



# **CITY OF ATASCADERO PLANNING COMMISSION AGENDA**

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**REGULAR MEETING**  
**Tuesday, November 19, 2019**  
**6:00 P.M.**

**City Hall Council Chambers**  
**6500 Palma Avenue, 4<sup>th</sup> Floor**  
**Atascadero, California 93422**

## **CALL TO ORDER**

Pledge of Allegiance

Roll Call: Chairperson Tom Zirk  
Vice Chairperson Mark Dariz  
Commissioner Duane Anderson  
Commissioner Tori Keen  
Commissioner Michael Shaw  
Commissioner Jeff van den Eikhof  
Commissioner Jan Wolff

## **APPROVAL OF AGENDA**

**PUBLIC COMMENT** (This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Commission may take action to direct the staff to place a matter of business on a future agenda.)

**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 Commission or public wishes to comment or ask questions.)

### **1. DRAFT MINUTES OF NOVEMBER 5, 2019**

- **Recommendation:** Commission approve the November 5, 2019, Minutes.

## **COMMUNITY DEVELOPMENT STAFF REPORTS**

None

### **WEBSITE:**



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**PUBLIC HEARINGS**

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).

**DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Prior to a project hearing Planning Commission Members must disclose any communications they have had on any quasi-judicial agenda items. This includes, but is not limited to, Tentative Subdivision Maps, Parcel Maps, Variances, Conditional Use Permits, and Planned Development Permits. This does not disqualify the Planning Commission Member from participating and voting on the matter, but gives the public and applicant an opportunity to comment on the ex parte communication.

**2. 2019 BUILDING, FIRE, PLANNING AND ZONING, AND SUBDIVISION CODE UPDATES (THIS ITEM WAS CONTINUED FROM NOVEMBER 5, 2019)**

The proposed project consists text amendments to Title 4 Public Safety, Title 8 Building Code, Title 9 Planning and Zoning, and Title 11 Subdivisions to adopt the 2019 California Building Code and amend Municipal Code references for internal consistency and clarification.

**Ex-Parte Communications:**

- **Recommendation:** Approve the proposed text amendments to the Municipal Code to adopt the 2019 CBC and associate code text amendments. (CPP19-0080)

**COMMISSIONER COMMENTS AND REPORTS****DIRECTOR'S REPORT****ADJOURNMENT**

*The next regular meeting will be held on December 3, 2019, at 6:00 p.m.*

*Please note: Should anyone challenge in court any proposed development entitlement listed on this Agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, this public hearing.*

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*City of Atascadero***WELCOME TO THE ATASCADERO PLANNING COMMISSION MEETING**

The Planning Commission meets in regular session on the first and third Tuesday of each month at 6:00 p.m. at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Commission in the order of the printed Agenda.

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 Community Development Department and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, [www.atascadero.org](http://www.atascadero.org). All documents submitted by the public during Commission meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the Community Development Department. Commission meetings are audio recorded, and may be reviewed by the public. Copies of meeting recordings are available for a fee. Contact the City Clerk for more information (470-3400).

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA**

Under Agenda item, "PUBLIC COMMENT", the Chairperson will call for anyone from the audience having business with the Commission to approach the lectern and be recognized.

1. Give your name for the record (not required)
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.

This is when items not on the Agenda may be brought to the Commission's attention. A maximum of 30 minutes will be allowed for Public Comment Portion (unless changed by the Commission).

**TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)**

Members of the audience may speak on any item on the agenda. The Chairperson will identify the subject, staff will give their report, and the Commission will ask questions of staff. The Chairperson will announce when the public comment period is open and will request anyone interested to address the Commission regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Chairperson.
2. Give your name (not required).
3. Make your statement.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.
6. All comments limited to 3 minutes.

If you wish to use a computer presentation to support your comments, you must notify the Community Development Department at 470-3402 at least 24 hours prior to the meeting. Digital presentations brought to the meeting should be on a USB drive or CD. You are required to submit to the Recording Secretary a printed copy of your presentation for the record. Please check in with the Recording Secretary before the meeting begins to announce your presence and turn in the printed copy.

The Chairperson will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Commission.

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## **CITY OF ATASCADERO PLANNING COMMISSION**

# **DRAFT MINUTES**

**Regular Meeting – Tuesday, November 5, 2019 – 6:00 P.M.**

**City Hall Council Chambers**

**6500 Palma Avenue, Atascadero, California**

### **CALL TO ORDER - 6:00 p.m.**

Chairperson Zirk called the meeting to order at 6:02 p.m. and Commissioner Keen led the Pledge of Allegiance.

### **ROLL CALL**

Present: Commissioners Anderson, Keen, Shaw, van den Eikhof, Vice Chairperson Dariz, and Chairperson Zirk

Absent: Commissioner Wolff (excused absence)

Others Present: Recording Secretary, Annette Manier  
Kane Thuyen, Burke, Williams & Sorensen, LLP

Staff Present: Rachelle Rickard, City Manager  
Community Development Director, Phil Dunsmore  
Senior Planner, Kelly Gleason  
Associate Planner, John Holder  
Assistant Planner, Mariah Gasch  
Planning Intern, Nicholas Johnston

### **APPROVAL OF AGENDA**

**MOTION: By Commissioner Anderson and seconded by  
Commissioner van den Eikhof to approve the Agenda.**

***Motion passed 6:0 by a roll-call vote.***

### **PUBLIC COMMENT**

None.

***Chairperson Zirk closed the Public Comment period.***

## **CONSENT CALENDAR**

### **1. DRAFT MINUTES OF OCTOBER 15, 2019**

Recommendation: Commission approve the October 15, 2019, Minutes.

**MOTION:** By Commissioner van den Eikhof and seconded by Commissioner Keen to approve the Consent Calendar.

*Motion passed 6:0 by a roll-call vote.*

## **COMMUNITY DEVELOPMENT STAFF REPORTS**

None

## **PUBLIC HEARINGS**

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).)

### **DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Prior to a project hearing Planning Commission Members must disclose any communications they have had on any quasi-judicial agenda items. This includes, but is not limited to, Tentative Subdivision Maps, Parcel Maps, Variances, Conditional Use Permits, and Planned Development Permits. This does not disqualify the Planning Commission Member from participating and voting on the matter, but gives the public and applicant an opportunity to comment on the ex parte communication.

### **2. CONDITIONAL USE PERMIT AND LOT LINE ADJUSTMENT FOR 1920 EL CAMINO REAL**

The proposed project consists of two commercial buildings totaling approximately 8,000 square feet at 1920 El Camino Real. One building is proposed as a drive-through restaurant. The project includes shared access with the adjacent developments.

- Ex-Parte Communications:
- Recommendation: Approve the project with conditions. (DEV19-0026)

## **EX-PARTE COMMUNICATIONS**

Commissioner Anderson reviewed this project at the DRC.  
Vice Chairperson Dariz reviewed this project at the DRC.

Planner Gleason presented the staff report and answered questions from the Commission. Planner Gleason stated that staff is recommending a modification to the resolution (condition modification) as follows, and should also include a drainage basin in Condition 8:

8. The site shall be modified, if needed, to accommodate all improvements other than grading from the area necessary to accommodate the construction of interchange improvements as approved by the ~~City Council and the~~ City Engineer. These improvements currently include a roundabout at the Del Rio / Highway 101 ~~southbound~~ interchange.

10. The owner shall install all new and relocated utilities underground. This does not include undergrounding the utilities along Highway 101.

### **PUBLIC COMMENT**

The following members of the public spoke during public comment: Patti Whelen, Brent Flynn, and Clint Pearce. All answered questions from the Commission.

***Chairperson Zirk closed the Public Comment period.***

Staff addressed questions from the Commission.

Director Dunsmore recommended a *newer* modification to the resolution (condition modification) to read as follows:

8. The site shall be modified, if needed, to accommodate all improvements other than grading and drainage basins from the area necessary to accommodate the construction of interchange improvements as approved by the City Council and the City Engineer. These improvements currently include a roundabout at the Del Rio / Highway 101 ~~southbound~~ interchange.

10. The owner shall install all new and relocated utilities underground. This does not include undergrounding the utilities along Highway 101.

