line) and Fire Marshal approval.

For clarity, the long-used standard for residential driveways has been re-developed and included in the code. This will provide clear, precise direction on the requirements on construction of new driveways for access to residential properties that are effective for emergency vehicle travel and use of included equipment. Providing the standard will allow for permit streamlining.

4. **(j) through (r) Section 903.2 through 903.6 Fire Sprinklers.** This amendment is simply a reinstatement of the code from 2019, carrying forward the pre-existing standards for fire sprinklers. Prior code was repealed and replaced in 2019, however it did not capture intent of sprinkler code. For this code update staff is proposing to not repeal and replace but only provide local amendments to clarify that sprinklers are required for all new construction of single-family residences or commercial buildings, or the expansion of an existing residence that exceeds 3,000 square feet. Deletion of former Section (k) will help clarify the automatic fire sprinkler requirements that have been adopted for Atascadero in previous code cycles. This proposed deletion will be replaced with particular code amendments to the 2022 CA Fire Code. The proposed amendments, reflected in items (j) through (r), accurately define Atascadero's previously established sprinkler requirements within their specific code sections of the J-2022 CA Fire Code.

5. **California Fire Code section 1205 Solar Photovoltaic Power Systems.** The City is currently utilizing 2014 code requirements that are more restrictive than the CA Fire Code. The adoption of the latest code as our standard, with a few amendments that provide for safety of our firefighters, will allow for less restrictive solar installations.

**(u) 1205.2 Access and Pathways.** This section includes amendments to provide for safety of Atascadero's Fire Fighters by increasing the distance at the edge of a roof to allow fire fighters to have a more stable area to access the roof for firefighting operations. This amendment also includes a new exception that was

added to the 2022 Fire Code that allows for the ability of fire fighters to cut away portions of these systems without being exposed to an electrical shock hazard.

**(y) 1205.5 Ground -Mounted Photovoltaic Panel Systems.** This amendment reflects setback requirements for ground mounted solar photovoltaic systems that are already established by the Zoning Ordinance.

6. **(aa) 4905.2 Construction Methods and Requirements Within Established Limits.** This does not alter required building standards and is simply a reorganization of the code. The Wildfire Urban Interface (WUI) standards will still be within California Residential Code (CRC) Section 337 and CBC Chapter 7. The removal of CBC Chapter 7A is proposed because Chapter 7A of the CBC is not being adopted by the City.
7. **(bb) Appendix D.** This appendix is proposed to be adopted specifically for the requirements for aerial apparatus access. Amendments to the appendix will adjust the access road requirements that have fire hydrants to be consistent with the requirements that have been established by the City's Public Works departments. The removal of figure D103.1 is also recommended as we have established our own Fire Department turnaround standards.

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

State Building Codes are updated on a three-year cycle. The 2022 California Codes became effective throughout the State on January 1, 2023. Permit applications submitted on or after January 1, 2023 are processed under the new 2022 California Building Code requirements.

#### ***Some of the more significant changes to the 2022 Building Code***

##### **1. Title 8 Chapter 3 - 2022 California Building Code (CBC)**

###### **a. Section 1208.4 Efficiency Dwelling Units:**

The minimum required floor area of a dwelling unit known as an "Efficiency Dwelling Unit" in the building code has been reduced to **190 square feet**. The previous minimum was 240 square feet. The definition of Efficiency Dwelling Unit has been added and can be commonly familiarized to a "studio apartment". The required components remain a separate closet, kitchen sink, cooking appliance, and a refrigerator all with at least 30 inches of clear, working space in front, as well as a separate bathroom.

##### **2. Title 8 Chapter 4 - 2022 California Residential Code (CRC)**

###### **a. Section R301.1.4 Intermodal Shipping Containers:**

The use of shipping (or cargo sea-train) containers as a building or structure is now specifically recognized with criteria to address minimum safety

requirements. Until this adoption, containers were only seen as other materials as approved by the Building Official.

**b. Section R327.1 – R327.1.4 Aging-in-place Design and Fall Protection:**

Senate Bill 280 introduced Section 17922.15 to the Health and Safety Code, promoting aging-in-place design elements in residential units. Reinforcement for future grab bar installation will be required; receptacle outlet, switches and controls must meet the maximum height allowance for ease of reach. Doorbell heights now must meet height requirements to prepare a dwelling to house someone with limited reach: height of the doorbell shall not exceed 48 inches from top of finished floor to the top of the doorbell button.

**c. Section R328.4 Energy Storage Systems locations:**

In previous editions of the Code, Energy Storage Systems were restricted from installation in any habitable space. State codes have been updated to include the addition of these battery storage systems in habitable spaces that are not considered living spaces, such as a hallway.

**3. Title 8 Chapter 5 - 2022 California Electrical Code (CEC)**

**a. Article 230.67 Surge Protection:**

All new and replaced electrical services are now required to be equipped with a surge-protection device. The surge-protection device must be installed as an integral part of the equipment or must be located immediately adjacent to it. This is a new requirement to decrease accidental electric shock and fire risks. It is expected that this will add minimal cost to most new residences.

**b. Article 314.27 (C) Boxes at Ceiling-Suspended (Paddle) Fan Outlets:**

Outlet boxes mounted in the ceilings of habitable rooms of dwelling units in a location acceptable for the installation of a ceiling fan must comply with one of the following:

1. Listed (rated) for the sole support of ceiling-suspended (paddle) fans
2. Meet the requirements as defined in Article 314.27 and provide access to structural framing capable of supporting a ceiling-suspended (paddle) fan bracket or equivalent.

**4. Title 8 Chapter 6 - 2022 California Plumbing Code (CPC)**

**a. Article 408.5 Finished Curb or Threshold:**

This new addition could change the foundation plan drastically for no threshold shower installations. New bathrooms designed with no threshold for the shower are now required to be low poured within the concrete slab and floated to slope to the shower drain as an integral part of the foundation. This may increase the cost of construction with the additional labor and materials, although it only affects showers designed without a threshold is not a requirement for standard shower designs.

**5. As adopted in Title 8 Chapter 1.102 2022 California Energy Code**

**a. Section 140.10(b) Battery Storage System Requirements:**

All new commercial structures under the provisions of existing Energy Code Section 140.10(a) that are required to install an appropriately sized photovoltaic solar energy system are now required to install an accompanying battery storage system.

**b. Section 150.0(s) Energy Storage Systems (ESS):**

All new residential uses that include one or two dwelling units must either install the full system and equipment or have the residence installation ready by installing the raceway and upgrading the main service panel.

**c. Section 150.0(t)(v)(u) Electric Ready:**

In efforts to promote California's transition to all electric, at the installation point for all major appliances, an electrical connection option must be installed in addition to the optional gas connection. Gas connections are still allowed for installation, but an electric outlet is now required. Other Cities in California are choosing to prohibit new gas appliances; however, we are not required to prohibit new gas appliances at this time and Atascadero will retain the gas option.

***Proposed Local Amendments to the 2022 Building Code***

As a part of the code adoption, the City may make local amendments and clarifications to the State Code based on local conditions providing that no amendment makes the code requirements less strict. Many of the proposed local amendments and clarifications are carry overs from previous CBC adoptions by the City Council. These local amendments to the 2022 code include the following:

**Title 8 Chapter 1 - Administrative**

- a. Section 1.102 Adoption of Codes.
  - i. Adoption of Chapter 8 of the 2021 Uniform Solar, Hydronics & Geothermal Code will allow the City to approve of Off-Grid photovoltaic systems.

***Other Local Amendments - Reinstated***

Additional code sections were intended to be adopted in 2020 as part of the 2019 code cycle. However, a clerical error omitted these local amendments and they are now being reincorporated as part of the 2022 update. A list of these local amendments is in Attachment 1.

**Conclusion**

The adoption of the California Building Code and Fire Codes are mandatory adoptions.

California Building Codes are adopted by the State on a 3-year cycle. The 2022 Building Codes were adopted by the State on July 1, 2022 and became effective on January 1, 2023. Staff has reviewed and analyzed the State updates and recommended local modifications based on climatic, topographic, and/or geographic conditions to address unique, local conditions. Proposed modifications are included within certain sections within the City's Municipal Code for clarification, simplification, and flexibility.

