



CITY OF ATASCADERO CITY COUNCIL AGENDA

HYBRID MEETING INFORMATION:

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

HOW TO OBSERVE THE MEETING REMOTELY:

To participate remotely, residents can livestream the meeting on [Zoom](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit:

https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA

HOW TO SUBMIT PUBLIC COMMENT:

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

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

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

AMERICAN DISABILITY ACT ACCOMMODATIONS:

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

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

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

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

www.atascadero.org/agendas

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



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, November 28, 2023

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

<u>City Council Regular Session:</u>	6:00 P.M.
<u>City Council Closed Session:</u>	Immediately following conclusion of the City Council Regular Session

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

PLEDGE OF ALLEGIANCE: Council Member Bourbeau

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

APPROVAL OF AGENDA: Roll Call

Recommendation: Council:

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

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

1. City Council Draft Minutes – November 14, 2023

- **Recommendation:** Council approve the November 14, 2023, Draft City Council Regular Meeting Minutes. [City Clerk]

2. October 2023 Accounts Payable and Payroll

- Fiscal Impact: \$4,621,070.42
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for October 2023. [Administrative Services]

3. Ordinance Amending the Definitions of “Hotels” and “Motels” in Title 9 of the Atascadero Municipal Code

- Fiscal Impact: None.
- CEQA Determination: The proposed Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (CEQA § 21065; CEQA Guidelines §§ 15378(b)(5), 15061(b)(3).
- Recommendation: Council adopt on second reading a Draft Ordinance entitled: “An Ordinance Amending the Definitions of ‘Hotels’ and ‘Motels’ in Title 9 of the Atascadero Municipal Code, Entitled Planning & Zoning”, and take such additional, related, action that may be desirable. [Community Development]

4. Avtec Radio Console Replacement Project

- Fiscal Impact: \$107,000.
- CEQA Determination: The project does not require additional environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) or CEQA Guidelines (14 Cal. Code Regs. §§ 15000, *et seq.*; see CEQA Guidelines §§ 15061(b)(3) and 15378). It is categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use; or a minor alteration in land use limitations (see, CEQA Guidelines §§ 15301, 15305).
- Recommendation: Council approve and authorize the expenditure of \$107,000 for Avtec hardware, licensing, and related equipment to replace the current radio console system for dispatching emergency services with an updated radio console system from Applied Technology, and take such additional, related, action that may be desirable. [Information Technology]

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.)

B. PUBLIC HEARINGS: None

C. MANAGEMENT REPORTS:

1. Integrated Waste Management Authority – 2023 County Joinder Amendment to Second Amended and Restated Joint Powers Agreement

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution to approve the 2023 County Joinder Agreement to Second Amended and Restated Joint Powers Agreement of the Integrated Waste Management Authority, and take such additional, related, action that may be desirable. [Public Works]

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

Mayor Moreno

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

Mayor Pro Tem Funk

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

Council Member Bourbeau

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

Council Member Dariz

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

Council Member Newsom

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

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

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

F. RECESS TO CLOSED SESSION FOLLOWING CONCLUSION OF CITY COUNCIL REGULAR SESSION

CITY COUNCIL CLOSED SESSION:

- 1. CLOSED SESSION — PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION — CALL TO ORDER**
 - a. Conference with Legal Counsel – Existing Litigation**
Government Code § 54956.9(d)(1)
Name of Case: Newton v. City of Atascadero
San Luis Obispo Superior Court Case No. 20CV-0046
- 4. CLOSED SESSION — ADJOURNMENT**

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



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, November 14, 2023

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

<u>City Council Regular Session:</u>	6:00 P.M.
<u>City Council Closed Session:</u>	Immediately following conclusion of the City Council Regular Session

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

Mayor Moreno called the meeting to order at 6:00 p.m. and Mayor Pro Tem Funk led the Pledge of Allegiance.

ROLL CALL:

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

Absent: None

Others Present: None

Staff Present: City Manager Jim Lewis, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Interim Police Chief Joe Allen, Public Works Director Nick DeBar, Interim City Attorney Karl Berger, Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager – IT Luke Knight and Senior Planner Kelly Gleason.

APPROVAL OF AGENDA:

City Manager Lewis noted that the Fiscal Impact on the Agenda for Consent Calendar Item #A-2 should read “Approving staff recommendations will result in estimated expenditures of \$6,620,008 in Wastewater Funds and \$1,300,000 in Road Repair and Accountability Act Funds (SB 1).”

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

A. CONSENT CALENDAR:

- 1. City Council Draft Minutes – October 24, 2023**
 - Recommendation: Council approve the October 24, 2023, Draft City Council Regular Meeting Minutes. [City Clerk]
- 2. Lift Station No. 13 and Force Main Replacement Project Construction Award**
 - Fiscal Impact: \$TBD
 - CEQA Determination: The recommended action would not result in a potential direct or reasonably indirect physical change in the environment and, accordingly, does not qualify as a “project” under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) or CEQA Guidelines (14 Cal. Code Regs. §§ 15000, *et seq.*; see CEQA Guidelines §§ 15061(b)(3) and 15378). Even if the award of contract were to qualify as a project, it would be categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use; or a minor alteration in land use limitations (see, CEQA Guidelines §§ 15301, 15305).
 - Recommendation: Council:
 1. Award, and authorize the City Manager to execute, a construction contract for \$5,859,340 to Hartzell General Engineering Contractor, Inc. for the Lift Station No. 13 and Force Main Replacement Project (Project No. C2020W02).
 2. Award, and authorize the City Manager to execute, a professional services contract for \$585,668 with Filippin Engineering, Inc. for construction management and materials testing services for the Lift Station No. 13 and Force Main Replacement Project.
 3. Approve the procurement of three (3) new submersible sewage pumps for the Lift Station No. 13 and Force Main Replacement Project for \$175,000 with Gierlich Mitchell.
 4. Authorize the Director of Administrative Services to allocate an additional \$500,000 in in Road Repair and Accountability Act Funds to the Traffic Way Pavement Rehabilitation (North) project work being constructed with the Lift Station No. 13 and Force Main Replacement Project.
 5. Take such additional, related, action that may be desirable.

MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Funk to approve the Consent Calendar. (#A-2: Contract Nos. 2023-039 and 2023-040)
Motion passed 5:0 by a roll-call vote.