**MOTION:** By Commissioner Anderson and seconded by Commissioner van den Eikhof to adopt PC Resolution 2019-A approving a Conditional Use Permit and Lot Line Adjustment for a commercial center including a drive-through restaurant at 1900, 1920, and 1950 El Camino Real (APN 049-131-035, 049-131-053, 049-131-083) based on findings and subject to conditions of approval, and to include staff's latest version of suggested modifications as stated above.

***Motion passed 6:0 by a roll-call vote.***

### **3. 2019 BUILDING, FIRE, PLANNING AND ZONING, AND SUBDIVISION CODE UPDATES**

The proposed project consists text amendments to Title 4 Public Safety, Title 8 Building Code, Title 9 Planning and Zoning, and Title 11 Subdivisions to adopt the 2019 California Building Code and amend Municipal Code references for internal consistency and clarification.

#### **Ex-Parte Communications:**

- **Recommendation:** Approve the proposed text amendments to the Municipal Code to adopt the 2019 CBC and associate code text amendments. (CPP19-0080)

Director Dunsmore stated that this item will need to be continued and explained the reasons why.

**MOTION: By Chairperson Zirk and seconded by Commissioner Shaw to continue this item to November 19, 2019.**

***Motion passed 6:0 by a roll-call vote.***

### **PLANNING COMMISSIONER TRAINING**

Kane Thuyen provided training for the Planning Commission.

### **COMMISSIONER COMMENTS AND REPORTS**

None

### **DIRECTOR'S REPORT**

Director Dunsmore stated that the next meeting will be on November 19, 2019, and gave an update on projects in the City.

### **ADJOURNMENT –8:08 p.m.**

The next Regular meeting of the Planning Commission is scheduled for **November 19, 2019**, at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero.

### **MINUTES PREPARED BY:**

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Annette Manier, Recording Secretary  
Administrative Assistant



ITEM NUMBER: 2

DATE: 11-19-19

# ***Atascadero Planning Commission***

***Staff Report - Community Development Department / Fire Department***

## **CPP19-0080 California Building Code Updates**

**Title 4 Public Safety Text Amendments  
Title 8 Building Code Text Amendments  
Title 9 Planning and Zoning Text Amendments  
Title 11 Subdivision Text Amendments  
(City of Atascadero)**

### **SUBJECT:**

This action consists of proposed Text Amendments to Title 4 Public Safety, Title 8 Building Code, Title 9 Planning and Zoning, and Title 11 Subdivisions to adopt the 2019 California Building Code and amend Municipal Code references for internal consistency and clarification.

### **RECOMMENDATIONS:**

*Staff recommends the Planning Commission adopt the following:*

1. Draft PC Resolution A recommending the City Council approve amendments to Title 4 Public Safety for consistency with the 2019 California Building Code;
2. Draft PC Resolution B recommending the City Council approve amendments to Title 8 Building Code for consistency with the 2019 California Building Code;
3. Draft PC Resolution C recommending the City Council approve amendments to Title 9 Planning and Zoning Code for consistency with the 2019 California Building Code and minor text corrections;
4. Draft PC Resolution D recommending the City Council approve amendments to Title 11 Subdivision for minor text corrections.



## SITUATION AND FACTS:

- |                              |                                                                              |
|------------------------------|------------------------------------------------------------------------------|
| 1. Applicant:                | City of Atascadero, 6500 Palma Ave.<br>Atascadero, CA 93422                  |
| 2. General Plan Designation: | Citywide                                                                     |
| 3. Zoning District:          | Citywide                                                                     |
| 4. Environmental Status:     | Exempt from CEQA (Section 15061.(b)(3). No significant environmental impact) |

## DISCUSSION:

### Background:

The State of California adopted the 2019 California Building Code (CBC) on July 1, 2019, and the new code will become effective throughout the State on January 1, 2020, regardless of adoption by the City. All permit applications for construction projects received on or after January 1, 2020, will be subject to the new code requirements.

Local jurisdictions may make local modifications to the new State Codes if justified by climatic, topographic or geological conditions, and provided the modifications are at least as restrictive as the State-mandated Codes and codified by ordinance based on findings. Staff has reviewed revised building codes and has combined proposed text amendments from various titles to implement the required California Building Code (CBC) and Fire Codes, with some local clarifications and modifications that require re-adoption. The majority of these local modifications and clarifications have been in place since adoption of both the 2013 and 2016 CBCs. In addition, staff has proposed amendments to Title 9 and 11 of the Atascadero Municipal Code for clarification and consistency with the Building Code, Fire Code and the General Plan.

### Analysis:

#### **1. Title 4 Public Safety: *Fire Code Amendments***

The Fire Code is adopted on a 3-year cycle in conjunction with the Building Code update. For this update, the Fire Department has reviewed Chapter 7 of Title 4 of the Atascadero Municipal Code (Local Fire Code) for consistency with the newly adopted 2019 State Building and Fire codes. The State Building Code incorporates the 2019 International Fire Code (IFC) as its code. As a part of this review, the Fire Department is proposing to maintain all local amendments that were adopted with the previous 2016 local modifications by the City Council in 2016. Additionally, the following new local amendments are proposed.

## Proposed Local Amendments to the 2019 Fire Code

- A. Chapter 12 – Energy Systems. The local amendments identify specific roof edge clearances related to Solar Photovoltaic Power Systems. The City already utilizes adopted guidelines for Photovoltaic Standards. These standards establish specific installation standards that protect the health and safety of emergency responders when working on a structure where photovoltaic systems have been installed. Local amendments to Chapter 12 include the following:
- *1204.2 - Access and Pathways*. Local amendments will not allow “pathways” to be located on gable roof overhangs in order to increase safety for firefighters. “Pathways” are access areas that allow an emergency responder to access portions of a roof structure.
  - *1204.2.1.1 – Pathways to Ridge*. Local amendments will require 36-inch pathways on each roof plane that pathways are located in order to increase firefighter safety.
  - *1204.2.2 – Emergency Escape and Rescue Openings*. Local amendments will clarify location of emergency escape and rescue openings and increase length of openings.
  - *1204.3.2 – Interior Pathways*. Local amendments will create pathways to and from power mechanical equipment to allow for increased fire safety access.
  - *1204.4 – Ground Mounted photovoltaic panel systems*. Local amendments will create setback requirements and detail appropriate siting for ground mounted systems.

## **2. Title 8 Building Code update:**

State Building Codes are updated on a 3-year cycle. The current City codes are the 2016 edition and have been in effect since January 1, 2017. The 2019 California Codes will become effective throughout the State on January 1, 2020. Permit applications submitted on or after January 1, 2020, will be processed under the new 2019 CBC requirements.

The typical building code adoption process is as follows:

- The State adopts the new building codes on July 1, 2019, to become effective in six months.
- Local jurisdictions use the six-month period to review the new codes and make local amendments.
- Local amendments must be based on geologic, topographic or climatic conditions, and must be at least as restrictive as the State Code.
- State Codes become effective on January 1, 2020.
- Local amendments become effective 30 days after 2<sup>nd</sup> reading of the City Council.

Local amendments are proposed to Title 8 to allow for more efficient implementation of the code and to allow for enforcement of the code in an unlawful or unsafe situation. Specifically, staff is proposing to add an enforcement provision that allows the City to treat violations of a “Stop Work Order or an “Unsafe to Occupy” notice with a misdemeanor violation.

## Proposed local Amendments to the 2019 Building Code

Many of the proposed local amendments and clarifications are carryovers from previous CBC adoptions in the 2013 and 2016 CBC. However, new local amendments are also proposed. These new local amendments include the following:

- A. The 2019 California Energy Code includes new requirements for rooftop solar panels on all new residential construction. In 2020, all single-family homes as well as multi-family buildings up to three stories high, will be required to have solar panels to offset electricity use unless it can be demonstrated that it is not feasible to gain adequate solar access. This is likely to add costs for builders during construction.
- B. The 2019 Building Code includes an option to adopt Appendix O, Emergency Housing. Appendix O contains building code standards for emergency housing during a State of Emergency or Shelter Crisis and contains provisions to regulate emergency housing and shelters.