City Staff will continue to provide outreach to applicants, builders, and others during field visits, inspections, and front counter questions. The Community Development Department provided flyers on job sites, as well as front counter handouts about the new code changes. In addition, the City will be hosting a seminar on Accessibility in Spring 2023 to expand this outreach to the community. This seminar will be open to the public with an invitation extended to public employees from many neighboring jurisdictions, design professionals, contractors, local business owners, and other interested parties.

### **FISCAL IMPACT:**

Minimal fiscal impact to the city is expected with the adoption of the new requirements. Costs associated with enforcement of the new code requirements is covered through the collection of plan check and inspection service fees. Staff expects minimal fiscal impact from the adoption of the new building codes and proposed code text amendments to property and business owners.

### **ALTERNATIVES:**

1. The Council may refer this item back to staff for additional analysis of proposed amendments. However, the 2022 State Building Codes are currently in effect regardless of Council action and without local amendments should the Council refer Draft Ordinances A and B back to staff.
2. The Council may make minor modifications of the text amendments.
3. The Council may deny some or all of the proposed text amendments.

### **ATTACHMENTS:**

1. Reinstated Local Amendments from 2019
2. Draft Ordinance A – Title 4 – Public Safety
3. Draft Ordinance B – Title 8 – Building Code

## **2022 Building Code Reinstated Local Amendments**

### **1. Rainwater Harvesting**

Adding the 2018 edition of the Rainwater Harvesting Systems to the City library for reference will provide uniform guidance to proposed plans for water catchment systems. This guide will continue to form the basis for these voluntary systems with the health and safety of the community in mind.

### **2. Title 8 Chapter 3 – Building Code**

#### **a. Deletion of Chapters 7A, 27-30, 31A, 31B, and 31C:**

These chapters are not required for adoption and are instead locally suggested amendments. Any necessary requirements covered in these chapters have already been covered in other sections of the applicable code.

#### **b. Deletion of all Appendices in their entirety except for the following:**

##### **i. Appendix I: Patio Covers**

Adoption of this appendix allows for the Chief Building Official to by-pass the requirement for engineered footing designs for Patio Covers when a standard defined footing is used in the design.

##### **ii. Appendix P: Emergency Housing**

This was formerly adopted in the 2019 edition as Appendix O; it has been renamed Appendix P in the 2022 edition. No additional changes are necessary.

##### **iii. Appendix J: Grading Sections 103-107 only**

Section 103 provides clear definitions of when a grading permit may be required. When a permit is required, section 104 provides description and minimum requirements for the package to be submitted for review to the City. The authority to require City and Special (qualified third-party) Inspections is described in Section 105. Sections 106 (Excavation) and 107 (Fill) complete the process with the requirements of how it is to be done and what is considered a completed project.

### **3. Section 903.2 Where required.**

As noted in the Fire Code amendment (903.2 through 903.6) Automatic Fire Sprinkler Systems and the requirements fall under the authority of the Fire Marshal and therefore should be governed under the local Fire Code and its requirements found in AMC 4-7.903.2. Using this section to reference the adopted AMC 4-7.903.2 will confirm that all local amendments made to the Fire Code or other resource are not conflicted.

#### **c. Section 1803.2 Where required.**

i. Amend language to define the party responsible for providing the report that is conducted and reflects the information as required in the following sections.

ii. Clearly define the limits to the project scope that may, at the authority of the Chief Building Official (as amended in 8.1.103), be exempt from the requirement to submit such a professional report.



#### 4. Title 8 Chapter 4 Residential Code

a. Delete all appendices except adopt:

- i. Appendix AH: Patio Covers for reference only  
Appendix AH relaxes certain provisions related to patio covers when used for basic residential uses. Adoption as a reference will allow the Chief Building Official to determine if a project may use these minimums and still maintain quality of the structure.
- ii. Appendix AQ: Tiny Houses for reference only  
When approved by the Chief Building Official, guidelines and requirements of the CRC are relaxed to better apply to houses 400 square feet or less in total area. These relaxed provisions take in to account special characteristics used in the construction of these dwellings such as ladders, lofts with reduce ceiling height, emergency escape and rescue opening requirements.
- iii. Appendix AS: Strawbale Construction for reference only  
With the interest in the use of alternative materials increasing, Appendix AS provides prescriptive requirements for the use of strawbale material. Adoption for reference will define the ICC approved material and, at the approval of the Chief Building Official, provide the needed performance-based requirements for the use of this material in construction.
- iv. Appendix AX: Swimming Pool Safety Act for reference  
The provisions contained in this appendix are mandatory to reflect the Swimming Pool Safety Act found in Health and Safety Code Sections 115920 through 115929.
- v. Appendix AZ: Emergency Housing in its entirety  
Adoption of the Emergency Housing regulations is a carry-over from the adoption of the 2019 edition under a different title. Appendix AZ will replace Appendix X and provide the definitions and requirements for emergency housing during a declared state of emergency.
- vi. Section R310.5 Replacement windows for emergency escape and rescue openings.  
The minimum required opening for emergency escape has developed with research, testing, and lessons learned from unfortunate results to emergency situations. Present requirements are set to a minimum height, width, with a result that meets or exceed the minimum net opening for a fire fighter in full gear to enter; and a maximum sill height that enables access to the opening to most people with the ability to self-extract. Since this section is dealing with specifically “replacement”, we are dealing with structural elements of an existing structure that were permitted to the minimums of the code edition at that time. To avoid high costs to homeowners to make structural changes, most likely requiring engineering, the table adopts the requirements to the year the structure was permitted.

**5. Title 8 Chapter 5 – Electrical Code**

- b. Section 102 Underground utility services.
  - i. Item two has been updated the title to “Chief” Building Official to correspond with the adoption of the title change in 8.1.103 (as described above in item 1(b) above).
  - ii.

**6. Title 8 Chapter 6 – Plumbing Code**

- c. Delete all appendices except adopt:
  - i. Appendix A: Recommended Rules for Sizing the Water Supply System  
Adoption of Appendix A is not required by State adoption but when adopted, provides a general and uniform procedure for sizing a water supply system. Due to variable conditions, a definite sizing would be impractical; but a general rule allows the flexibility necessary for such variables.
  - ii. Appendix D: Sizing Storm Water Drainage Systems  
In very similar fashion to the adoption of Appendix A above, Appendix D is not required but provides a method to appropriately size systems in accordance with the characteristics of the immediate area, but remains uniform.
- d. Section 719.1 Locations  
The language has been amended to include additional cleanouts seen as necessary by the Public Works for access to problem areas that may not be reachable from points in the public right of way.

**7. Title 8 Chapter 8 – Green Building Code**

- e. Section 101 Compliance with the California Green Building Code Recycling Requirements.  
Although the Code still contains multiple conflicts as State Legislation still modifies this new addition; the adoption of this Code in its entirety makes more sense with regards to enforcement of the end result.

**8. Title 8 Chapter 9 – Unsafe Buildings and Structures**

- a. Section 102 Definitions  
Included in many other Chapters of the Code a Section devoted to Definitions has been added to include the term Safety Assessment to be used on active jobsites or during Code Enforcement Investigation.
- b. Section 103 Placards
  - i. Section 102, having been renamed for definitions as described above, has now been numbered 103.
  - ii. Section 103 has been updated the titles to “Chief” Building Official to correspond with the adoption of the title change in 8.1.103 (as described above in item 1(b) above).

**DRAFT ORDINANCE A**

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

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

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

**WHEREAS**, provisions codified in this Title are adopted to implement and supplement the 2022 Edition of the California Building Code, Chapter 7 and 2021 Edition of the International Wildland-Urban Interface Code as they exist and may be amended from time to time; and

**WHEREAS**, it is the desire and intent of the City Council of the Atascadero to provide citizens with the greatest degree of fire, life and structural safety in buildings, in the most cost-effective manner, by adopting the body of regulations referred to as the 2022 Edition of the California Building Code, Chapter 7 and 2021 Edition of the International Wildland-Urban Interface Code with amendments specific to the City of Atascadero; and

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

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

**WHEREAS**, the Council of the City of Atascadero affirms any and all findings justifying previous changes and modifications to the Building and Fire Codes previously adopted; and

**WHEREAS**, the City Council of the City of Atascadero studied and considered the proposed Municipal Code text amendments and changes at a duly noticed Public Hearing held on January 10, 2023, continued to February 14, 2023, at which hearing evidence, oral and documentary, was admitted on behalf of said amendments.