UPDATES FROM THE CITY MANAGER:

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

COMMUNITY FORUM:

The following persons spoke in-person by telephone or through the webinar: Dawn Boulanger, Geoff Auslen, and Wendy Lewis

Mayor Moreno closed the COMMUNITY FORUM period.

B. PUBLIC HEARINGS:

1. Ordinance Amending the Definitions of “Hotels” and “Motels” in Title 9 of the Atascadero Municipal Code

- Fiscal Impact: None.
- CEQA Determination: The proposed Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (CEQA § 21065; CEQA Guidelines §§ 15378(b)(5), 15061(b)(3)).
- Recommendation: Council:
 1. Introduce and waive first reading of Draft Ordinance entitled: “An Ordinance Amending the Definitions of ‘Hotels’ and ‘Motels’ in Title 9 of the Atascadero Municipal Code, Entitled Planning & Zoning”.
 2. Take such additional, related, action that may be desirable.

Ex Parte: None

Senior Planner Gleason gave the report and answered questions from the Council.

PUBLIC COMMENT:

The following persons spoke on this item: Geoff Auslen

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Funk to introduce and waive first reading of Draft Ordinance entitled: “An Ordinance Amending the Definitions of ‘Hotels’ and ‘Motels’ in Title 9 of the Atascadero Municipal Code, Entitled Planning & Zoning”.
Motion passed 5:0 by a roll-call vote.

C. MANAGEMENT REPORTS: None.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

1. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Funk

1. Homeless Services Oversight Council
2. Integrated Waste Management Authority (IWMA)

Mayor Pro Tem noted she attended the IWMA Board Meeting, as alternate, in Council Member Bourbeau's absence.

Council Member Newsom

1. City / Schools Committee

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

1. City Council
 - a. Council Member Bourbeau reported that he received an email from Brenda May looking for volunteers for the annual Coats for Kids drive. He asked that anyone interested in volunteering email him for more information.
 - b. Mayor Pro Tem Funk requested reporting on an annual basis for Parks and Recreation updates.

City Manager Lewis noted that staff would welcome the opportunity to provide updates to the City Council and there was Council consensus to direct staff to provide annual updates on Parks and Recreation activities in the City.

F. RECESS REGULAR MEETING TO CLOSED SESSION

Mayor Moreno recessed the Regular Meeting and called the Closed Session Meeting to order at 6:42 p.m.

CITY COUNCIL CLOSED SESSION:

1. **CLOSED SESSION — PUBLIC COMMENT: None**
2. **COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
3. **CLOSED SESSION — CALL TO ORDER**
 - a. **Conference with Legal Counsel – Existing Litigation**
Conference with legal counsel pursuant to Government Code Sec. 54956.9(d)(1): 1 case – Estate of Douglas A. Breeze, et al. v. Board of Administration of the California Public Employees' Retirement System (CalPERS), et al. (filed September 29, 2022) Sacramento Superior Court Case No. 34-2022-80003799.
4. **CLOSED SESSION — ADJOURNMENT**

G. ADJOURN

Following Closed Session, the meeting was adjourned at 6:48pm; no reportable action.

MINUTES PREPARED BY:

Lara K. Christensen
City Clerk

APPROVED:



Atascadero City Council
Staff Report - Administrative Services Department

October 2023 Accounts Payable and Payroll

RECOMMENDATION:

Council approve certified City accounts payable, payroll and payroll vendor checks for October 2023.

DISCUSSION:

Attached for City Council review and approval are the following:

Payroll

Dated	10/12/23	Checks # 35903-35912	\$ 9,243.93
		Direct Deposits	393,958.29
Dated	10/26/23	Checks # 35913-35922	8,850.42
		Direct Deposits	386,835.64

Accounts Payable

Dated	10/1/23-10/31/23	Checks # 175968 - 176233 & EFTs 4905, 4915-4946	3,822,182.14
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TOTAL AMOUNT \$ 4,621,070.42

FISCAL IMPACT:

Total expenditures for all funds is \$ 4,621,070.42

CERTIFICATION:

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


 Jeri Rangel
 Director of Administrative Services

ATTACHMENT:

October 2023 Eden Warrant Register in the amount of \$ 3,822,182.14

City of Atascadero
Disbursement Listing

For the Month of October 2023

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
11/28/23
1

Check Number	Check Date	Vendor	Description	Amount
176169	10/20/2023	LEE WILSON ELECTRIC CO. INC	Accounts Payable Check	1,428.00
176170	10/20/2023	LIFE ASSIST, INC.	Accounts Payable Check	387.87
176171	10/20/2023	LONE MADRONE, BRISTOLS CIDER	Accounts Payable Check	370.00
176172	10/20/2023	MARBORG INDUSTRIES	Accounts Payable Check	1,201.42
176173	10/20/2023	MCCLATCHY SHARED SERVICES, LLC	Accounts Payable Check	896.73
176174	10/20/2023	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	19,744.61
176175	10/20/2023	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	40.46
176176	10/20/2023	MINER'S ACE HARDWARE	Accounts Payable Check	403.52
176177	10/20/2023	MISSION UNIFORM SERVICE	Accounts Payable Check	28.30
176178	10/20/2023	MOTOROLA SOLUTIONS, INC.	Accounts Payable Check	20,908.68
176179	10/20/2023	NORTH COAST ENGINEERING INC.	Accounts Payable Check	380.00
176180	10/20/2023	NORTH COUNTY BACKFLOW	Accounts Payable Check	535.00
176181	10/20/2023	NRA FOUNDATION	Accounts Payable Check	175.00
176182	10/20/2023	ODP BUSINESS SOLUTIONS, LLC	Accounts Payable Check	148.46
176183	10/20/2023	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	40,128.43
176184	10/20/2023	PACIFIC OVERHEAD DOOR SERVICE	Accounts Payable Check	588.15
176185	10/20/2023	PASO ROBLES FORD LINCOLN MERC	Accounts Payable Check	1,115.71
176186	10/20/2023	PEAKWIFI, LLC	Accounts Payable Check	650.00
176187	10/20/2023	PERRY'S PARCEL & GIFT	Accounts Payable Check	75.25
176188	10/20/2023	PORTER CONSTRUCTION, INC.	Accounts Payable Check	39,710.00
176189	10/20/2023	JULIA POSMOGA	Accounts Payable Check	352.66
176190	10/20/2023	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	294.01
176191	10/20/2023	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	2,609.00
176192	10/20/2023	BRIAN S. RICKS	Accounts Payable Check	56.00
176193	10/20/2023	CORBIN J. ROSSI	Accounts Payable Check	168.00
176194	10/20/2023	ERIN K. ROULLARD	Accounts Payable Check	600.00
176195	10/20/2023	THE SECRETARY OF STATE	Accounts Payable Check	40.00
176196	10/20/2023	SECURITAS TECHNOLOGY CORPORATN	Accounts Payable Check	476.04
176197	10/20/2023	SITEONE LANDSCAPE SUPPLY, LLC	Accounts Payable Check	805.05
176198	10/20/2023	SLO COUNTY SHERIFF'S OFFICE	Accounts Payable Check	4,600.00
176199	10/20/2023	SLO COUNTY TAX COLLECTOR	Accounts Payable Check	94.00
176200	10/20/2023	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	1,292,268.27
176201	10/20/2023	SPEAKWRITE, LLC.	Accounts Payable Check	590.70
176202	10/20/2023	SPECIALIZED EQUIPMENT REPAIR	Accounts Payable Check	539.61
176203	10/20/2023	SWCA, INC.	Accounts Payable Check	283.75
176204	10/20/2023	WILLIAM L. TEDONE	Accounts Payable Check	196.00
176205	10/20/2023	CHRISTOPHER DANIEL THOMAS	Accounts Payable Check	112.00
176206	10/20/2023	TOC PUBLIC RELATIONS, LLC	Accounts Payable Check	599.00
176207	10/20/2023	TRIPEPI SMITH AND ASSC., INC.	Accounts Payable Check	4,000.00
176213	10/20/2023	U.S. BANK	Accounts Payable Check	44,449.61
176214	10/20/2023	VERDIN	Accounts Payable Check	20,443.65
176215	10/20/2023	VERIZON WIRELESS	Accounts Payable Check	378.63
176216	10/20/2023	VERNON CO.	Accounts Payable Check	2,418.02