In December 2018, the City declared a State of Shelter Crisis (Resolution No. 2018-066) in order to participate in the Homeless Emergency Aid Program (HEAP). The local declaration of a Shelter Crisis requires that the City suspend the typical building code standards to the extent that strict compliance would hinder or prevent the mitigation effects of the shelter crisis. The State developed Appendix O as a way of establishing certain minimum standards that must remain in effect for temporary or permanent dwellings during the declared crisis period. These provisions include the regulation of Emergency Transportable Housing Units and Tents and Membrane Structures for emergency housing purposes. The City proposes to adopt Appendix O with specific local amendments in order to have the ability to enforce Building Codes that will ensure that minimum Health and Safety regulations, along with basic zoning standards, are met for temporary housing and shelter and to ensure the orderly use of such structures throughout the City. The purpose of adopting and amending Appendix O is to allow for greater local control over these new regulations.

Proposed local Amendments include:

- Clarify that a permit is required to build or occupy emergency housing.
  - Require that the location of the emergency housing comply with zoning standards (i.e. be located within a residential zone in compliance with density and property development standards).
  - Eliminate provision that allows such structures to be permanently occupied.
  - Require specific standards be met for a transportable emergency housing unit. This includes RV's or other units not governed by the Building Code.
- C. Adopt and Amend Appendix I (Patio Covers) of the 2019 California Building Code. This will allow the City to define Patio Covers, both attached and detached, as accessory to a residential dwelling unit and will also allow the City to define minimum requirements to be considered a Patio Cover. This local amendment will allow a patio

cover to be constructed with minimal footing design; therefore, saving construction costs.

- D. Include a reference in the 2019 Building Code to the North American Standard for Cold-Formed Steel Structural Framing (2015) and the TMS 402/602 Building Code Requirements and Specification for Masonry Structures, 2016. This will provide additional reference tables and other information not found in the 2019 CBC; therefore, aiding the plan check review process.
- E. Adopt and Amend Appendix Q (Tiny Houses) of the 2019 California Residential Code. This will allow the City to permit and regulate residential units considered to be “Tiny Houses”, which are units 400 square feet or less (excluding lofts) on permanent foundations.

*It is important to understand that this does not include any structures on wheels or those regulated by the California Department of Motor Vehicles and the State of California Department of Housing and Community Development.*

The adoption of this code will allow the City to permit and regulate the structural safety and enforce health and safety regulations for units that are under 400 square feet.

- F. The following local references are being implemented to provide a consistent resource for plan design and review:
  - o 2018 International Solar Energy Provisions (ISEP).
  - o 2018 International Swimming Pool and Spa Code (ISPSC).
  - o 2018 International Residential Code Chapter 23 Solar Thermal Energy Systems, and the City of Atascadero Fire Department Solar Photovoltaic Installation Guidelines.
  - o Chapter 15 of the Uniform Solar Energy Hydronic Codes in the 2019 California Mechanical Code (Solar water heater)
- G. Adopt and amend Appendix D (Sizing Stormwater Drainage Systems) of the 2019 California Plumbing Code. This will allow the City to establish appropriate sizing and flow rates for stormwater draining from commercial building rooftops based on rate of rainfall per hour and gallons per day.
- H. Adopt and amend Appendix I (Installation Standard for PEX Tubing Systems for Hot-and-Cold Water Distribution) of the 2019 California Plumbing Code. This will allow the City to define and standardize the installation of cross-linked polyethylene (PEX) tubing and fittings.
- I. Adopt, as reference only, Appendix K (Potable Rainwater Catchment Systems) of the 2019 California Plumbing Code. This will establish regulations for Potable Rainwater Catchment Systems in order to ensure Health and Safety Guidelines are

met. Additionally, these requirements will be expanded with the adoption of ICC 805-2018 (Rainwater harvesting systems) by the International Code Council in May of 2020.

- J. Amend the California Residential Code to increase safety for fire and emergency personnel access on residential structures that contain photovoltaic panel systems (Section R324.6.1, R324.6.2, R324.6.2.1, R324.6.2.2, and R324.7.2) to be consistent with Fire code as discussed above.
- K. Amend Section 8-2.101 with language regarding unlawful continuance and enforcement of codes to protect public safety. Specifically, this amendment allows the City to issue a misdemeanor violation for someone who violates a “red tag” or continues to pursue construction work on a project that has been issued a Stop Work Order. It also will allow for a misdemeanor violation to be issued to persons who occupy a building that has been deemed unsafe to occupy, and posted with such a notice.

### **3. Title 9 Planning and Zoning Code: Proposed Text Amendments**

Changes to Title 9 of the Atascadero Municipal Code encompass text corrections to existing sections of Title 9, ensure General Plan and land use compatibility with the Zoning Code, and ensure consistency with new building regulations. The primary updates to Title 9 specify the scope of outdoor storage uses in the Commercial Park (CPK) and other commercial zones and will remove the Mini Storage land use from the Public (P) zoning district. The new definitions will allow outdoor storage uses to be located in appropriate zoning districts and ensure compatibility with the General Plan and zoning definitions.

- A. Update to the definition of Contract Construction Services.** AMC 9-3.520 currently defines Contract Construction Services as an office use with outdoor or indoor facilities in the Commercial Service (CS), Commercial Park (CPK), Industrial (I), and Industrial Park (IP) zoning district. Consistent with AMC 9-9.102, if such a business proposes outdoor storage that exceeds 10,000 square feet, the use requires a Conditional Use Permit. The General Plan defines the CPK zone as the City’s lodging, business park and office zone, therefore, extensive outdoor uses are not necessarily consistent with the General Plan, especially on sites with views from both Hwy. 101 and El Camino Real. The update to the code will create two definitions for contract construction services, with one definition that allows substantial outdoor uses with a use permit, and another that is primarily an indoor land use with incidental outdoor storage. Each are appropriate in different zones, with the CPK zone reserved for primarily indoor uses as prescribed by the General Plan and outdoor uses more appropriately sited in the Industrial zone.

Draft definitions are as follows:

- ***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 uses 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 10 percent 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 and may 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.

**B. Update to definition of Vehicle and Equipment Storage.** The Municipal Code currently defines Vehicle and Equipment Storage as 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. The use is allowed in the (I) and (IP) zones and conditionally allowed in the Commercial Park (CPK) zone. There are proposed to be two separate definitions, one for Vehicle and Equipment Storage indoors and one for Vehicle and Equipment storage outdoors.

Draft definitions are as follows:

- ***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 10 percent 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.

Similar to the new definitions of Contract Construction Services, this updated definition will allow the use to be located in appropriate zoning districts and ensure compatibility with the General Plan and zoning definitions. Outdoor vehicle and equipment storage is not an appropriate use in the (CPK) zone as defined by the General Plan. The land use table would be updated to reflect these new uses.

**C. Update to definition of Accessory Storage.** The accessory storage definition is proposed to be modified to be consistent with other outdoor storage use definitions, such as Contract Construction Services and Vehicle and Equipment Storage. The proposed definition of Accessory Storage is as follows:

- **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 10 percent of the floor area of the principal building in accordance 9-6.103.

**D. Update to Table 3-2 Nonresidential Use Table Allowed Land Uses and Permit Requirements.** Table 3-2 in the AMC will be modified in order to make the table consistent with the proposed definitions for Contract Construction, Accessory Storage, and Vehicle and Equipment Storage.

**E. Update to Table 3-3 Public Zone Uses Allowed Land Uses and Permit Requirements.** Table 3-3 in the AMC will be modified in order to remove “mini-storage” uses from the public zone. As defined by the municipal code, Public zones are established to provide suitable locations and standards for the maintenance and development of public and quasi-public facilities. Storage uses in the public zone are not considered to be compatible with this definition and the goals of the Public zoning designation.

#### **4. Draft Ordinance D – Title 11 Subdivision Code: Proposed Text Amendments**

Changes to Title 11 of the Atascadero Municipal Code will correct time extensions for map applications to be consistent with the Subdivision map Act allowing for up to 6 discretionary extensions after the initial 2-year life of an approved tentative map and will allow director level approval of the first 1-year extension consistent with all other entitlement processing.