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

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

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on \_\_\_\_\_, 2023, resolved to introduce for second reading by title only, an Ordinance that repeals and replaces all of Title 4, Chapter 7, of the City of Atascadero Municipal Code as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 3. Determination.** The City Council has determined that the provisions of the State Building Standards Code shall be modified, changed and amended, as provided for in this Ordinance, based upon the foregoing findings and that said Council takes said action because of the public interest in protecting life and preserving public safety and property.

**SECTION 4. Findings.** The City Council makes the following findings, determinations and approvals with respect to the Code Text Amendments:

FINDING: The City Council hereby determines that the California Building Code, California Plumbing Code, and California Electrical Code, are required to be modified due to the findings contained herein to greater requirements than those set forth in the California State Building Standards.

FINDING: Each of the changes or modifications to measures referred to therein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Atascadero.

FINDING: The Municipal Code amendments are at least as restrictive as the State mandated Codes.

FINDING: The following statements support the local necessity for the changes or modifications:

- A. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, and 1995. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of fire department personnel may cause a substantial or total lack of protection against fire for the buildings and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and,

in particular, support the imposition of greater requirements than set forth in the 2019 California Building Code;

- B. That the City of Atascadero is situated near three major faults each capable of generating earthquakes with a magnitude of 7.5. These are the San Andreas to the east of the City, the Nacimiento-Rinconada that crosses Hwy 101 north of the City then parallels the City to the east, and the Hosgri to the South West. Other faults of importance are the Huasna and West Huasna to the Southeast of the City, the San Simeon to the Northwest. In as much as these faults are included as major California earthquake faults, which are subject to becoming active at any time, the City Atascadero is particularly vulnerable to devastation should such an earthquake occur. The potential effects include isolating the City of Atascadero from the North and South due to the potential for collapsing of freeway overpasses or a slide on both the Cuesta and Ontario Grades and the potential for horizontal or vertical movement of the Edna fault rendering surface travel across the southern extremities of the city unduly burdensome or impossible. Additional potential situations inherent in such an occurrence include broken natural-gas mains causing structure and other fires, leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of greater requirements than set forth in 2019 California Building Code;
- C. That the central commercial area in the City of Atascadero consists of mixed conditions that create the potential for possible conflagration, including congested streets during the business day, numerous older buildings without adequate internal fire-resistance, and contemporary low-rise buildings. Significant spread of fire in said area will actually exceed the fire suppression capabilities of regional firefighting personnel. The continued development of the Atascadero commercial area and the current and potential development of high-rise buildings pose a substantial threat of fire to human life, public safety, and the preservation of property and support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular, support the imposition of greater requirements than set forth in 2019 California Building Code;
- D. That the City of Atascadero is bisected by a major freeway (Hwy 101), traversing in the north/south direction and a major highway (Hwy 41) traversing in an east/west direction. The City is also transected by a mainline railroad that traverses in the north/south direction. It is a frequent occurrence for the aforementioned highways and railway to support the transportation of hazardous materials. The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily.

Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life, and to prevent as far as practicable, property losses. Emergency personnel responding to said incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The above-described problems support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2019 California Building Code;

- E. That seasonal climatic conditions during the late summer and fall create numerous serious difficulties in the control and protection against fire situations in the City of Atascadero. The hot, dry weather in combination with Santa Ana winds frequently results in wildland fires in the brush-covered slopes on the Santa Lucia Mountains and several areas surrounding. The aforementioned areas completely surround the City. When a fire occurs in said areas, such as occurred in 1994, the Highway 41 fire burned for several days and entered the City, the entirety of local fire department personnel is required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property and watershed land. The same climatic conditions may result in the concurrent occurrence of one or more fires in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Therefore, the above-described findings support the imposition of fire-protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2019 California Building Code;
  
- F. That for the most part, the soils in the City of Atascadero are medium to highly expansive in nature, and such soils may cause damage to foundations, structures and underground utilities if not properly mitigated through known construction techniques. Furthermore, a significant part of the City lies on hills and rolling topography subject to earth slides and movements and present problems to developments constructed in such areas due to surface water drainage and disposal. The above-described conditions support the imposition of requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than those set forth in the 2019 California Building Code.

**SECTION 5. CEQA.** This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code is a statutorily exempt activity.

**SECTION 6. Approval.** Title 4 (Public Safety), Chapter 7 (Fire Code) of the Atascadero Municipal Code is repealed and replaced as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 \_\_\_\_\_, and **PASSED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_.

ITEM NUMBER: B-1  
DATE: 02/14/23  
ATTACHMENT: 2

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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Brian A. Pierik, City Attorney



Chapter 7  
FIRE CODE

Sections:

- 4-7.101 Title.
- 4-7.102 Adoption of Fire Code and Wildland-Urban Interface Code.
- 4-7.103 Local Modifications to the California Fire Code.
- 4-7.104 Modifications to the International Wildland-Urban Interface Code.

4-7.101 Title.

This chapter shall be known as the City of Atascadero Fire Code.

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

- (a) Two (2) documents, two (2) of which are on file in City offices, identified by the Seal of the City of Atascadero, marked and designated as:  
2019-2022 Edition of the California Fire Code, including all appendices except Appendix J  
2018-2021 Edition of the International Wildland-Urban Interface Code, and only appendices A and F  
-published by the International Code Council are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Fire Prevention Regulations of the City of Atascadero. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter except as modified hereinafter (2019-2022).
- ~~(b) Adopt all appendix sections of the 2016 California Fire Code except Appendix J.~~

4-7.103 Local Modifications to the California Fire Code.

- ~~(a) Adopt Appendix D without Table D103.4 and Figure D103.1~~
- ~~(b)~~(a) Amend Chapter I, Division II, Section 101.1 to read as follows:

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

- ~~(c)~~(b) Amend Chapter I, Division II, Section 111.1 to read as follows:

**111.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals, consistent with Section 8-2.113 of the Atascadero Municipal Code. ~~The fire code official shall be an ex-officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.~~

- ~~(d)~~(c) Amend Section 311.2.2 by deletion of Exception 1, 2, and 3.
- ~~(e)~~(d) Amend Section 503.1.1 to read as follows:

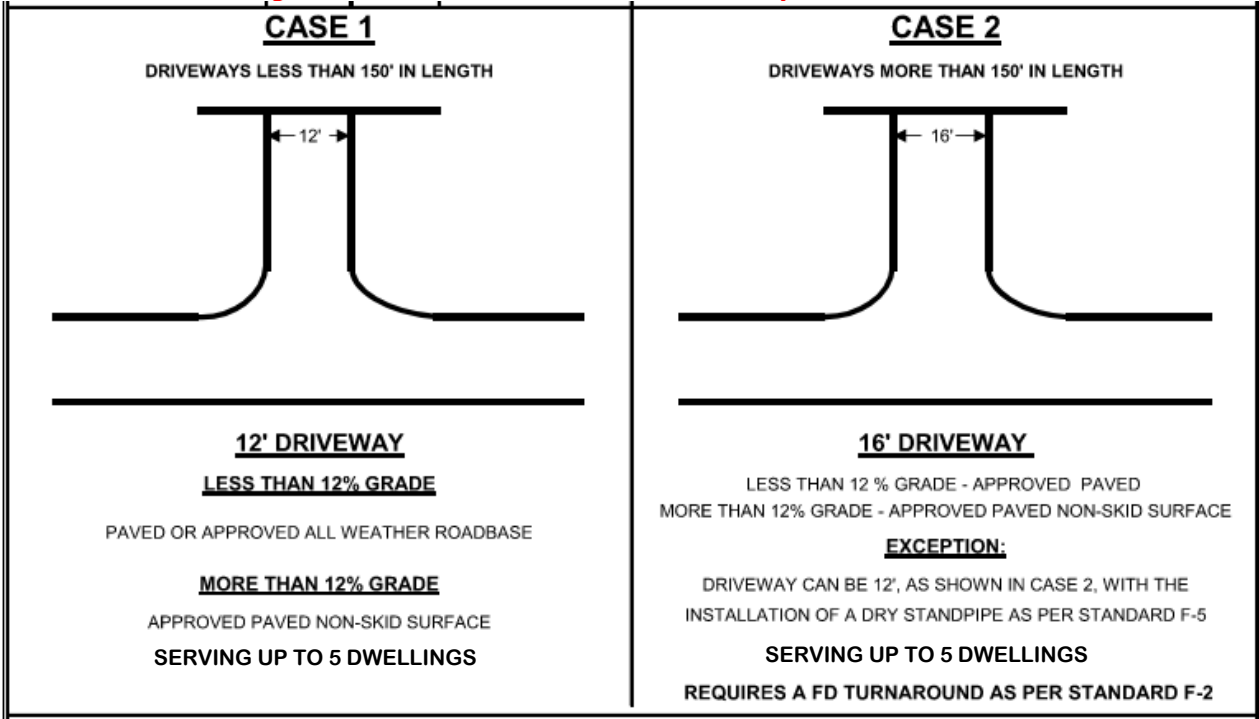
**503.1.1 Buildings and Facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. ~~Additionally, all roads and driveways shall comply with Atascadero Fire Department Standards.~~