City of Atascadero
Disbursement Listing

For the Month of October 2023

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
11/28/23
1

Check Number	Check Date	Vendor	Description	Amount
176217	10/20/2023	VINO VICE, INC.	Accounts Payable Check	473.00
176218	10/20/2023	VITAL RECORDS CONTROL	Accounts Payable Check	192.04
176219	10/20/2023	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	225.00
176220	10/20/2023	WHAT'S UP NORTH CO., LLC	Accounts Payable Check	2,250.00
176221	10/20/2023	YEH AND ASSOCIATES, INC.	Accounts Payable Check	1,167.50
176222	10/20/2023	YOUTH EVOLUTION SOCCER	Accounts Payable Check	3,591.00
176223	10/25/2023	JOHN JONES CHRYSLER,DODGE,JEEP	Accounts Payable Check	297,720.00
176224	10/25/2023	RAILROAD BBQ CO.	Accounts Payable Check	3,080.70
4933	10/26/2023	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	9,187.43
4934	10/26/2023	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	283.84
176225	10/26/2023	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	40.00
176226	10/26/2023	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	2,249.75
176227	10/26/2023	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
176228	10/26/2023	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	4,273.00
176229	10/26/2023	EMPOWER ANNUITY INS CO	Payroll Vendor Payment	8,125.58
176230	10/26/2023	IAFF MERP	Payroll Vendor Payment	1,900.00
176231	10/26/2023	MISSIONSQUARE	Payroll Vendor Payment	7,781.24
176232	10/26/2023	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	961.85
176233	10/26/2023	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,338.86
4935	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	23,039.94
4936	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	37,587.30
4937	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,781.22
4938	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,726.10
4939	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	5,330.56
4940	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	13,362.91
4941	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	16,837.32
4942	10/27/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	23,856.57
4943	10/30/2023	SEIU LOCAL 620	Payroll Vendor Payment	823.38
4944	10/31/2023	RABOBANK, N.A.	Payroll Vendor Payment	67,418.59
4945	10/31/2023	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	19,973.11
4946	10/31/2023	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,602.82
				<u>\$ 3,822,182.14</u>



Atascadero City Council

Staff Report – Community Development Department

Ordinance Amending the Definitions of “Hotels” and “Motels” in Title 9 of the Atascadero Municipal Code

RECOMMENDATION:

Council adopt on second reading a Draft Ordinance entitled: “An Ordinance Amending the Definitions of ‘Hotels’ and ‘Motels’ in Title 9 of the Atascadero Municipal Code, Entitled Planning & Zoning”, and take such additional, related, action that may be desirable.

DISCUSSION:

The proposed text amendment was heard at the November 14, 2023, City Council meeting. The Council voted on a 5-0 vote to introduce the Draft Ordinance on first reading to amend Title 9, Planning & Zoning, of the Atascadero Municipal Code (AMC). The proposed AMC text amendment would modify the definition of hotels and motels to expand allowances for full kitchens in rooms intended for short-term stays. In addition, a new code section would be added to provide standards for hotels proposing full kitchen facilities.

This amendment would apply Citywide for all new hotel uses. While these types of lodging units are typically seen under Airbnb or VRBO, many large hotel chains are expanding their branding to accommodate patron desires for kitchens and extra space. Enacting a Citywide definition change would allow hotels to provide these amenities.

CEQA DETERMINATION:

The proposed Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (CEQA § 21065; CEQA Guidelines §§ 15378(b)(5), 15061(b)(3)).

FISCAL IMPACT:

There is no direct fiscal impact from the adoption of the proposed AMC text amendments.

ATTACHMENTS:

1. Draft Ordinance

DRAFT ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AMENDING THE DEFINITIONS
OF “HOTELS” AND “MOTELS” IN TITLE 9 OF THE ATASCADERO
MUNICIPAL CODE, ENTITLED PLANNING & ZONING**

**HOTEL / MOTEL DEFINITION CHANGE
(ZCH23-0071)**

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

SECTION 1. Planning Commission Recommendation: The Planning Commission of the City of Atascadero held a timely and properly noticed Public Hearing upon the subject Planning and Zoning Text Change application on October 3, 2023 at which hearing evidence, oral and documentary, was admitted on behalf of said Planning and Zoning Text Amendments and the Planning Commission recommended that the City Council approve the proposed text amendments.