### **CONCLUSION**

The adoption of the California Building Code and Fire Codes are mandatory adoptions that will take effect whether or not the City amend the Municipal Code to implement them. The 2019 Building Codes were adopted by the State on July 1, 2019, and will become effective throughout the State on January 1, 2020. Municipalities use the 6-month timeframe between

the State adoption and the effective date of the code to make local modifications based on climatic, topographic, or geographic conditions. In addition, local agencies can elect to adopt and amend Appendices to the Building Code as provided by the State. As a part of this effort, staff has proposed modification of certain sections within the City's Municipal Code to provide clarification, simplification and flexibility along with consistency with the General Plan.

City staff, primarily the Building Department, has provided outreach to applicants, builders, and others during field visits, inspections, and front counter questions. The Community Development Department provided flyers on job sites, as well as front counter handouts, about the new code changes.

In addition to the local modifications regarding the California Building Code and Fire Codes, changes to Title 9 and Title 11 are primarily related to text corrections, modifications to existing land use definitions, and consistency between definitions. Modifications to existing land use definitions will allow for more consistency between General Plan land use definitions, neighborhood compatibility, and zoning code.

## **FISCAL IMPACT:**

Staff expects minimal fiscal impact from the adoption of the new building codes and proposed code text amendments.

## **ALTERNATIVES**

1. The Planning Commission may refer this item back to staff for additional analysis of proposed amendments. However, the 2019 State Building Codes will go into effect in Atascadero on January 1, 2020, regardless of Council action and without local amendments or optional appendices should the Council not adopt the code changes by the end of the year.
2. The Planning commission may recommend minor modifications to the proposed text amendments.
3. The Planning Commission may recommend denial of some or all of the proposed text amendments.

## **ATTACHMENTS:**

Attachment 1:	PC Draft Resolution A – Title 4 – Public Safety
Attachment 2:	PC Draft Resolution B – Title 8 – Building Code
Attachment 3:	PC Draft Resolution C – Title 9 – Planning and Zoning Code
Attachment 4:	PC Draft Resolution D – Title 11 – Subdivisions



## **PC DRAFT RESOLUTION A**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATASCADERO RECOMMENDING THAT THE CITY COUNCIL REPEAL AND REPLACE CHAPTER 7 (FIRE CODE) OF TITLE 4 (PUBLIC SAFETY CODE) OF THE ATASCADERO MUNICIPAL CODE**

#### **CITY OF ATASCADERO (CPP19-0080)**

**WHEREAS**, an application has been received from the City of Atascadero, to consider a project consisting of Amendments to the Atascadero Municipal Code to be consistent with the California Building Standards Code; and,

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

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

**WHEREAS**, provisions codified in this title are adopted to implement and supplement the Streets and Highways Code as it exists and as it may be amended from time to time; and

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

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

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

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

**WHEREAS**, the Planning Commission has determined that the provisions of the State Building Standards Code are shall be modified, changed and amended, as provided for in this ordinance, based upon the foregoing findings and that said Council takes said action because of the public interest in protecting life and preserving public safety and property.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Atascadero make the following findings, determinations and recommendations with respect to the proposed Code Text Amendments:

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

**SECTION 2. Public Hearing.** The Planning Commission of the City of Atascadero, at a Public Hearing held on November 19, 2019, considered the proposed zoning text amendments.

**SECTION 3. Findings.** The Planning Commission makes the following findings, determinations and approvals with respect to the Code Text Amendments:

1. The code amendments are justified by climatic, topographic or geological conditions of the City.
2. The code amendments are at least as restrictive as the State mandated Codes.
3. The following statements support the local necessity for the changes or modifications:
  - A. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, and 1995. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of fire department personnel may cause a substantial or total lack of protection against fire for the buildings and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in the 2019 California Building Code;
  - B. That the City of Atascadero is situated near three major faults each capable of generating earthquakes with a magnitude of 7.5. These are the San Andreas to the east of the City, the Nacimiento-Rinconada that

crosses Hwy 101 north of the City, then parallels the City to the east, and the Hosgri to the South West. Other faults of importance are the Huasna and West Huasna to the Southeast of the City, the San Simeon to the Northwest. In as much as these faults are included as major California earthquake faults, which are subject to becoming active at any time, the City Atascadero is particularly vulnerable to devastation should such an earthquake occur. The potential effects include isolating the City of Atascadero from the North and South due to the potential for collapsing of freeway overpasses or a slide on both the Cuesta and Ontario Grades and the potential for horizontal or vertical movement of the Edna fault rendering surface travel across the southern extremities of the city unduly burdensome or impossible. Additional potential situations inherent in such an occurrence include broken natural-gas mains causing structure and other fires, leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of greater requirements than set forth in 2019 California Building Code;

- C. That the central commercial area in the City of Atascadero consists of mixed conditions that create the potential for possible conflagration, including congested streets during the business day, numerous older buildings without adequate internal fire-resistance, and contemporary low-rise buildings. Significant spread of fire in said area will actually exceed the fire suppression capabilities of regional firefighting personnel. The continued development of the Atascadero commercial area and the current and potential development of high-rise buildings pose a substantial threat of fire to human life, public safety, and the preservation of property and support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular, support the imposition of greater requirements than set forth in 2019 California Building Code;
- D. That the City of Atascadero is bisected by a major freeway (Hwy 101), traversing in the north/south direction and a major highway (Hwy 41) traversing in an east/west direction. The City is also transected by a mainline railroad that traverses in the north/south direction. It is a frequent occurrence for the aforementioned highways and railway to support the transportation of hazardous materials. The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life, and to prevent as far as

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

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

**SECTION 4.** All of Chapter 7, 2019 California Fire Code within Title 4 of the City of Atascadero Municipal Code are hereby repealed and replaced by new Chapter 7, Fire Code as follows.

## **CHAPTER 7 FIRE CODE**

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

(a) Two (2) documents, three (3) of which are on file in City offices, identified by the Seal of the City of Atascadero, marked and designated as the 2019 Edition of the California Fire Code and the 2018 Edition of the International Wildland-Urban Interface Code published by the International Code Council are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Fire Prevention Regulations of the City of Atascadero. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter except as modified hereinafter (2019).

### **4-7.103 Local modifications to the California Fire Code.**

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

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

- (c) Amend Chapter I, Division II, Section 108.1 to read as follows:

**108.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals, consistent with Title 8, section 1.02 of the Atascadero Municipal Code. The fire code official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.

- (d) Amend Section 311.2.2 Fire Protection by deletion of Exceptions 1, 2 and 3.
- (e) Amend Section 503.1.1 to read as follows:

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

**Exception:** The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of protection is provided.

2. There are not more than two Group R-3 or Group U occupancies.

(f) Delete Section 505.1:

(g) Amend Section 507.2.2 to read as follows:

**507.2.2 Water tanks.** Water tanks are not permitted for private fire protection.

(h) Delete section 605.11

(i) Amend Section 609.2 to read as follows:

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

(j) Amend Section 901.7 to read as follows:

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

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. The person assigned to fire watch shall maintain a written log of their activities during their assigned shift and the log shall be provided to the fire code official upon request.