Exception: The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:

- 1.4. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
- 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
- 23. There are not more than two Group R-3 or Group U occupancies.

(e) Adding 503.2.1.1:

**503.2.1.1 Driveways:** All driveways shall comply with Atascadero Fire and Emergency Services diagram F-4, Fire Access Residential Driveways.



(f) Delete Section 505.1.

(g) Amend Section 507.2.2 to read as follows:  
**507.2.2 Water Tanks.** Water tanks are not permitted for private fire protection.

~~(h) Delete section 605.11~~

(h) Amend Section 606.2 to read as follows and remove all exceptions:

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

(i) Amend Section 901.7 to read as follows:

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

Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. The person assigned to fire watch shall maintain a written log of their activities during their assigned shift and the log shall be provided to the fire code official upon request.

(k) ~~Delete Sections 903.2 through 903.2.19 and replace as follows:~~

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

~~**903.2.1 Groups B and M.** Buildings containing Groups B and M occupancies where floor area is greater than or equal to 500 square feet (46.45 m<sup>2</sup>) and located less than or equal to 10 feet from adjacent buildings on the same property and less than or equal to 5 feet from adjacent property lines.~~

~~**903.2.2 Group R.** An automatic sprinkler system shall be provided throughout all building with a Group R fire area.~~

~~— Exception:~~

~~— 1. Not required in an Auxiliary Dwelling Unit if the primary residence is not equipped with an automatic fire sprinkler system.~~

~~**903.2.3 Group U.** Buildings containing Group U occupancies where floor area is greater than or equal to 1,000 square feet (92.9 m<sup>2</sup>) and located less than or equal to 10 feet from adjacent buildings on the same property and less than or equal to 5 feet from adjacent property lines, unless part of a mixed occupancy building containing a Group R, Division 3 occupancy.~~

~~**903.2.3.1 Enclosed or Size.** Group U occupancy buildings that are not open on at least three sides and greater than or equal to 3,000 square feet.~~

~~**903.2.4 Additions.** Additions to existing buildings equipped with an automatic fire sprinkler system. For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building.~~

~~**903.2.4.1 Group R.** Throughout an existing Group R, Division 3 occupancy or Group U occupancy when accessory to a Group R, Division 3 occupancy whenever:~~

~~a. Additions exceed ten (10) percent and total combined floor area will exceed 3,000 square feet (278.7 m<sup>2</sup>); or~~

~~b. The total combined floor area will exceed 5,000 square feet (464 m<sup>2</sup>).~~

~~**903.2.4.2 Group B and M.** Group B and M occupancies whenever single or multiple additions will exceed 1,000 square feet (92.9 m<sup>2</sup>) beyond the size of the structure on the effective date of this regulation, or the total combined floor area will exceed 5,000 square feet (464.5 m<sup>2</sup>), or a second story or greater is added.~~

~~**903.2.4.3 Other.** Throughout an existing building other than a Group R, Division 3 occupancy or a U occupancy when accessory to a Group R, Division 3 occupancy whenever additions exceed ten (10) percent of the total floor area of the existing building, and the total combined floor area will exceed 2,000 square feet (185.8 m<sup>2</sup>), or a second story or greater is added.~~

~~**903.2.5 Tenant Improvements.** Group A, B, E, F, M and S occupancies where one of the following conditions exist in existing buildings when modification or tenant improvements are being considered:~~

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

~~**903.2.6 Groups A-5, F-1 and S-1.** In A-5, F-1 and S-1 building occupancy as follows:~~

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

~~**903.2.7 Conversion.** Any commercial occupancy, A, B, E, F, M, and S that is converted to an R occupancy adjoining other commercial uses.~~

~~**903.2.8 During Construction.** Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with Section 3314.~~

[\(j\) Amend Section 903.2 to read as follows:](#)

903.2 Where Required Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12 and Sections 903.2.14 through ~~903.2.21~~903.2.24.

(k) Amend 903.2.1.5 to read as follows:

903.2.1.5 Group A-5 An automatic sprinkler system shall be provided for ~~all enclosed~~ Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (93 m<sup>2</sup>).

(l) Amend 903.2.7 to read as follows:

903.2.7 Group M An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
5. [SFM] The structure exceeds 24,000 square feet (465 m<sup>2</sup>), contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.
6. In Group M where floor area is greater than or equal to 500 square feet (46.45 m<sup>2</sup>) and located less than or equal to 10 feet from adjacent buildings on the same property and less than or equal to 5 feet from adjacent property lines.

(m) Amend 903.2.18 to read as follows:

903.2.18 Group U Private Garages and Carports Accessory to Group R-3 Occupancies Carports with habitable space above and attached garages, accessory to Group R-3 occupancies, shall be protected by residential fire sprinklers in accordance with this section. Residential fire sprinklers shall be connected to, and installed in accordance with, an automatic residential fire sprinkler system that complies with Section R313 of the California Residential Code or with NFPA 13D. Fire sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a minimum density of 0.05 gpm/ft<sup>2</sup> (2.04 mm/min) over the area of the garage and/or carport, but not to exceed two sprinklers for hydraulic calculation purposes. Garage doors shall not be considered obstructions with respect to sprinkler placement.

~~Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic residential fire sprinkler system installed in accordance with this section.~~

When additions are made to an R-3 Occupancy or Group U Occupancy when accessory to a Group R-3, sprinklers are required where one of the following conditions exists:

1. Additions exceed ten (10) percent and total combined floor area will exceed 3,000 square feet (278.7 m<sup>2</sup>); or
2. The total combined floor area will exceed 5,000 square feet (464 m<sup>2</sup>).

(n) Add section 903.2.22 to read as follows:

**903.2.22 GROUP B** An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

1. In Group B where floor area is greater than or equal to 500 square feet (46.45 m<sup>2</sup>) and located less than or equal to 10 feet from adjacent buildings on the same property and less than or equal to 5 feet from adjacent property lines.

(o) Add section 903.2.23 top read as follows:

**903.2.23 Group U** An automatic sprinkler system shall be provided throughout buildings containing a Group U occupancy where one of the following conditions exists:

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

(q) Add section 903.2.24 to read as follows:

**903.2.24 Commercial Occupancies converted to an R Occupancy** Any commercial A, B, E, F, M or S occupancy that is converted to an R Occupancy adjoining other commercial uses are required to have an automatic sprinkler system throughout.