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on November 14, 2023, considered testimony and reports from staff, the applicants, and the public and introduced for first reading, by title only, an Ordinance modifying Title 9 of the Atascadero Municipal Code.

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

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

FACT: The proposed zoning code text updates are consistent with the general plan. The modifications to the definitions of hotels and motels does not affect the commercial transient lodging nature of the use.

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

FACT: The proposed text makes a minor modification to the land use definition for hotels and motels and will not affect the use of land designated for such uses.

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

FACT: The proposed text amendment is minor and will not result in an environmental impact. Hotel and motel uses remain allowed in locations designated by the Atascadero Municipal Code.

SECTION 4. CEQA. Because of the facts set forth in Section 2, the proposed zone text amendment is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(5), 15061(b)(3).

SECTION 5. Approval. The City Council of the City of Atascadero adopts the proposed text amendments to Atascadero Municipal Code as shown in Exhibit A.

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

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

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

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

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

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

ITEM NUMBER: A-3
DATE: 11/28/23
ATTACHMENT: 1

INTRODUCED at a regular meeting of the City Council held on November 14, 2023, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2023.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, Interim City Attorney

EXHIBIT A: Proposed Municipal Code Text Amendment – Title 9

9-3.330 Nonresidential district allowable land uses.

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

**Table 3-2 – Nonresidential Use Table
 Allowed Land Uses and Permit Requirements**

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Accessory Storage		A ⁴	CUP ⁴	A ⁴	CUP ⁴	CUP ⁴			A ⁴	A ⁴	9-6.103
Adult Day Care Facility	A	A	A					CUP			
Adult Oriented Business			A	A					A	A	9-16
Age Restricted Housing							CUP				
Agricultural Produce Stands	A	A			A	A					9-6.117
Amusement Services		A	A	A		A	A			A	
Animal Hospitals		CUP ⁷	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A ⁵		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Brewery – Production				CUP		CUP			A	A	
Broadcast Studios			A	A							
Building Materials and Hardware w/ outdoor sales or storage area 10,000 sf or greater		CUP	CUP	CUP		CUP			CUP	CUP	9-6.165
Building Materials and Hardware w/ outdoor sales or storage area less than 10,000 sf		A	A	A		A			A	A	9-6.165
Business Support Services		A	A	A		A	A	A	A	A	
Caretaker’s Residence/ Employee Unit		CUP	CUP	CUP							
Childcare Center	A	A	A					CUP			9-6.125
Churches and Related Activities		CUP	CUP								9-6.121
Collection Stations	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	9-6.130
Contract Construction Services (Indoor)				A		A			A	A	

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Contract Construction Services (Outdoor)				CUP					CUP	CUP	
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Day Care											
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Farm Equipment and Supplies w/ outdoor storage or sales area 10,000 sf or greater			CUP	CUP		CUP			CUP	CUP	
Farm Equipment and Supplies w/ outdoor storage or sales area less than 10,000 sf			A	A		A			A	A	
Farmers' Market	CUP	CUP	CUP		CUP	CUP	A	A			
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Fuel Dealer				A ⁴		CUP			A ⁴	A ⁴	9-6.129
General Retail	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Government Offices and Facilities	A	A	A	A	A	A	CUP ₉	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP ₉	A			
Horticultural Specialties w/ outdoor storage or sales area 10,000 sf or greater		CUP	CUP	CUP	CUP	CUP			CUP	CUP	9-6.116
Horticultural Specialties w/ outdoor sales or storage area less than 10,000 sf		A	A	A	A	A					9-6.116
Hotels, Motels		CUP	A	A	A		CUP				9-6.185
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Kennels			CUP	A							9-6.111
Large Family Day Care		CUP ₈	CUP ₈								9-6.125
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Laundries and Dry-Cleaning Plants				A		A			A	A	
Laundromat/Coin-Operated Laundry	CUP	CUP	CUP	CUP	CUP	CUP			A	A	
Libraries, Museums		A	A	A	A		A	A			

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Live/Work Unit							A ¹				
Manufacturing and Processing – High Intensity ⁴				CUP		CUP			AUP	AUP	
Manufacturing and Processing – Low Intensity		CUP	CUP	A		A			A	A	
Medical Extended Care Services: 6 Residents or Less	CUP	CUP	CUP	CUP	CUP	CUP					9-6.134
Medical Extended Care Services: 7 Residents or More			CUP								9-6.134
Medical Research		CUP		A		A		CUP	A	A	
Membership Organizations			A	A		CUP	CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Mini-Storage				CUP		CUP			A	A	
Mobile Eating and Drinking Vendors ⁶	A	A	A	A		A	A		A	A	
Mixed-Use Development	CUP ₁	CUP ₁	CUP ₁	CUP ₁			A ¹	A ¹			
Mortuary Services			A	A					A	A	
Multifamily Dwelling	CUP ₂	CUP ₂	CUP ₂	CUP ₂			A ¹	A ¹			
Offices	A	A	A	A	A	A	CUP ₉	A			

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Outdoor Recreation Services			CUP	CUP	A						9-6.123
Parking Lots	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Parks and Playgrounds							A	A			
Personal Service Restricted				A	CUP	CUP					
Personal Services	A	A	A	A	A	CUP	A				
Printing and Publishing		CUP	CUP			A ⁴			A ⁴	A ⁴	
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Recreational Vehicle Parks					A						9-6.180
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Residential Care: 6 Residents or Less							A ²	A ²			9-6.135
Retail Sales – Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Schools		A	A	A			CUP	CUP			9-6.125
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A ¹	A ¹			
Single-Room Occupancy Units			CUP								9-6.184
Small Family Day Care		A ⁸	A ⁸	A ⁸		A ⁸	A ⁸				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					A	A	9-6.131
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Temporary Events	A/ CUP ₃	CUP	A/ CUP ₃	A/ CUP ₃	A/ CUP ₃	A/ CUP ₃	A/ CUP ₃	A/ CUP ₃	A	A	9-6.177

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										
	Permitted Uses by Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Temporary Offices		A	A	A							9-6.176
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	
Vehicle and Equipment Storage (Indoor) ⁴				A		CUP			A ⁴	A ⁴	9-6.183
Vehicle and Equipment Storage (Outdoor) ⁴				CUP ₄					CUP ₄	CUP ₄	9-6.183
Vehicle and Freight Terminals				CUP					CUP	CUP	
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center ⁴		AUP	AUP	A ⁴		A ⁴			A ⁴	A ⁴	
Winery – Boutique			A ⁴	A ⁴	A ⁴	A ⁴	A ⁴		A ⁴	A ⁴	
Winery – Production				CUP		CUP			A ⁴	A ⁴	

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

1 Residential uses allowed only on second and third floors. If a project is required to comply with the Americans with Disabilities Act and does not have an elevator, one accessible unit may be located on the ground floor in conjunction with commercial space and shall not exceed the greater of:

- 500 sf; or
- 10% of the size of the ground floor commercial space not to exceed 1,000 sf.