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

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

1. Buildings containing Groups B and M occupancies where floor area is greater than or equal to 500 square feet (46.45 m<sup>2</sup>) and located less than or equal to 10 feet from adjacent buildings on the same property and less than or equal to 5 feet from adjacent property lines.
2. Buildings containing Group U occupancies where floor area is greater than or equal to 1,000 square feet (92.9 m<sup>2</sup>) and located less than or equal to 10 feet from adjacent buildings on the same property and less than or equal to 5 feet from adjacent property lines, unless part of a mixed-occupancy building containing a Group R, Division 3 occupancy.
3. Group U occupancy buildings that are not open on at least three sides and greater than or equal to 3,000 square feet.
4. Throughout an existing building other than a Group R, Division 3 occupancy or a U occupancy when accessory to a Group R, Division 3 occupancy whenever additions exceed ten (10) percent of the total floor area of the existing building, and the total combined floor area will exceed 2,000 square feet (185.8 m<sup>2</sup>), or a second story or greater is added.
5. Throughout an existing Group R, Division 3 occupancy or Group U occupancy when accessory to a Group R, Division 3 occupancy whenever:
  - a. Additions exceed ten (10) percent and total combined floor area will exceed 3,000 square feet (278.7 m<sup>2</sup>); or
  - b. The total combined floor area will exceed 5,000 square feet (464 m<sup>2</sup>).
6. Group B and M occupancies whenever single or multiple additions will exceed 1,000 square feet (92.9 m<sup>2</sup>) beyond the size of the structure on the effective date of this regulation, or the total combined floor area will exceed 5,000 square feet (464.5 m<sup>2</sup>), or a second story or greater is added.
7. Group A, B, E, F, M and S occupancies where one of the following conditions exist in existing buildings when modification or tenant improvements are being considered:
  1. The fire area exceeds 5,000 sq. ft. (464 m<sup>2</sup>).
  2. The fire area has an occupant load of 100 or more.
  3. The fire area is located on the floor other than a level of exit discharge serving A, B, E, F, M and S occupancies.
  4. The structure exceeds 5,000 sq. ft. (464 m<sup>2</sup>), contains more than one fire area containing A, B, E, F, M and S occupancies and is separated into two or more buildings by firewalls of less than four-hour fire resistance rating without openings.
8. In A-5, F-1 and S-1 building occupancy as follows:
  1. An automatic sprinkler system shall be provided for Group A-5 Occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (90 m<sup>2</sup>).
  2. A Group F-1 Occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).
  3. Woodworking Operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain wood-working operations in excess of 2,500 square feet in area which generate finely divided combustible waste or which use finely

divided combustible materials. A firewall of less than four hour fire-resistance rating without openings, or any firewall with openings, shall not be used to establish separate fire areas.

4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).

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

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

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

**903.2.13 Automatic fire-extinguishing system.** An automatic fire-extinguishing system shall be installed as set forth in Section 903.2 of the California Fire Code as amended in Section 4-7.103 of the Atascadero Municipal Code.

(l) Add Sections 907.10 through 907.10.2 to read as follows:

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

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

**907.11.2 False alarm fee.** The amount of the cost recovery fee will be as set forth in the City of Atascadero User Fees Schedule. Additional fees may be charged for extraordinary circumstances.  
(Ord. 607 § 1, 2017)

(m) Amend Section 1204.2 to read as follows:

**1204.2 Access and pathways.** Roof access, pathways and spacing requirements shall be provided in accordance with Sections 1204.2.1 through 1204.3.3. Pathways shall be over areas capable of supporting firefighters accessing the roof. No portion of a pathway shall be located on a portion of a gable roof overhanging the gable rafter or truss. Pathways shall be located in areas with minimal obstructions. Such as vent pipes, conduit or mechanical equipment.



**Exceptions:**

1. Detached, non-habitable Group U structures including, but not limited to, detached garages serving Group R-3 buildings, parking shade structures, carports, solar trellises and similar structures.
2. Roof access, pathways, and spacing requirements need not be provided where the fire code official has determined that rooftop operations will not be employed.

(n) Amend Section 1204.2.1.1 to read as follows:

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

**Exception:**

1. These requirements shall not apply to structure designed and constructed in accordance with the *California Residential Code*.
2. These requirements shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal or less.

(o) Amend Section 1204.2.1.2 to read as follows:

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

(p) Delete Section 1204.2.1.3

(q) Amend Section 1204.2.2 to read as follows:

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

(r) Amend Section 1204.3.2 to read as follows:

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

1. Pathways shall be provided at intervals not greater than 150 feet (45,720 mm) throughout the length and width of the roof.
2. A pathway of not less than 4 feet (1219 mm) wide in a straight line to roof standpipes or ventilation hatches.
3. A pathway not less than 4 feet (1219 mm) wide around roof access hatches, with not fewer than one such pathway to a parapet or roof edge.
4. A pathway of not less than 4 feet (1219 mm) wide to and around each piece of powered mechanical equipment.

(s) Amend Section 1204.4 to read as follows:

**1204.4 Ground-mounted photovoltaic panel systems.** Ground-mounted photovoltaic panel systems shall comply with Section 1204.1 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. A clear, brush-free area of 10 feet (3048 mm) shall be required around ground-mounted photovoltaic arrays and under the array. Arrays shall be located a minimum of 20 feet (6096 mm) from other structures and shall not be located so as to impede access to and around a structure in any manner. Mounts shall be of non-combustible construction. No storage shall be permitted under the panel arrays. Arrays shall not be located upon biological conservation easements, riparian or vernal pool area.

**SECTION 5.: CEQA.** The proposed Title 4 zoning text change is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 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)(4), 15061(b)(3).

**SECTION 6.: Recommendation of Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on November 19, 2019, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would amend the City Title 4 Text.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

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

AYES: ( )

NOES: ( )

ABSTAIN: ( )

ABSENT: ( )

ADOPTED:

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Tom Zirk  
Planning Commission Chairperson

Attest:

\_\_\_\_\_  
Phil Dunsmore  
Planning Commission Secretary

## **PC DRAFT RESOLUTION B**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL REPEAL AND REPLACE TITLE 8 (BUILDING REGULATIONS) AND AMEND THE LATEST EDITIONS OF THE CONSTRUCTION CODES, AND ADOPT FINDINGS OF FACTS TO SUPPORT THE IMPOSITION OF REQUIREMENTS GREATER THAN THE REQUIREMENTS ESTABLISHED BY OR PURSUANT TO THE CALIFORNIA BUILDING STANDARDS CODE**

#### **CITY OF ATASCADERO (CPP19-0080)**

**WHEREAS**, an application has been received from the City of Atascadero, to consider a project consisting of Amendments to the Atascadero Municipal Code to be consistent with the California Building Standards Code; and

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

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

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

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

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

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

**WHEREAS**, the Planning Commission has determined that the provisions of the State Building Standards Code are shall be modified, changed and amended, as provided for in this ordinance, based upon the foregoing findings and that said Council takes said action because of the public interest in protecting life and preserving public safety and property; and

**WHEREAS**, the Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Atascadero make the following findings, determinations and recommendations with respect to the proposed Code Text Amendments:

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

**SECTION 2. Public Hearing.** The Planning Commission of the City of Atascadero, at a Public Hearing held on November 19, 2019, considered the proposed zoning text amendments.

**SECTION 3. Findings.** The Planning Commission makes the following findings, determinations and approvals with respect to the Code Text Amendments:

1. Each of the changes or modifications to measures referred to therein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Atascadero
2. The code amendments are at least as restrictive as the State mandated Codes
3. The following statements support the local necessity for the changes or modifications:
  - A. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, and 1995. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of fire department personnel may cause a substantial or total lack of protection against fire for the buildings

and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in the 2019 California Building Code;

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

traversing in an east/west direction. The City is also transected by a mainline railroad that traverses in the north/south direction. It is a frequent occurrence for the aforementioned highways and railway to support the transportation of hazardous materials. The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life, and to prevent as far as practicable, property losses. Emergency personnel responding to said incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The above-described problems support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2019 California Building Code;

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

support the imposition of greater requirements than those set forth in the 2019 California Building Code.

**SECTION 4.** All Chapters of Title 8 of the City of Atascadero Municipal Code are hereby repealed and replaced by new Title 8 as follows:

**Title 8**

**BUILDING CODE**

**Chapters:**

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



## Chapter 1

### ADMINISTRATIVE

#### Sections:

- |                |                                      |
|----------------|--------------------------------------|
| <b>8-1.101</b> | <b>Title.</b>                        |
| <b>8-1.102</b> | <b>Adoption of Codes.</b>            |
| <b>8-1.103</b> | <b>Building Official designated.</b> |

#### **8-1.101 Title.**

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

#### **8-1.102 Adoption of Codes.**

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

1. 2019 Edition of the California Building Code (Volumes 1 and 2) published by the International Code Council;
2. 2019 Edition of the California Residential Code published by the International Code Council;
3. 2019 Edition of the California Electrical Code published by the National Fire Protection Association;
4. 2019 Edition of the California Mechanical Code published by the International Association of Plumbing and Mechanical Officials;
5. 2019 California Plumbing Code published by the International Association of Plumbing and Mechanical Officials;
6. 2019 Edition of the California Green Building Code;
7. 2019 Edition of California Energy Code;
8. 2019 Edition of the California Historical Building Code;
9. 2019 Edition of the California Existing Building Code;
10. 2018 Edition of International Property Maintenance Code published by the International Code Council
11. 2018 International Swimming Pool and Spa Code

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

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

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

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

## **Chapter 2**

### **ORGANIZATION AND ENFORCEMENT**

#### **Sections:**

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

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

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

## **Chapter 3**

### **BUILDING CODE**

#### **Section:**

#### **8-3.101 Modifications of the California Building Code.**

#### **8-3.101 Modifications of the California Building Code.**

- (a) Adopt the 2019 California Building Code Volume 1 and 2 in its entirety,
- (b) Delete all appendices except for Appendices I and Appendix O except as modified in (d) and (e).
- (c) Adopt as reference North American Standard for Cold-Formed Steel Structural Framing (2015) and the TMS 402/602 Building Code Requirements and Specification for Masonry Structures (2016).