(r) Amend section 903.6 to read as follows:

**903.6 Where Required in Existing Buildings and Structures** An automatic sprinkler system shall be provided in existing buildings and structures where required in Chapter 11 or where one of the following conditions exists:-

1. In Group B and M occupancies whenever single or multiple additions will exceed 1,000 square feet (92.9 m<sup>2</sup>) beyond the size of the structure or the total combined floor area will exceed 5,000 square feet (464 m<sup>2</sup>), or a second story or greater is added.
2. In Group A, B, E, F, M and S occupancies where one of the following conditions exist in existing buildings when modification or tenant improvements are being considered:
  1. The fire area exceeds 5,000 sq. ft. (464m<sup>2</sup>).
  2. The fire area has an occupant load of 100 or more.
  3. The fire area is located on the floor other than a level of exit discharge serving A, B, E, F, M and S occupancies.
  4. The structure exceeds 5,000 sq. ft. (464m<sup>2</sup>), contains more than one fire area containing A, B, E, F, M and S occupancies and is separated into two or more buildings by firewalls of less than four-hour fire resistance rating without openings.
3. Throughout an existing building other than a Group R-3 occupancy or a U occupancy when accessory to a Group R-3 occupancy whenever additions exceed ten (10) percent of the total floor area of the existing building and the total combined floor area will exceed 2,000 square feet (185.8 m<sup>2</sup>), or a second story or greater is added

(ks) Add section 903.7 to read as follows:

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

(4) Add Sections 907.11 through 907.11.2 to read as follows:

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

**907.11.1 False alarm frequency.** The cost recovery fee will be charged for all responses after the third false alarm in a calendar year.

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

(mu) Amend Section ~~1204.2~~ 1205.2 to read as follows:

**1205.2 Access and Pathways.** Roof access, pathways and spacing requirements shall be provided in accordance with Sections 1205.2.1 through 1205.3.3. Pathways shall be over areas capable of supporting fire fighters accessing the roof. No portion of a pathway shall be located on a portion of a gable roof overhanging the gable rafter or truss. Pathways shall be located in areas with minimal obstructions, such as vent pipes, conduit or mechanical equipment.

Exceptions:

1. Detached, non-habitable Group U structures including, but not limited to, detached garages serving Group R-3 buildings, parking shade structures, carports, solar trellises and similar structures.

~~2. Roof access, pathways and spacing requirements need not be provided where the fire code official has determined that rooftop operations will not be employed.~~

~~23. Building-integrated photovoltaic (BIPV) systems where the BIPV systems are approved, integrated into the finished roof surface and are listed in accordance with a national test standard developed to address Section 690.12(B)(2) of the California Electrical Code. The removal or cutting away of portions of the BIPV system during fire-fighting operations shall not expose a fire fighter to electrical shock hazards.~~

~~3. Roof access, pathways and spacing requirements need not be provided where the fire code official has determined that rooftop operations will not be employed.~~

~~(n) Amend Section 1204.2.1.1 to read as follows:~~

~~**1204.2.1.1 Pathways to ridge.** Not fewer than two 36 inch wide (914 mm) pathways on each roof plane on which modules are located, or on adjacent roof planes or straddling the same and adjacent roof planes, from lowest roof edge to ridge, shall be provided on all buildings.~~

~~**Exception:**~~



~~1. These requirements shall not apply to structure designed and constructed in accordance with the *California Residential Code*.~~

~~2. These requirements shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal or less.~~

~~(o) Amend Section 1204.2.1.2 to read as follows:~~

~~**1204.2.1.2 Setbacks at ridge.** A setback of not less than 36 inches (914 mm) is required on both sides of a horizontal ridge.~~

(pv) Delete Section ~~1204.2.1.3~~ 1205.2.1.3.

(qow) Amend Section ~~1204.2.2~~ 1205.2.2 to read as follows:

**1204.2.2 1205.2.2 Emergency Escape and Rescue Openings.** Panels and modules installed on Group R-3 buildings shall not be placed on the portion of a roof that is below an emergency escape and rescue opening. A pathway of not less than 36 inches (914 mm) wide shall be provided from the emergency escape and rescue opening to the eave directly below and a 36 inch wide (914 mm) access space shall be provided directly in front of the full length of the wall line containing the emergency escape and rescue opening(s)

(px) Amend Section ~~1204.3.2~~ 1205.3.2 to read as follows:

**1204.3.2 1205.3.2 Interior pathways.** Interior pathways shall be provided between array sections to meet the following requirements:

1. Pathways shall be provided at intervals not greater than 150 feet (45,720 mm) throughout the length and width of the roof.
2. A pathway of not less than 4 feet (1,219 mm) wide in a straight line to roof standpipes or ventilation hatches.
3. A pathway not less than 4 feet (1,219 mm) wide around roof access hatches, with not fewer than one such pathway to a parapet or roof edge.
4. A pathway of not less than 4 feet (1,219 mm) wide to and around each piece of powered mechanical equipment.

(syq) Amend Section ~~1204.4~~ 1205.5 to read as follows:

**1204.4 1205.5 Ground-Mounted Photovoltaic Panel Systems.** Ground-mounted photovoltaic panel systems shall ~~comply with Section 1204.1 and be installed in accordance with~~ this section. ~~Setback requirements shall not apply to ground mounted, free standing photovoltaic arrays. A clear, brush free area of 10 feet (3,048 mm) shall be required around ground mounted photovoltaic arrays and under the array.~~ Arrays shall be located a minimum of 20 feet (6,096mm) from other structures and shall not be located as to impeded access to and around a structure in any manner.



Arrays shall be located a minimum of 10 feet from the rear, 5 feet from the sides, and 25 feet from the front of the property lines.

Array mounts shall be ~~of~~ non-combustible construction. No storage shall be permitted under the panel arrays. Arrays shall not be located upon biological conservation easements, riparian or vernal pool area.

~~**1205.5.1 Vegetation Control.** A clear, brush-free area of 10 feet (3048 mm) shall be required around the perimeter of the ground-mounted photovoltaic arrays. A noncombustible base of gravel or a maintained vegetative surface or a noncombustible base, approved by the fire code official, shall be installed and maintained under the photovoltaic arrays and associated electrical equipment installations.~~

(tzt) Amend definition of Wildland-Urban Interface Fire Area in Section 4902.1 to read as follows:

**4902.1 General.** For purposes of this chapter, certain terms are defined as follows:

**WILDLAND-URBAN INTERFACE (WUI).** A geographical area identified by the City of Atascadero as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires, as designated on the map titled Wildland-Urban Interface Fire Area, dated January 1, 2021, on file in the offices of the Atascadero Fire and Emergency Services Department and Community Development Department.

(aas) Amend 4905.2 to read as follows:

**4905.2 Construction Methods and Requirements Within Established Limits.** Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

1. California Building Code, Chapter 7,
2. California Residential Code, Section R337.

(bbt) Adopt Appendix D with the following amendments and without Figure D103.1 and table D103.4:

**D103.3.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall meet the requirements set forth in the latest version of the City of Atascadero Engineering Standard Specifications and Drawings for Public Works Construction. ~~City of Atascadero's Public Works Engineering Standards, Specifics and Drawings.~~

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

The following are local modifications to the 2015-2021 Edition of the Wildland-Urban Interface Code (WUI). Interpretations of the Fire Code shall be made by the City of Atascadero Fire Chief or designee.

~~(a) Delete Appendix C, E and G.~~

~~(ba)~~ Amend Section 101.1 to read as follows:

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

~~(eb)~~ Add Section 101.1.1 to read as follows:

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

~~(ec)~~ Amend Section 302.1 to read as follows:

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

~~(d)~~ Amend 402.1.1 to read as follows:

**402.1.1 Access.** New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the California Fire Code and access requirements with Section 403.

~~(e)~~ Amend 402.1.1 to read as follows:

**402.1.1 Access.** Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access roads in accordance with the California Fire Code and access requirements with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

~~(f)~~ Amend 403.2.1 to read as follows:

**403.2.1 Dimensions.** All driveways shall comply with Atascadero Fire and Emergency Services diagram F-4, Fire Access Driveways.

~~(g)~~ Amend 403.2.4 to read as follows:

**403.2.4 Turnarounds.** Driveway turnarounds shall conform to the Atascadero Fire and Emergency Services standards. Driveways that connect with a road or roads at more than one

point shall be considered having a turnaround if all changes of directions met the radii requirements for driveway turnarounds.

(eh) Amend Chapter 5 to read as follows:

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

1. California Building Code, Chapter 7
2. California Residential Code, Section R337

**DRAFT ORDINANCE B**

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

**WHEREAS**, the State of California has adopted a new set of building codes which take effect on January 1, 2023, making it necessary for the City of Atascadero to incorporate the new code into local ordinances while considering local amendments to Title 8, of the Atascadero Municipal Code for consistency with the California Building Standards Code; and,

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

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

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

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

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

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

**WHEREAS**, the City Council of the City of Atascadero studied and considered the proposed Municipal Code text amendments and changes at a duly noticed Public Hearing held on

January 10, 2023, continued to February 14, 2023, at which hearing evidence, oral and documentary, was admitted on behalf of said amendments.