2 Multi-family dwellings permitted when located on the second floor or above, or within an existing residential structure of historical significance.

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

Zoning District Abbreviations

CN – Commercial Neighborhood

CP – Commercial Professional

CR – Commercial Retail

CS – Commercial Service

CT – Commercial Tourist

CPK – Commercial Park

DC – Downtown Commercial

DO – Downtown Office

IP – Industrial Park

I – Industrial

Figure 3-1



9-3.500 Definitions.

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

A. Definitions “A”

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

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

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

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

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

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

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

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

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

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

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

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

B. Definitions “B”

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

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

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

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

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

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

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

C. Definitions “C”

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

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

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

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

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

Contract Construction Services (Indoor). Office uses with or without indoor storage facilities operated by, or on behalf of, a building contractor, exterminator, janitorial service or similar. Can include the indoor storage of materials used for repair and maintenance of contractor’s own equipment and for use by the contractor. All uses must be located within an approved, permitted building. Outdoor storage of

construction related vehicles, fleet, or accessory storage (other than an approved parking lot for employees or fleet vehicles) is limited to ten percent (10%) of the floor area of the fully enclosed building utilized for the business.

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

D. Definitions "D"

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

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

- **Child Care Center.** Child day care facilities designed and approved to accommodate fifteen (15) or more children. Includes infant centers, nursery schools, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
- **Large Family Day Care Home.** As provided by Health and Safety Code Section 1596.78 or successor provision, a home that regularly provides care, protection, and supervision for seven (7) to twelve (12) children, including up to two (2) children under the age of ten (10) years who reside in the home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away.
- **Small Family Day Care Home.** As provided by Health and Safety Code Section 1596.78 or successor provision, a home that provides family day care for six (6) or fewer children, including two (2) children under the age of ten (10) years who reside in the home.
- **Adult Day Care Facility.** A day care facility providing care and supervision for adult clients.

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

E. Definitions "E"

Eating and Drinking Places. Restaurants and other establishments selling prepared foods and drinks for consumption on the premises, as well as facilities for dancing and other entertainment which are secondary and subordinate to the principal use of the establishment as an eating and drinking place. Also includes lunch counters and refreshment stands selling prepared goods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as subordinate service facilities

within other establishments are not included here unless they are operated as leased departments by outside operators. Does not include establishments with drive-through facilities or uses defined under “adult-oriented business.”

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

F. Definitions “F”

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

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

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

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

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

G. Definitions “G”

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

- Antique stores, second hand stores, jewelry stores, hobby materials, specialty stores;
- Art galleries, art supplies, collectibles, hobby materials;
- Bicycles, toys, games, sporting goods and equipment;
- Department stores, drug stores, pharmacies, supermarkets, groceries stores, specialty food markets, membership warehouse clubs;
- Florists, house plant stores (indoor sales), small house wares;
- Home furniture stores, consumer electronic/audio visual goods, bookstores, home and/or office appliance stores (excludes wholesale sales not open to the general public);
- New clothing, shoes, and accessory retail stores;

- Stationery, dry goods, fabric stores and sewing supplies, and variety stores;
- Stand-alone convenience markets (excludes fuel sales), warehouse retail stores, building supply hardware stores where outdoor sales are limited to under ten thousand (10,000) square feet.

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

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

H. Definitions “H”

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

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

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

Hotels, Motels. Commercial transient lodging establishments, including hotels, motor hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight or otherwise temporary lodging for less than thirty (30) days, with or without meals, for the general public.

I. Definitions “I”

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

J. Definitions “J”

K. Definitions “K”

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

L. Definitions “L”

Large Scale Ag Manufacturing. The large scale processing of agriculture products subsequent to their harvest, with the intent of preparing them for market or further processing including: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packaging of fruits and vegetables; tree nut hulling and shelling; cotton ginning; and wineries in excess of

one thousand (1,000) square feet in total use area. This does not include the growing, harvesting, and production of medical marijuana, or legally approved uses of marijuana by either the State of California or Federal Government.

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

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

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

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

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

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

M. Definitions “M”

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

- Machinery manufacturing that makes or process raw materials into products;
- Metal fabrication and welding shops engaged in the production and/or assembly of metal, and other similar metal shops;
- Manufacturing that cuts, shapes, and/or finishes building materials used in home or nonresidential construction;
- Chemical product manufacturing that produces or uses basic chemicals and other establishments creating products predominantly by chemical processes;
- Product manufacturing that produces bulk concrete, asphalt, and other paving materials;

- Paving and roof materials manufacturing of various common paving and petroleum-based roofing materials including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar;
- Plastics, other synthetics and rubber manufacturing;
- Primary metal industries engaged in smelting, refining of ferrous and nonferrous metals;
- Other similar heavy intensive uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

N. Definitions “N”

O. Definitions “O”

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

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

Outdoor Recreation Services. Facilities for various outdoor sports and recreation, including: amusement and kiddie parks; golf courses, golf driving ranges and miniature golf courses; skateboard

parks; go-cart and miniature auto race tracks; tennis courts, swim and tennis clubs and facilities; play lots, playgrounds and athletic fields; recreation and community centers.

P. Definitions “P”

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

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

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

Personal Services. Service establishments primarily engaged in providing nonmedical services as a primary use and may include accessory retail sales of products related to the services provided. These uses include the following: beauty shops (includes permanent makeup when less than ten percent (10%) of overall sales), barber shops, day spas and massage therapy where each massage therapist is certified/licensed by a State-recognized organization, shoe repair shops, dry cleaning pickup stores, clothing rental, tailors, tanning salons, pet grooming services, nail salons, and other similar uses.

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

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

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

Q. Definitions “Q”

R. Definitions “R”

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

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

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

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

Residential Accessory Uses. Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property and accessory structures including garages, studios and workshops.