(d) Adopt Appendix I in its entirety:

(e) Modify Appendix O to read as follows:

**SECTION O101. GENERAL.**

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

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

**SECTION O103. EMERGENCY HOUSING.**

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

~~Buildings and structures constructed in accordance with the California Building Standards Code, used as emergency housing, shall be permitted to be permanently occupied.~~

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

**SECTION O105 EMERGENCY TRANSPORTABLE HOUSING UNITS**

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

**SECTION O109 LOCATION, MAINTENANCE, AND IDENTIFICATION**

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

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

**709A.2 Where required**

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

**Chapter 4**

**RESIDENTIAL CODE**

**Section:**

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

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

- (a) Adopt the 2019 California Residential Code in its entirety, except,
- (b) Amend the following sections:

Amend Section R310.2.5 Replacement Windows to read as follows:

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

**Requirements for Replacing Bedroom Windows in Existing Homes**  
A minimum of one window must comply unless there is a door to the exterior.

Year House Was Built	Egress Requirements	Net Opening Size	Minimum Opening Size	Maximum Sill Height From Finished Floor
Prior to 1964	Window size only	6 sq ft (Window Size only)	Per CHC 3.3 sq ft min 18 inches-Height 18 inches -Width	None specified
1964 to 1980	Yes	5 sq ft (Net opening)	22 Inches-Height 22 Inches-Width	48 Inches to Sill
1980 to 2007	Yes	5.7 sq ft (Net Opening)	24 Inches – Height 20 Inches – Width	44 Inches to Sill
2008 to Present	Yes	5.7 sq ft (Net Opening) 5.0 sq ft on Ground Floor	24 Inches – Height 20 Inches – Width	44 Inches to Clear Opening

Amend Section R324.6.1 to read as follows:

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

Amend Section R324.6.2 to read as follows:

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

Delete Section R324.6.2.1.

Amend Section R324.6.2.2 to read as follows:

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

Amend Section R324.7.2 to read as follows:

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

- (c) Delete all appendices except for Appendices Q
- (d) Adopt and amend Appendix Q Section AQ102 to read:

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

## Chapter 5

### ELECTRICAL CODE

#### Section:

##### **8-5.101 Modifications of the California Electrical Code.**

- (a) Adopt the 2019 California Electrical Code in its entirety, except,
- (b) Delete all appendices,
- (c) Amend Article 230.70(A)(1) to read as follows:

(1) **Readily accessible location.** The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to

emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.

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

Exceptions:

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

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

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

## **Chapter 6**

### **PLUMBING CODE**

**Sections:**

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

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

- (a) Adopt the 2019 California Plumbing Code in its entirety,
- (b) Delete all appendices except for D, I, and K.

## **Chapter 7**

### **MECHANICAL CODE**

**Section:**

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

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

- (a) Adopt the 2019 California Mechanical Code in its entirety, except,
- (b) Delete all appendices,
- (c) Adopt as reference Chapter 15 of the Uniform Solar Energy Hydronic Codes

## Chapter 8

### GREEN BUILDING CODE

**Section:**

**8-8.101 Modifications to the California Green Building Code.**

**8-8.101 Modifications to the California Green Building Code.**

- (a) Adopt in its entirety,
- (b) Delete all appendices.

## Chapter 9

### UNSAFE BUILDINGS AND STRUCTURES

**Section:**

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

- (a) Adopt in its entirety except,
- (b) Delete all appendices.
- (c) **8-9.102 Placards.**

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

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

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

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

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

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

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

## **Chapter 10**

### **WATER EFFICIENT LANDSCAPE AND IRRIGATION**

#### **Sections:**

##### **8-10.101 Purpose.**

##### **8-10.102 Adoption of Codes.**

##### **8-10.101 Purpose.**

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

(a) Promote the values and benefits of landscapes that integrate and go beyond the conservation and efficient use of water;

(b) Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that required cross-sector collaboration of industry, government and property owners to achieve the many benefits possible.

(c) Establish provisions for water management practices and water wise prevention for existing landscapes.

(d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

##### **8-10.102 Adoption of Code.**

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

## **Chapter 11**

### **UNREINFORCED MASONRY**

#### **Section:**

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

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

(a) Adopt in its entirety except,

(b) Delete all appendices.

## **Chapter 12**

### **POST-DISASTER REGULATIONS**

#### **Sections:**

##### **8-12.101 Intent.**

##### **8-12.102 Application of provisions.**



**8-12.101 Intent.**

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

**8-12.102 Application of provisions.**

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

**SECTION 5. CEQA.** The proposed Title 8 zoning text change is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 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)(4), 15061(b)(3).

**SECTION 6. Recommendation of Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on November 19, 2019, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would amend Title 8 of the Atascadero Municipal Code and make modifications to the California Building Code as specified.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

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

AYES: ( )

NOES: ( )

ABSTAIN: ( )

ABSENT: ( )

ADOPTED:

CITY OF ATASCADERO, CA

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Tom Zirk  
Planning Commission Chairperson

Attest:

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Phil Dunsmore  
Planning Commission Secretary

**PC DRAFT RESOLUTION C**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL  
AMEND TITLE 9 OF THE ATASCADERO MUNICIPAL CODE  
CHAPTERS 2, 3, 4, AND 6**

**CITY OF ATASCADERO  
(CPP19-0080)**

**WHEREAS**, an application has been received from the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), to consider Code Text Amendments; and

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

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

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Title 4, 8, 9, and 11 Zoning Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Atascadero make the following findings, determinations and recommendations with respect to the proposed Zoning Code Text Amendment and Official Zoning Map Amendment:

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

**SECTION 2. Public Hearing.** The Planning Commission of the City of Atascadero, at a Public Hearing held on November 19, 2019 considered the proposed zoning text amendments.

**SECTION 3. Findings.** The Planning Commission makes the following findings, determinations and approvals with respect to the Municipal Code Text Amendments:

1. The Title 9 text amendments are consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed Title 9 text amendments align the code requirements with the vision, intent, and policies of the adopted General Plan.

2. These Amendments of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed Title 9 text amendment provides for orderly development within accordance with the adopted General Plan for the compatible use of the property based on neighborhood characteristics.

3. The Title 9 text amendment will not in itself result in significant environmental impacts.

FACT: The proposed text changes are minor and do not trigger any environmental impacts.

**SECTION 4.** Title 9 of the City of Atascadero Municipal Code is hereby amended by new Title 9 language as follows.

#### **AMC 9-4.110**

##### **9-4.110 Projections into required setbacks.**

Uncovered Decks. When constructed with a height more than thirty (30) inches above the surrounding finish grade, a wood deck may extend into required setbacks as follows (decks less than thirty (30) inches high are exempt from these requirements).—See Section 9-4.104(ea):

- (1) Front Setback. A deck is not to be located therein.
- (2) Side Setback. As determined by the Uniform Building Code.
- (3) Rear Setback. A deck may occupy up to thirty percent (30%) of a required rear setback, but is to extend no closer than three (3) feet to the rear property line.

(b) Fire Escapes. A ladder or stairs designed to be used exclusively as an upper floor fire escape may project into a required setback only as provided by the Uniform Building Code.