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

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

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on \_\_\_\_\_, 2023, resolved to introduce for second reading by title only, an Ordinance that repeals and replaces all of Title 8 of the City of Atascadero Municipal Code as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 3. Determination.** The City Council has determined that the provisions of the State Building Standards Code shall be modified, changed and amended, as provided for in this Ordinance, based upon the foregoing findings and that said Council takes said action because of the public interest in protecting life and preserving public safety and property.

**SECTION 4. Findings.** The City Council makes the following findings, determinations and approvals with respect to the Code Text Amendments:

FINDING: The City Council hereby determines that the California Building Code, California Plumbing Code, and California Electrical Code, are required to be modified due to the findings contained herein to greater requirements than those set forth in the California State Building Standards.

FINDING: Each of the changes or modifications to measures referred to therein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Atascadero.

FINDING: The Municipal Code amendments are at least as restrictive as the State mandated Codes.

FINDING: The following statements support the local necessity for the changes or modifications:

- A. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, and 1995. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire

department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of fire department personnel may cause a substantial or total lack of protection against fire for the buildings and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in the 2019 California Building Code;

- B. That the City of Atascadero is situated near three major faults each capable of generating earthquakes with a magnitude of 7.5. These are the San Andreas to the east of the City, the Nacimiento-Rinconada that crosses Hwy 101 north of the City then parallels the City to the east, and the Hosgri to the South West. Other faults of importance are the Huasna and West Huasna to the Southeast of the City, the San Simeon to the Northwest. In as much as these faults are included as major California earthquake faults, which are subject to becoming active at any time, the City Atascadero is particularly vulnerable to devastation should such an earthquake occur. The potential effects include isolating the City of Atascadero from the North and South due to the potential for collapsing of freeway overpasses or a slide on both the Cuesta and Ontario Grades and the potential for horizontal or vertical movement of the Edna fault rendering surface travel across the southern extremities of the city unduly burdensome or impossible. Additional potential situations inherent in such an occurrence include broken natural-gas mains causing structure and other fires, leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of greater requirements than set forth in 2019 California Building Code;
- C. That the central commercial area in the City of Atascadero consists of mixed conditions that create the potential for possible conflagration, including congested streets during the business day, numerous older buildings without adequate internal fire-resistance, and contemporary low-rise buildings. Significant spread of fire in said area will actually exceed the fire suppression capabilities of regional firefighting personnel. The continued development of the Atascadero commercial area and the current and potential development of high-rise buildings pose a substantial threat of fire to human life, public safety, and the preservation of property and support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular, support the imposition of greater requirements than set forth in 2019 California Building Code;

- D. That the City of Atascadero is bisected by a major freeway (Hwy 101), traversing in the north/south direction and a major highway (Hwy 41) traversing in an east/west direction. The City is also transected by a mainline railroad that traverses in the north/south direction. It is a frequent occurrence for the aforementioned highways and railway to support the transportation of hazardous materials. The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life, and to prevent as far as practicable, property losses. Emergency personnel responding to said incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The above-described problems support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2019 California Building Code;
- E. That seasonal climatic conditions during the late summer and fall create numerous serious difficulties in the control and protection against fire situations in the City of Atascadero. The hot, dry weather in combination with Santa Ana winds frequently results in wildland fires in the brush-covered slopes on the Santa Lucia Mountains and several areas surrounding. The aforementioned areas completely surround the City. When a fire occurs in said areas, such as occurred in 1994, the Highway 41 fire burned for several days and entered the City, the entirety of local fire department personnel is required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property and watershed land. The same climatic conditions may result in the concurrent occurrence of one or more fires in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Therefore, the above-described findings support the imposition of fire-protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2019 California Building Code;
- F. That for the most part, the soils in the City of Atascadero are medium to highly expansive in nature, and such soils may cause damage to foundations, structures and underground utilities if not properly mitigated through known construction techniques. Furthermore, a significant part of the City lies on hills and rolling topography subject to earth slides and movements and present problems to developments constructed in such areas due to surface water drainage and disposal. The above-described conditions support the imposition of requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than those set forth in the 2019 California Building Code.

**SECTION 5. CEQA.** This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code is a statutorily exempt activity.

**SECTION 6. Approval.** Title 8 (Building Code), of the Atascadero Municipal Code is repealed and replaced as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 7. 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 8. 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 9. 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 10. 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 11. 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 12. Transmittal.** The Building Official is hereby authorized and directed to transmit a copy of this Ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

**SECTION 13. Effective Date.** This Ordinance will take effect on the 30th day following its final passage and adoption.



ITEM NUMBER: B-1  
DATE: 02/14/23  
ATTACHMENT: 3

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

CITY OF ATASCADERO

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

**Title 8**

**BUILDING CODE**

**Chapters:**

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

**Chapter 1**  
**ADMINISTRATIVE**

**Sections:**

- 8-1.101 Title.**
- 8-1.102 Adoption of Codes.**
- 8-1.103 Building Official designated.**
- 8-1.104 Applicability for Remodel, Renovation or Repair to Existing Buildings**

**8-1.101 Title.**

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

**8-1.102 Adoption of Codes.**

— ~~Eleven (11)~~ Fourteen (14) documents, ~~three (3)~~ each of which are on file in City offices, identified by the Seal of the City of Atascadero, marked and designated as:

- ~~2019~~ 2022 Edition of the California Building Code (Volumes 1 and 2) published by the International Code Council;
- ~~2019~~ 2022 Edition of the California Residential Code published by the International Code Council;
- ~~2019~~ 2022 Edition of the California Electrical Code published by the National Fire Protection Association;
- ~~2019~~ 2022 Edition of the California Mechanical Code published by the International Association of Plumbing and Mechanical Officials;
- ~~2019~~ 2022 California Plumbing Code published by the International Association of Plumbing and Mechanical Officials;
- ~~2019~~ 2022 Edition of the California Green Building Code;
- ~~2019~~ 2022 Edition of California Energy Code;
- ~~2019~~ 2022 Edition of the California Historical Building Code;
- ~~2019~~ 2022 Edition of the California Existing Building Code;
- ~~2018~~ 2021 Edition of International Property Maintenance Code published by the International Code Council;
- 2018 ~~2021~~ Edition of the International Solar Energy Provisions and Commentary;
- 2021 Uniform Solar, Hydronics & Geothermal Code, Chapter 8 exclusively;
- 2021 International Swimming Pool and Spa Code, omitting Section 112 and Appendix A;
- 2018 Rainwater Harvesting Systems, for reference only.

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

~~The 2015 International Solar Energy Provisions and Commentary and the TMS 402/602 Building Code Requirements and Specification for Masonry Structures, 2016, are hereby incorporated as a reference document only to pertinent section of the Building Code as determined by the Building Official.~~

**8-1.103 Chief Building Official designated.**

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

**8-1.104 Applicability for Remodel, Renovation or Repair to Existing Buildings.**

When the estimated value of proposed remodel, renovation or repair work to an existing building exceeds 75% of the current valuation for a new building, all City of Atascadero Building Construction Code (Title 8) requirements for new buildings, including, but not limited to, an automatic fire suppression system, wildland interface construction requirements, Title 24 energy analysis, etc. will apply.

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

**Sections:**

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

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

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

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

- (a) **Unlawful Continuance** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a misdemeanor violation consistent with Title 12-1.05.
- (b) **Authority to enforce Unsafe Building** Any person who occupies or enters a building or structure after the structure has been posted with an “Unsafe to Occupy” notice, except under the direction of the Building Official to evaluate or perform building repairs, shall be subject to a misdemeanor violation consistent with Title 12-1.05.
- (c) **Authority to enforce Restricted Use Buildings.** Any person who occupies or enters a building or structure after the structure has been posted with a “Restricted Use ” notice, except under the direction of the Building Official to remove personal items, shall be subject to a misdemeanor violation consistent with Title 12-1.05.