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

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

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

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

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

Rural Sports and Group Facilities. Establishments supporting special group activities such as: archery, pistol, rifle, and skeet clubs and facilities; dude ranches; health resorts including outdoor hot spring, spa or hot tub facilities; hunting and fishing clubs; recreational camps; group or organized camps;

incidental, seasonal camping areas without facilities; equestrian facilities, including riding academies, schools, stables and exhibition facilities.

S. Definitions “S”

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

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

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

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

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

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

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

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

Social and Service Organizations. Public or quasi-public establishments providing social services and rehabilitation services to such as counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, persons with social or personal problems requiring special services and to the handicapped and the disadvantaged. Also included are organizations soliciting funds to be used directly for these related services. Also includes establishments engaged in community

improvement and neighborhood development. Does not include child day care services which are classified under “schools.”

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

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

T. Definitions “T”

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

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

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

Temporary Events. Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include: art shows; rodeos; religious revivals; tent camps; outdoor festivals and concerts.

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

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

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

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

U. Definitions “U”

Utility Facilities. A fixed-base structure or facility serving as a junction point for transferring electric utility services from one (1) transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply, natural gas distribution, wastewater pump station, fiber

optics junction box, or other similar facilities that are not exempted from land use permit requirements by California Government Code Section 53091 or successor code.

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

V. Definitions “V”

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

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

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

W. Definitions “W”

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

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

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

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

X. Definitions “X”

Y. Definitions “Y”

Z. Definitions “Z”

9-6.185 Hotels and Motels.

Where a hotel or motel is located in a commercial zoning district, the following standards shall apply:

- (a) Hotels and Motels without full kitchens shall be allowed as specified for each zoning district.
 - (1) Wet bars, as defined in this Title, shall be permitted
- (b) Hotels and motels may have full kitchens in up to 50% of the rooms/units subject to the following:
 - (1) The hotel development must contain a minimum of 20 rooms/units
 - (2) A deed notification shall be recorded against the property detailing the commercial nature of the property. The notification shall be in a form approved by the Community Development Director.
- (c) Exceptions. Exceptions to the above standards may be modified with approval of a Conditional Use Permit, subject to the following findings:
 - (1) The project is designed consistent with the standards of the Atascadero Municipal Code and provides amenities consistent with a tourist serving use; and
 - (2) The project is located in an area that supports tourist serving activities.



Atascadero City Council

Staff Report – Information Technology Department

Avtec Radio Console Replacement Project

RECOMMENDATIONS:

Council approve and authorize the expenditure of \$107,000 for Avtec hardware, licensing, and related equipment to replace the current radio console system for dispatching emergency services with an updated radio console system from Applied Technology, and take such additional, related, action that may be desirable.

DISCUSSION:

This project is to replace the current Avtec radio console system with an updated Avtec radio console. The radio system is made up of 3 main components: The first component is the actual radios that are in use by public safety personnel and employees along with radios mounted in vehicles; next is the repeaters that are distributed throughout the region to provide coverage for the radios to communicate over Atascadero's diverse geographical landscape; and the third and final component of the radio console system is the interface and equipment that allows public safety dispatchers to communicate across the entire radio system from their workstations.

The Avtec Media Workstations at the dispatch center are at the end of their useful lives and therefore need replacement. Avtec was previously selected from a variety of radio consoles by the Atascadero Police Department in 2013, and has proven to be reliable and user-friendly since its installation. Staff has elected to continue using Avtec as the radio console provider because of its proven reliability and user-friendly interface, and to assist current dispatch staff by continuing to use a familiar system, which will eliminate the need for new training. Additionally, many other local agencies have selected Avtec for their radio console system, including the San Luis Obispo County Sheriff's Department, San Luis Obispo Police Department, and Pismo Beach Police Department.

Staff would like to select Applied Technology as the preferred vendor for Avtec hardware and licensing for this replacement project. Applied Technology has previously installed repeaters for the City of Atascadero's radio system giving them detailed knowledge of the installation sites and equipment. This knowledge and experience will save time and money while providing a cohesive installation of the radio console. Additionally, having a single vendor with familiarity of the entire radio system is beneficial to the City of Atascadero for future service needs should there be any failures in these systems. Staff has evaluated the pricing from Applied Technology for the Avtec equipment and licensing,

and finds the pricing to be reasonable. Section V, 3.1f of the Purchasing Policy allows an exception to the formal RFP/RFQ process when extenuating circumstances exist. Purchasing from Applied Technology is the most cost-effective approach, both now and for the future for the reasons listed above. Staff would like to request an exemption from the formal bidding procedures to allow the purchases of Avtec hardware and licensing from Applied Technology.

This project will fund the replacement of all Avtec console positions and equipment related with the radio console system with the current, supportable, P25-capable version. P25 is an encryption protocol mandated by the State that will allow emergency responders to securely communicate over the radio system to project criminal justice information. To utilize the allocated budget in the most cost-effective way, staff has chosen to work with multiple vendors to source the equipment and installation services.

The Police Department has been paying annual support to Avtec and will continue to do so. Annual support is expected to increase a nominal amount.

CEQA DETERMINATION:

The project does not require additional environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) or CEQA Guidelines (14 Cal. Code Regs. §§ 15000, *et seq.*; see CEQA Guidelines §§ 15061(b)(3) and 15378). It is categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use; or a minor alteration in land use limitations (see, CEQA Guidelines §§ 15301, 15305).

FISCAL IMPACT:

The fiscal impact of staff’s recommendation will be an expenditure of \$107,000 in budgeted General Funds, and a nominal increase in the annual support fee. Projected project costs are in the following table.

ESTIMATED EXPENDITURES	
Avtec hardware and software	\$ 107,000.00
City purchased hardware (servers, workstations, networking, etc.)	\$ 76,000.00
Installation labor	\$ 20,000.00
Total Estimated Expenditures	\$ 203,000.00

PROPOSED FUNDING	
Budgeted General Fund	\$ 203,000.00
Total Proposed Funding Sources	\$ 203,000.00

Projected Net Surplus / (Shortfall)	\$ -
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ATTACHMENTS:

None



Atascadero City Council

Staff Report – Public Works Department

Integrated Waste Management Authority – 2023 County Joinder Amendment to Second Amended and Restated Joint Powers Agreement

RECOMMENDATIONS:

Council adopt Draft Resolution to approve the 2023 County Joinder Agreement to Second Amended and Restated Joint Powers Agreement of the Integrated Waste Management Authority, and take such additional, related, action that may be desirable.