(c) Roof and Wall Features. Cantilevered and projecting architectural features including chimneys, bay windows, balconies, cornices, eaves, rain gutter, signs (where allowed), display windows, and solar collectors may project into a required setback only as allowed by the Uniform Building Code.

- (d) Porches.

(1) Front Porch. A covered front porch may project up to six (6) feet into a required front setback, provided that the floor level of the porch is to be no higher than the ground level of the building. An unenclosed front porch is not limited on its projection, provided it is one hundred (100) square feet or less in area.

(2) Side Porch. A porch and/or outside stairway may be located in a required side setback provided the porch is not roofed or enclosed below the steps and does not extend into the side setback more than allowed by the Uniform Building Code.

(3) Rear Porch. A porch in the required rear setback is subject to the same limitations as a deck, pursuant to subsection (a)(3) of this section.

(e) Flag Lots. Six (6) foot fences shall be allowed within the front yard setback area, but in no case shall a six (6) foot fence be allowed within an area connecting the required front yard setback areas for any adjoining lots. Trash enclosures may encroach into the front yard setback area but shall maintain a five (5) foot setback from adjoining property lines and shall not be located within the access strip.

#### **AMC 9-9.102 General Definitions**

**Driveway.** A road providing access to a site or land use from a street. A driveway serves no more than ~~four (4)~~ five (5) separately owned parcels (see also “Road, private”).

**Road, private.** A road providing vehicular access to ~~four (4)~~ five (5) or more lots of record that is not in the City-maintained road system.

#### **AMC 9-2.107**

##### **9-2.107 Design Review Committee.**

(a) Purpose. The Design Review Committee is established to implement the goals and policies of the General Plan. The intent is to ensure that the physical design of new development meets the following objectives:

- (1) Maintaining the rural character and identity of Atascadero;
- (2) Enhancing the appearance and character of the City, by reviewing the architecture and site plans for commercial, office, industrial, single-family residential subject to CEQA and multifamily residential projects;
- (3) Ensuring that development is compatible with surrounding uses and improvements by requiring building designs that provide appropriate visual appearance and site plans to mitigate neighborhood impacts.

(b) Design Review Committee—Composition. The City Council shall appoint the Design Review Committee. The Design Review Committee shall consist of the following:

- (1) Two (2) members of the City Council;
- (2) Two (2) members of the Planning Commission;

(3) One (1) at large member resident of the City. This at large member shall be a resident of the City. The Council shall choose an at large member that best fits the intent of the Design Review Committee.

(c) Terms of Service. The Design Review Committee members from the City Council and Planning Commission shall serve a two (2) year term. This service term shall commence at the date of appointment. The at large member resident shall have a service term of two (2) years. This term shall begin at the date of appointment by the City Council.

(d) Authority. The Design Review Committee has the authority to approve and make recommendation in regards to the architectural appearance, signage, site plan and landscape plan of the following projects:

- (1) All multifamily residential projects;
- (2) All nonresidential projects, including commercial, office, mixed-use, and industrial developments;
- (3) All public facility projects and buildings;
- (4) Development in an open space zoning district;
- (5) Any residential single-family residential development requesting a planned development permit;
- (6) Development projects requiring a ~~precise plan~~, conditional use permit, zone change or general plan amendment.

(e) Meeting. The Design Review Committee shall convene once a week, as needed. This meeting shall consist of the Committee, the Community Development Director, pertinent City staff members and the applicant.

(f) Appearance Review Approval. The Design Review Committee shall take into consideration the following criteria in either approving the design of a project or making recommendations for projects that require Planning Commission approval. The Design Review Committee may require or recommend additional conditions of approval. The following is a list of criteria that the Design Review Committee shall take into consideration:

- (1) The goals and policies established by the General Plan;
- (2) Guidelines and standards for development set forth by the Appearance Review Manual;
- (3) The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements provide appropriate visual appearance.

(g) Determination.

(1) The Community Development Director shall provide the applicant with correspondence regarding the outcome of the meeting, including any additional conditions of approvals that is required or recommended by the Committee.

(h) Compliance. All requirements imposed by the Design Review Committee shall be incorporated into a building permit and completed prior to permit final. Failure to comply with the requirements of the Design Review Committee constitutes a violation of this code.

(i) Appeals. Appeals of decisions from the Design Review Committee shall be made to the Planning Commission and filed within ~~fourteen days (14) fifteen (15)~~ days of

the Design Review Committee's decision. Any additional appeals shall be consistent with Section 9-1.111 of this chapter. If the Design Review Committee cannot reach a decision on a design review issue, the Committee may refer this issue to the Planning Commission. (Ord. 552 § 2, 2010)

## **AMC 9-12.105**

### **9-12.105 Special application requirements for condominium projects and condominium conversions.**

A conditional use permit application for a condominium project shall be completed and submitted along with ~~a completed~~ an environmental assessment form ~~completed to the satisfaction of the Community Development Director~~ and all other information as described on the checklist attached to the application.

An application for a tentative map or tentative parcel map shall be submitted concurrently with the conditional use permit application. The tentative map or tentative parcel map shall be accompanied by all information described in the checklist attached to the application.

Where the information requirements for a conditional use permit and tentative map conflict, the requirements for the greatest amount of information shall apply. (Ord. 523 § 2, 2007)

## **AMC 9-3.341 through 9-3.347**

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

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

- (a) Lot Size. The minimum lot size in the Commercial Neighborhood Zone shall be one half (1/2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Neighborhood Zone.
- (b) Multifamily Dwellings. Multifamily dwellings are permitted with a minor conditional use permit when located on the second floor or above. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)
- (c) Fire backflow devices. Fire backflow devices are required to be integrated into the site design and are prohibited in any public right of way unless it can be shown that no other location is feasible and the device is adequately screened by landscaping or other site improvements, subject to the approval of the Community Development Director and City Engineer, they must also be accessible to Fire Department and Water Company personnel at all times. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

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

The following are property development standards for the CP in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title

(a) Lot Size. The minimum lot size in the Commercial Professional Zone shall be one half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Professional Zone. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)

(b) Fire backflow devices. Fire backflow devices are required to be integrated into the site design and are prohibited in any public right of way unless it can be shown that no other location is feasible and the device is adequately screened by landscaping or other site improvements, subject to the approval of the Community Development Director and City Engineer, they must also be accessible to Fire Department and Water Company personnel at all times. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

### **AMC 9-3.343 CR Zone**

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

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

(b) Parking. Parking areas designated to have vehicles facing El Camino Real or the freeway shall be screened with a landscaped berm a minimum of thirty (30) inches in height.

(c) Setback. A minimum freeway setback of ten (10) feet shall be provided. Said setback area shall be landscaped.

(d) Utilities. All new and existing utilities shall be installed underground. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)

(e) Fire backflow devices. Fire backflow devices are required to be integrated into the site design and are prohibited in any public right of way unless it can be shown that no other location is feasible and the device is adequately screened by landscaping or other site improvements, subject to the approval of the Community Development Director and City Engineer, they must also be accessible to Fire Department and Water Company personnel at all times. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

### **AMC 9-3.344 CS Zone**

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

(a) Lot Size. The minimum lot size in the Commercial Service Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Service Zone. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)



(b) Fire backflow devices. Fire backflow devices are required to be integrated into the site design and are prohibited in any public right of way unless it can be shown that no other location is feasible and the device is adequately screened by landscaping or other site improvements, subject to the approval of the Community Development Director and City Engineer, they must also be accessible to Fire Department and Water Company personnel at all times. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

### **AMC 9-3.345 CT Zone**

The following are property development standards for the CT in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Tourist Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Tourist Zone. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)

(b) Fire backflow devices. Fire backflow devices are required to be integrated into the site design and are prohibited in any public right of way unless it can be shown that no other location is feasible and the device is adequately screened by landscaping or other site improvements, subject to the approval of the Community Development Director and City Engineer, they must also be accessible to Fire Department and Water Company personnel at all times. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

### **AMC 9-3.346 CPK Zone**

The following are property development standards for the CPK in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Park Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Park Zone.