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

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

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

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

(c) Add Section 105.2.4 to read as follows:

One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, exempt from a building permit under Section 105.2 may not exceed 16 ft. in total height.

(d) Amend Section 105.3.2 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued

in good faith or a permit has been issued; except that the Chief Building Official is authorized to grant one or more extension of time for additional periods. The extensions shall be submitted in writing and justifiable cause demonstrated.

(e) Amend Section 109.4 to read as follows:

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

1. First offense: \$100.00 investigative fee.
2. Second offense: \$250.00 investigative fee.
3. Third and any consecutive offense: \$500.00 investigative fee each offense.

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

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

**113 BUILDING CODE APPEALS HEARING OFFICER**

~~113~~In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of this Code, there shall be and is hereby created a Building Code Appeals Hearing Officer. The Building Code Appeals Hearing Officer shall be appointed consistent with Section 12-2.08(a) of the Atascadero Municipal Code.

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

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

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

Chapter 3  
BUILDING CODE

Section:

8-3.101 Modifications of the California Building Code.

8-3.101 Modifications of the California Building Code.

- ~~(a) Adopt the 2019 California Building Code Volume 1 and 2 in its entirety;~~
- ~~(b) Delete all appendices except for Appendices I, Appendix O, and Appendix J except as modified in (f), (g), and (h);~~
- ~~(c) Adopt as reference North American Standard for Cold-Formed Steel Structural Framing (2015) and the TMS 402/602 Building Code Requirements and Specification for Masonry Structures (2016);~~
- ~~(d) Adopt as reference the 2019 California Solar Permitting Guidebook~~
- ~~(e) Adopt as reference the ICC 900 / SRCC 300—2015: Solar Thermal System Standard~~
- ~~(f) Adopt Appendix I in its entirety;~~
- ~~(g) Modify Appendix O to read as follows:~~

~~O101. GENERAL.~~

~~O101.2. Location of emergency housing and emergency housing facilities shall comply with Section O109.~~

~~O101.3. City approval shall be required for any emergency housing unit or emergency housing facility.~~

~~O103. EMERGENCY HOUSING.~~

~~O103.1. General. Emergency sleeping cabins, emergency transportable units, membrane structures and tents constructed and/or assembled in accordance with this appendix, shall be occupied only during declaration of state of emergency, local emergency, or shelter crisis.~~

~~O103.2.1. New additions, alterations, and change of occupancy. New additions, alterations, and change of occupancy to existing buildings shall comply with the requirements of the California Building Standards Code and all provisions of the Atascadero Municipal Code effective at the time of addition, alteration, or change of occupancy.~~

~~SECTION O105 EMERGENCY TRANSPORTABLE HOUSING UNITS~~

~~O105.2. Emergency transportable housing used as temporary housing or as emergency housing must be located in a City approved location and are not permitted in residential properties unless the emergency transportable housing unit is used for temporary replacement for a damaged residence. Recreational vehicles used as temporary housing or as emergency housing must be currently registered with the California Department of Motor Vehicles.~~

~~SECTION O109 LOCATION, MAINTENANCE, AND IDENTIFICATION~~

~~O109.3. Emergency housing and emergency housing facilities shall be located in appropriate locations as determined by Title 9 of the Atascadero Municipal Code and shall comply with zoning requirements, density requirements, and development standards of the appropriate zoning district. Emergency or temporary housing units are not permitted in residential properties unless the emergency transportable housing unit is used for temporary replacement for a damaged residence.——~~

~~(h) Adopt Sections of Appendix J. Adopt only Sections J104, J105, J106, and J107. No local modifications proposed.~~

~~(i) Amend Section 7A (Materials and Construction Methods for Exterior Wildfire Exposure) to read as follows:~~

~~**709A.2 Where required.** The walking surface material of decks, porches, balconies and stairs shall comply with the requirements of this section when any portion of such surface is within 10 feet (3048 mm) of the building.~~

~~(a) Delete Chapters 7A, 27-30, 31A, 31B, and 31C~~

~~(b) Delete all Appendices in their entirety except for Appendix I and Appendix P and Appendix J Sections 103 – 107 only~~

~~(c) Amend Section 105.2 as follows:~~

~~**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:~~

**Building:**

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



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

(d) Amend Section 903.2 to read as follows:

**903.2 Where Required.** Refer to AMC 4-7.903.2

(e) Amend Section 1803.2 to read as follows:

**1803.2 Where required.** The owner or applicant shall submit geotechnical investigations reports to the Chief Building Official in accordance with Sections 1803.3 through 1803.5.

**Exceptions:**

The Chief Building Official need not require a foundation and soils investigation report for one-story, wood-frame and light-steel-frame additions to Group R occupancies of 1,000 square feet of floor area or less, or new one-story, wood-frame and light-steel-frame detached accessory structures 1,000 square feet of floor area or less, or one-story, wood-frame and light-steel-frame additions to detached accessory structures 1,000 square feet of floor area or less when a licensed architect or engineer provides a foundation design and a site observation report with a statement of site suitability.

**Chapter 4  
 RESIDENTIAL CODE**

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

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

~~Adopt the 2019 California Residential Code in its entirety, except amend the following sections:~~

- (a) ~~Delete all Appendices except adopt Appendices AH, AQ, AS, and AX by reference only and adopt AZ in its entirety.~~
- (b) Amend Section R310.2.5 as follows:

~~Window replacements in existing R-Occupancy Units shall comply with the following Egress Requirements.~~

**R310.5 Replacement windows for emergency escape and rescue openings.** Replacement windows in existing R Occupancy Units shall comply with the following egress requirements:

Requirements for Replacing <del>Bedroom</del> Windows in Existing <del>Homes</del> R Occupancy Units (A minimum of one window must comply unless there is a door opening to the exterior.)				
<del>Code Year</del> <del>House Was</del> <del>Built*</del>	<del>Egress Requirements</del> <del>Opening Size**</del>	<del>Net-Opening Size</del> <del>Height Minimum</del>	<del>Minimum-Opening</del> <del>Size</del> <del>Width Minimum</del>	<del>Maximum Sill Height</del> <del>From Finished</del> <del>Floor</del> <del>from finished</del> <del>floor</del>
Prior to 1964	<del>6 square feet (window size)</del> <del>Window size only</del> <del>Size</del>	<del>6 sq ft</del> <del>(Window Size</del> <del>only)</del> <del>18 inches</del>	<del>Per CHC</del> <del>3.3 sq ft min</del> <del>18 inches Height</del> <del>18 inches Width</del>	<del>None specified</del>
1964 to 1980	<del>5 square feet (net opening)</del> <del>Net Opening</del> <del>Yes</del>	<del>5 sq ft</del> <del>(Net opening)</del> <del>22</del> <del>inches</del>	<del>22 Inches Height</del> <del>22 Inches Width</del> <del>22</del> <del>inches</del>	<del>48 Inches</del> <del>inches to</del> <del>Sillsill</del>
<del>1980</del> 1981 to <del>2007</del> 2008	<del>Yes</del> 5.7 square feet (net opening) <del>Net Opening</del>	<del>5.7 sq ft</del> <del>(24 inches</del> <del>Net</del> <del>Opening)</del>	<del>24 Inches Height</del> <del>20 Inches</del> <del>Width</del> <del>20 inches</del>	<del>44 Inches</del> <del>inches to</del> <del>Sillsill</del>
2008 to <del>Present</del> present	5.7 square feet (net opening) <del>Net Opening</del> <del>Yes</del> 5.0 square feet <del>on</del> ground floor	5.7 sq ft <del>(24 inches</del> <del>Net</del> <del>Opening)</del> 5.0 sq ft on Ground Floor	24 Inches Height 20 Inches Width 20 inches	44 Inches <del>inches to</del> <del>Clear Opening</del> <del>clear</del> <del>opening</del>

~~Code Year\* - The year that the structure was permitted for the current occupancy use~~

~~Opening Size\*\* - Using just the minimum height and width allowance, will not meet the required opening size~~

(b) Amend Section R324.6.1 to read as follows:

~~**R324.6.1 Pathways.** Not fewer than two 36-inch wide (914mm) pathways on each roof plane on which modules are located, or on adjacent roof planes or straddling the same and adjacent roof planes, from lowest roof edge to ridge, shall be provided on all buildings. Pathways shall be over areas capable of supporting firefighters accessing the roof. No portion of a pathway shall be located on a portion of a gable roof overhanging the gable rafter or truss. Pathways shall be located in areas with minimal obstructions. Such as vent pipes, conduit or mechanical equipment.~~

(c) Amend Section R324.6.2 to read as follows:

~~**R324.6.2 Setbacks at ridge.** A setback of not less than 36 inches (914mm) is required on both sides of a horizontal ridge.~~

(d) Delete Section R324.6.2.1.