DISCUSSION:

Background

The Integrated Waste Management Authority (IWMA) is a Joint Powers Authority (JPA) that was previously comprised of the County of San Luis Obispo (“County”), seven cities (Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo) and Community Services Districts (such as Heritage Ranch, San Miguel, Nipomo, etc.) The IWMA was formed in 1994 and allows JPA members to pool resources and cost-effectively comply with various State solid waste regulations. IWMA staff administer over 40 different solid waste programs, including monitoring and reporting to the State, household hazardous waste collection, electronics waste collection, sharps disposal, and public education and outreach. The IWMA’s activities are funded through solid waste management fees imposed on waste through payment of landfill tipping fee surcharges and charges to the contract waste haulers.

On October 15, 2021, the County of San Luis Obispo Board of Supervisors voted to leave the IWMA. Less than two years later, the Board of Supervisors gave direction to County staff to initiate discussions with the San Luis Obispo County IWMA and its member agencies to rejoin the IWMA. IWMA and County Department of Public Works (PW) staff have met and discussed the necessary coordination to bring the County back into the IWMA.

On June 14, 2023, the Board of Supervisors appointed an Ad Hoc Committee to work with IWMA Staff and members of the County Board of Supervisors to discuss the conditions and process of rejoining the IWMA and discuss representation on the IWMA Board.

At the October 11, 2023, IWMA Board meeting, the Board of Directors for the San Luis Obispo County Integrated Waste Management Authority voted to approve the Joinder Agreement "as to form". This Joinder Amendment was prepared and delivered to County Department of Public Works as a pathway for the Unincorporated County to rejoin the IWMA.

The Joinder Amendment fundamentally addresses two issues.

1. It allows the County to rejoin the JPA with one seat and one vote on the IWMA Board;
2. It allows the IWMA Board to move the election of its officers to the beginning of the year.

At the October 31, 2023, meeting, the County Board of Supervisors voted to approve Resolution No. 2023-276 adopting the Second Amended and Restated Joint Powers Agreement of the San Luis Obispo County Integrated Waste Management Authority as amended by the 2023 County Joinder Amendment (Agreement), which enables the County to rejoin as a member. In order for the County to rejoin IWMA, a majority of the member agencies must adopt a resolution and enter into the Agreement. In summary, the Agreement stipulates the following:

The IWMA would assume responsibility for the following tasks.

- Capacity Planning. (Edible Food and Organics Processing)
- Electronic Annual Reporting for County Areas
- Management of the NDFE (Non-disposal facility element)
- Management of the Siting Element
- SB 1383 Outreach and Education for unincorporated areas
- AB 939 programs for the unincorporated county areas

The IWMA would receive additional revenue from the following sources.

- Solid waste management fee from Unincorporated areas at 4.4%
- Increased revenue from the Land Fill Tipping Fee Surcharge from Unincorporated areas
- Increase in Block Grant funding from CalRecycle

The County's return to the IWMA will be a benefit to the City, its rate payers and regional agencies. Regionalism in solid waste provides an economy of scale, ensures consistent education and outreach among member jurisdictions and locally has been a successful means of meeting waste diversion and compliance since 1994.

FISCAL IMPACT:

There is no direct fiscal impact to the City. IWMA-related fees are a cost to solid waste customers that are typically reflected in the rates paid at the landfill and for garbage collection. Should the County be reinstated with IWMA, the ratepayers within the unincorporated areas would pay 4.4%, the same rate as the City's ratepayers.

ALTERNATIVE:

Council may choose to not to approve the 2023 County Joinder Agreement allowing the County to be reinstated with the IWMA. Staff does not recommend this alternative because it would prevent a true regional partnership with the County, cities and other agencies and lessen the impact of education and outreach efforts to manage solid, recycled and organic waste services.

ATTACHMENTS:

1. Draft Resolution
2. Exhibit A - 2023 County Joinder Amendment to the Second Amended and Restated Joint Powers Agreement of Integrated Waste Management Authority

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, ADOPTING 2023 COUNTY JOINDER
AMENDMENT TO THE SECOND AMENDED AND RESTATED JOINT
POWERS AGREEMENT OF THE INTEGRATED WASTE
MANAGEMENT AUTHORITY**

WHEREAS, on May 10, 1994, an agreement was executed by and between the incorporated cities of San Luis Obispo County (“Cities”) and the County of San Luis Obispo, forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (Government Code sections 6500 et seq.), for the purpose of facilitating the development of waste diversion programs and projects that provide economies of scale without interfering with individual agencies’ exercise of power within their own jurisdiction (hereinafter referred to as the “JPA Agreement”); and

WHEREAS, pursuant to the JPA Agreement, the power to perform the responsibilities of the Joint Powers Authority was vested in the San Luis Obispo County Integrated Waste Management Authority Board of Directors (“IWMA Board”); and

WHEREAS, in or around 2001, a Memorandum of Agreement (“MOA”) was executed by and between the Cities, the County of San Luis Obispo, and certain special districts within San Luis Obispo County that possessed solid waste authority (“Authorized Districts”), amending the JPA Agreement to include the Authorized Districts for representation on the IWMA Board, which MOA was replaced on execution of the Second Amended and Restated JPA Agreement; and

WHEREAS, the Board of Directors of the IMMA directed IWMA staff that on the County of San Luis Obispo’s approval to rejoin the IWMA, to circulate the 2023 County Joinder Amendment to the Second Amended and Restated JPA (“Joinder Amendment”) to the Participating Agencies for approval (a true and correct copy of the 2023 County Joinder Amendment to JPA is attached hereto as Exhibit A), including among the Authorized Districts with representation on the Board through their designated representative; and

WHEREAS, the JPA Agreement, as last amended, authorized amendments to the JPA Agreement on vote of a majority of the Members, and this resolution is intended to express the approval of Members and acknowledged agreement of all other Participating Agencies; and

WHEREAS, the County wishes to join the Cities and the Authorized Districts (together “Participating Agencies”) in confirming and conferring upon the IWMA as separate legal entity the powers necessary to enable them to achieve their waste diversion goals and to comply with the Integrated Waste Management Act, Assembly Bill 341, Assembly Bill 1826, Senate Bill 1383, and all current and future state-mandated laws, rules and regulations to the extent allowed by law and as provided in the JPA Agreement; and

WHEREAS, the City Council of the City of Atascadero desires to acknowledge, accept, and agree to be bound by the terms and conditions of the Joinder Amendment to the Second Amended and Restated JPA.