(e) Amend Section R324.6.2.2 to read as follows:

~~**R324.6.2.2 Emergency escape and rescue openings.** Panels and modules installed on Group R-3 buildings shall not be placed on the portion of a roof that is below an emergency escape and rescue opening. A pathway of not less than 36 inches (914mm) wide shall be provided from the emergency escape and rescue opening to the eave directly below and a 36-inch wide (914mm) shall be provided directly in front of the full length of the wall line containing the emergency escape and rescue opening(s).~~

(f) Amend Section R324.7.2 to read as follows:

~~**R324.7.2 Ground-mounted photovoltaic panel systems.** Ground-mounted photovoltaic panel systems shall comply with Section 1204.1 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. A clear, brush-free area of 10 feet (3048 mm) shall be required around ground-mounted photovoltaic arrays and under the array. Arrays shall be located a minimum of 20 feet (6096 mm) from other structures and shall not be located so as to impede access to and around a structure in any manner. Mounts shall be of non-combustible construction. No storage shall be permitted under the panel arrays. Arrays shall not be located upon biological conservation easements, riparian or vernal pool area.~~

(g) Delete all appendices except for Appendices Q

(h) Adopt and amend Appendix Q Section AQ102 to read:

~~**Tiny House.** A dwelling that is 400-square feet (37 m<sup>2</sup>) or less in floor area excluding lofts. Must be on permanent foundations. This section does not include any structures on wheels or those regulated by the California Department of Motor Vehicles and the State of California Department of Housing and Community Development.~~

Chapter 5  
ELECTRICAL CODE

Section:

8-5.101 Modifications of the California Electrical Code.

8-5.102 Underground utility services.

8-5.101 Modifications of the ~~2019~~ California Electrical Code.

~~(a) Adopt the 2019 California Electrical Code in its entirety, except as amended herein all Informative Annexes.~~

~~(b) Delete all appendices,~~

~~(c) Amend Article 230.70(A)(1) to read as follows:~~

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

~~(d) 8-5.102 **Underground utility services.** All new electric, telephone, television, and other communication service connections, for all new, altered, or enlarged buildings shall be provided by underground wiring. Extension of electric or communication distribution lines to serve such projects shall be underground wiring.~~

**Exceptions:**

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

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

~~(e) Adopt as reference the 2018 International Solar Energy Provisions (ISEP), 2018 International Swimming Pool and Spa Code (ISPSC), 2018 International Residential Code Chapter 23 Solar Thermal Energy Systems, and the City of Atascadero Fire Department Solar Photovoltaic Installation Guidelines. (Ord. 632 § 6, 2020)~~

**Chapter 6  
PLUMBING CODE**

**Sections:**

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

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

- (a) ~~Adopt the California Plumbing Code in its entirety.~~
- (b) ~~Delete all appendices except for A and D, I, and K.~~
- (b) Amend Section 719.1 to read as follows:

719.1 A cleanout shall be placed in every building sewer within five (5) feet of each building, at all changes in alignment or grade in excess of one hundred thirty-five (135) degrees, within five (5) feet of the junction with the public sewer, and at intervals not to exceed one hundred (100) feet in straight runs. The cleanout shall be made by inserting a “Y” fitting in the line and fitting the cleanout in the “Y” branch in an approved manner. In the case of a cleanout near the junction of the public sewer, the “Y” branch riser shall be extended to a depth of not more than one (1) foot. All other cleanouts shall be extended to finish grade.

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

**Section:**

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

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

~~Adopt the 2019 Mechanical Code in its entirety, except, Delete all Appendices.~~

Chapter 8  
GREEN BUILDING CODE

Section:

**8-8.101 ~~Modifications to the California Green Building Code.~~ Compliance with the California Green Building Code Recycling requirements.**

~~8-8.101 — Modifications to the California Green Building Code.  
— Adopt in its entirety, except delete all appendices.~~

**8-8.10~~1~~<sup>21</sup> Compliance with the California Green Building Code Recycling requirements.**

(a) Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this section and all required components of the California Green Building Standards Code, 24 [CCR](#), Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen.

(b) For projects covered by CALGreen, the applicants must, as a condition of the City's permit approval, comply with the following:

(1) Where five (5) or more multifamily dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of recyclable materials container and organic materials container materials, consistent with the three (3) or more-container collection program offered by the City/County/District, or comply with provision of adequate space for recycling for multifamily premises and commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 [CCR](#), Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(2) New commercial or multifamily construction or additions resulting in more than thirty (30) percent of the floor area shall provide readily accessible areas identified for the storage and collection of recyclable materials container and organic materials container materials, consistent with the three (3) or more-container collection program offered by the City/County/District, or shall comply with provision of adequate space for recycling for multifamily premises and commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 [CCR](#), Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(3) Comply with CALGreen requirements and applicable law related to management of construction and demolition debris (C&D), including diversion of organic waste in C&D from disposal. Comply with all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

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

**Sections:**

- 8-9.101** Modifications to the International Property Maintenance Code.
- 8-9.102** Definitions Placards
- 8-9.103** Placards

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

~~Adopt in its entirety except, d~~Delete all appendices.

**8-9.102 Definitions.**

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

**8-9.1023 Placards.**

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

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

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

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

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

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

(d) Violation of this section will be subject to AMC Title 8 Chapter 2 Section 101 (AMC 8-2.101)



**Chapter 10**  
**WATER EFFICIENT LANDSCAPE AND IRRIGATION**

**Sections:**

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

**8-10.101 Purpose.**

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

- (a) Promote the values and benefits of landscapes that integrate and go beyond the conservation and efficient use of water.
- (b) Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that required cross-sector collaboration of industry, government and property owners to achieve the many benefits possible.
- (c) Establish provisions for water management practices and water wise prevention for existing landscapes.
- (d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

**8-10.102 Adoption of Code.**

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

**8-10.103 Water Efficient Landscape and Irrigation requirements.**

This section is intended to comply with the State's Model Water Efficiency Landscape Ordinance, and standards found in 23 [CCR](#), Division 2, Chapter 2.7.

(a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (single-family, multifamily, public, institutional, or commercial) project with a landscape requirement area greater than five hundred (500) square feet, or rehabilitating an existing landscape under City review jurisdiction with a total landscape area greater than two thousand five hundred (2,500) square feet, shall comply with Sections 492.6(a)(3)(B), (C), (D), and (G) of the MWELO, including sections related to use of compost and mulch as delineated in this chapter.

(b) Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in subsection (a) above shall:

(1) Comply with Sections 492.6 (a)(3)(B), (C), (D), and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

(i) For landscape installations, compost at a rate of a minimum of four cubic yards per one thousand (1,000) square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils

with greater than six (6) percent organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

(ii) For landscape installations, a minimum three (3) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five (5) percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(iii) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

(2) The MWELO compliance items listed in this section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in this chapter shall consult the full MWELO for all requirements.

(c) If, after the adoption of this chapter, the California Department of Water Resources, or its successor agency, amends 23 [CCR](#), Division 2, Chapter 2.7, Sections 492.6(a)(3)(B), (C), (D), and (G) of the MWVELO September 15, 2015 requirements in a manner that requires City to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this section, the revised requirements of 23 [CCR](#), Division 2, Chapter 2.7 shall be enforced.

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

**Section:**

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

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

~~Adopt in its entirety except, d~~Delete all appendices.

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

**Sections:**

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

**8-12.101 Intent.**

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

**8-12.102 Application of provisions.**

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

**8-12.103 Placards.**

Placards are those identified in and subject to AMC Title 8 Chapter 9 Section 103 (AMC 8-9.103)