NOW, THEREFORE IT IS HEREBY RESOLVED, by the City Council of the City of Atascadero, that the City of Atascadero acknowledges, accepts, and agrees to be bound by the terms and conditions of the Joinder Amendment to the Second Amended and Restated JPA.

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

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

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

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, Interim City Attorney

EXHIBIT “A”

2023 COUNTY JOINDER AMENDMENT TO THE SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT OF THE INTEGRATED WASTE MANAGEMENT AUTHORITY

This County Joinder Amendment (“County Joinder”), dated _____, 2023, to the SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT (“2022 JPA Agreement”) is by and between the incorporated cities of Arroyo Grande, Atascadero, El Paso de Robles, Grover Beach, Morro Bay, Pismo Beach, and San Luis Obispo, all being municipal corporations of the State of California and located within the boundaries of the County of San Luis Obispo California, (collectively, the “Cities”) and the County of San Luis Obispo, by its joinder herein.

A. On or about May 10, 1994, an agreement was executed by and between the Cities and the County of San Luis Obispo forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (the “Original JPA Agreement”), through which such member agencies created and established a public entity identified as the San Luis Obispo County Integrated Waste Management Authority (“IWMA”).

B. On or around 2001, the Cities, County, and certain special districts within the County (“Authorized Districts”) executed a Memorandum of Agreement (“MOA”) amending the Original JPA Agreement to include the Authorized Districts for representation on the IWMA Board.

C. On or about November 15, 2021, the County withdrew from the IWMA, after which the remaining Cities and Authorized Districts elected to reestablish and continue the IWMA, on the terms set forth in the Second Amended and Restated Joint Powers Agreement of the Integrated Waste Management Authority, which was adopted by the participating agencies in 2022 (“2022 JPA Agreement”).

D. On or about October 31, 2023, the County officially elected to rejoin the IWMA, including on the terms set forth the 2022 JPA Agreement, as amended hereby.

Based on the foregoing, the Cities, Authorized Districts, including the County through its joinder, hereby agree to the following amendments to the 2022 JPA Agreement reflecting the County’s joinder.

1. Title Amendment and List of Participating Agencies Attachment. The Title of the 2022 JPA shall be amended to read “Second Amended and Restated Joint Powers Agreement to Establish an Integrated Waste Management Authority.” The List of Participating Agencies attached to the 2022 JPA Agreement is replaced with the list attached to this Joinder Amendment.

2. Definitions. Section 1, entitled, “Definitions” shall be amended to include the following new definitions or amended definitions.

A. County shall be added as a definition. “County” means any unincorporated areas of the County of San Luis Obispo.

B. The following referenced definitions replace those of the same number in the 2022 JPA Agreement in their entirety.

“1.17 “Members” means the Cities and the County who are members of this regional agency, formed pursuant to Public Resources Code section 40970 et seq, and the one (1) Authorized District Representative pursuant to Public Resources Code section 40977.”

“1.18 “Participating Agency” or “Participating Agencies” means and shall include the Cities, the County and the Authorized Districts who are signatories to this Agreement, including by way of joinder, delegating powers to the Authority pursuant to this Agreement, and participating in the governance of the IWMA.”

C. Notwithstanding the foregoing, the definition of “MRF”, was inadvertently included within the definition of “Members”, in the 2022 JPA Agreement, and such definition shall remain the definition of “MRF” and is not deleted.

3. Section 8, entitled “Boundaries” is amended and restated in its entirety to read:

“Section 8. Boundaries. The boundaries of the Authority shall be the boundaries of the collective Participating Agencies. If a Participating Agency withdraws from the Authority, the boundaries shall be modified to exclude the area of the withdrawing agency. If a qualified agency joins the Authority, the boundaries shall be modified to include the area of the joining Participating Agency. Section 8 shall not prevent the Authority’s use and/or operation of facilities outside of its boundaries within the County of San Luis Obispo.”

4. Section 9, entitled “Organization” shall be amended to include a new paragraph 9.2(g) to read as follows:

“(g) County. The County shall be entitled to appoint one representative to the Authority which representative shall consist of one (1) member from Board of Supervisors. The County may elect to have an alternate member from the Board of Supervisors in addition to any official member but said appointed alternate shall be able to vote only in the absence of the official representative.”

5. County Joinder. The County hereby joins the IWMA pursuant to the terms and conditions in the 2022 JPA Agreement as amended hereby, and the undersigned hereby consent.

6. Omnibus Change. Wherever references to “Cities” is used or “Cities and Authorized Districts”, are used in the 2022 JPA Agreement, including in its recitals, such references shall expressly be read to include the County unless context expressly dictates otherwise.

7. Ratification. The 2022 JPA Agreement is hereby ratified and confirmed and shall continue in full force and effect in accordance with its terms and provisions, as amended hereby.

8. Effective Date. This Joinder Amendment shall take effect when adopted by each of the Cities, the County, with the Authorized Districts consenting to the joinder of the County, as evidenced by

ITEM NUMBER: C-1
DATE: 11/28/23
ATTACHMENT: 1A

their execution pursuant to resolutions of such governing bodies authorizing such execution and shall remain in full force and effect until dissolved pursuant to the provisions herein. This Joinder Amendment may be executed in counterparts which together shall constitute a single agreement. Electronically executed signatures may be accepted in lieu of originals if a member agency has authorized electronic signatures through policy or otherwise.

By: _____
Heather Moreno, Mayor

Date _____

By: _____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Karl H. Berger, Interim City Attorney

PARTICIPATING AGENCIES

CITIES	AUTHORIZED DISTRICTS
Arroyo Grande	Avila Beach CSD
Atascadero	California Valley CSD
El Paso de Robles	Cambria CSD
Grover Beach	Cayucos Sanitary District
Morro Bay	Ground Squirrel Hollow CSD
Pismo Beach	Heritage Ranch CSD
San Luis Obispo	Los Osos CSD
	Nipomo CSD
COUNTY	Oceano CSD
The County of San Luis Obispo	San Miguel CSD
	San Simeon CSD
	Templeton CSD