(b) Parking. Customer and employee parking areas designed to have vehicles facing El Camino Real or the freeway shall be screened with a landscaped berm a minimum of thirty (30) inches in height. This may be modified through the conditional use permit process.

(c) Setback. A minimum freeway setback shall be provided. Said setback shall be landscaped. This may be modified through the conditional use permit process.

(d) Utilities. All new and existing utilities shall be installed underground. (Ord. 602 § 2, 2016)

(e) Fire backflow devices. Fire backflow devices are required to be integrated into the site design and are prohibited in any public right of way unless it can be shown that no other location is feasible and the device is adequately screened by landscaping or other site improvements, subject to the approval of the Community Development Director and City Engineer, they must

also be accessible to Fire Department and Water Company personnel at all times. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

### AMC 9-3.347 DC/DO Zone

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

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

Development Feature	Requirement by Zoning District	
	DC	DO
	Downtown Commercial	Downtown Office
Minimum lot size	No minimum	
Density	20 dwelling units/acre maximum	20 dwelling units/acre maximum
<b>Fire Backflow Devices</b>	Fire backflow devices are required to be located within, alongside, or at the rear of a building unless alternative locations are approved by the Community Development director and City Engineer, they must also be accessible to Fire Department and Water Company personnel at all times. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.	

#### AMC 9-4.118

(4) Mixed Function Buildings. Where a building occupied by a single use contains several functions, such as sales, office and storage areas, parking shall be as required for the principal use for the gross floor area (total area of all internal functions); except that when storage areas are larger than two thousand (2000) square feet, the parking requirement is to be determined separately for those areas, as specified for warehousing.

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

(6) Terms Used in Charts.

#### AMC 9-3.500 Definitions

**Contract Construction Services (Indoor).** Office uses ~~with or without indoor storage facilities with indoor/or outdoor facilities~~ operated by, or on behalf of, a building contractor, exterminator, janitorial service or similar. ~~for 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; and buildings or structures for uses by the contractor.~~ Can include the indoor storage of materials used for repair and maintenance of contractor's own equipment; and for uses 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 10 percent 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 and may 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.

**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 10 percent 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.

**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 10 percent of the floor area of the principal building in accordance 9-6.103.

#### **9-6.103 Accessory storage.**

Where the principal building or use on a site is some use other than storage, and storage accessory to that use is also located on the site, the accessory storage is subject to the following standards (see also Section 9-6.140). A zoning approval is not required to establish accessory storage except when subsections (b) and (g) of this section requires such approval for a specific type of storage.

Where the principal building or use on a site is some use other than storage, and storage accessory to that use is also located on the site, the accessory storage is subject to the following standards (see also Section 9-6.140). A zoning approval is not required to establish accessory storage except when subsections (b) and (g) of this section requires such approval for a specific type of storage.

(a) Outdoor accessory storage is limited to 10 percent of the floor area of the principal building.

(1) Any size modification for outdoor accessory storage over 10 percent of principal floor area will require a conditional use permit.

**(ab) Building Materials and Equipment.** Building materials and equipment being used in a construction project on the same or adjacent site may be stored on or adjacent to the construction site as long as a valid building permit is in effect for construction on the premises. Building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations. When storage is proposed on a lot adjacent to the construction site, the application for the project is to also describe the storage site. Temporary

storage of construction materials on a site not adjacent to the construction is subject to Section 9-6.175.

~~(bc)~~ **Commercial Vehicles.** This subsection applies to the accessory storage of vehicles used for shipping and/or the delivery of freight and products in support of a business or used for other commercial activity, when such vehicles are larger than a standard passenger car, pickup truck or van. Storage means parking a commercial vehicle longer than for a single weeknight, weekend or holiday. The storage of vehicles as a principal use is subject to the standards of Section 9-6.183.

(1) Commercial vehicles are to be stored ~~in the CN and CR Zones~~ in an enclosed building ~~or in a screened parking or loading area, unless otherwise allowed by the provisions of this code.~~

~~(2) Commercial or agricultural vehicles may be stored in the CS, IP, I and CPK Zones without regulation other than the standards of Section 9-4.114.~~

~~(32) Agricultural vehicles may be stored outdoors in any zone when agricultural activities occur on-site but only within the buildable area of a site. This requirement does not apply to farm vehicle dealerships.~~ The storage of agricultural vehicles in the A Zone is unrestricted.

~~—(4) Commercial or agricultural vehicles shall be allowed in conjunction with an approved home occupation when in compliance with the standards of Section 9-6.105.~~

~~(53) Other e~~**Commercial vehicles** may be allowed in residential zones where the resident of the premises can show that:

(i) The site is of sufficient size to allow parking of the vehicle in the buildable area of the site; and

(ii) The number of such vehicles is limited to a maximum of one (1); and

(iii) The vehicle can be maintained on the site in a manner which will not be disturbing to nearby residents as a result of unsightly appearance, excessive noise, or operation between 9:00 p.m. and 7:00 a.m.; and

(iv) The vehicle due to its size, length or weight will not damage streets leading to the site beyond normal levels and will not create traffic safety problems due to maneuvering necessary to enter and exit the site; and

(v) There are no other suitable locations available to store the vehicle.

(c) **Inoperative Vehicles.** The storage or keeping of inoperative vehicles is subject to the following. Nothing in this title shall be construed as preventing the abatement of an inoperative vehicle which is found to be a nuisance:

(1) **Vehicles Under Commercial Repair.** The repair of vehicles is allowed only in commercial or industrial zones as provided by Chapter 9-3, except for repair of a personal vehicle by the vehicle owner on a site owned or rented by the vehicle owner. The storage of inoperative vehicles in a commercial or industrial zone for the purposes of repair, alteration, painting, impoundment or temporary storage by a towing service is subject to Section 9-6.168.

(2) **Wrecked and Abandoned Vehicle Dismantling or Storage.** Any area used for the dismantling of inoperative vehicles or for the storage of wrecked or abandoned vehicles not being dismantled or repaired is subject to Section 9-6.131.

(3) **Automobiles Stored in Residential Areas.** The storage of inoperative vehicles in a residential zone is limited to one vehicle when stored outdoors. Such storage may be located only where it is within the buildable area of the site. Inoperative vehicles may be abated as set forth in Chapter 9-8. Storage of such vehicles within an approved accessory building (Section 9-6.106) is not subject to limitation on the number of vehicles.

(d) Accessory Storage of Flammable and Combustible Liquids. The accessory storage of flammable and combustible liquids is subject to the following standards:

(1) Limitations on Quantity. The quantity of flammable or combustible liquids stored on a site shall be limited as follows:

(i) Residential Zones. Ten (10) gallons, unless authorized through precise plan approval. Excluded from this requirement is the storage of flammable liquids in the fuel tanks of self-propelled vehicles, mobile power or heat generators or similar equipment and the storage of paints, oils, varnishes or combustible mixtures when such liquids are stored for maintenance, painting or similar purposes. The storage of propane or other fuels which provide energy to heat a residence is also excluded from this limitation, when such storage is in tanks directly connected to the residence for consumption or when the quantity is limited to a reasonable reserve for personal use which is stored in an approved manner.

(ii) Agricultural, Commercial and Industrial Zones. Storage shall be limited to the following quantities on any single building site, unless greater quantities are authorized through conditional use permit approval:

<b>Type of Storage</b>		
<b>Type of Liquid</b>	<b>Above Ground</b>	<b>Underground</b>
Combustible	1,000 gallons	Unlimited
Flammable	1,000 gallons	20,000 gallons

(2) Setbacks. Aboveground storage facilities for flammable or combustible liquids shall be set back a minimum of fifty (50) feet from any property line and from any residential use on the same property.

(3) Additional Standards.

(i) All storage of bulk flammable liquids shall be underground; except as specified by subsection (d)(1)(i) of this section; except where a refining or similar industrial use has been allowed in the CPK, IP or I Zone; and except, where an automobile service station or other approved vendor of flammable liquids stores such liquids for sale in approved quantities and containers.

(ii) All aboveground storage of flammable and combustible liquids shall be within types of containers approved by the Fire Department.

(iii) Access, circulation and emergency fire equipment requirements of the Fire Department shall be provided or installed within thirty (30) days where such need has been identified and posted by the Fire Department.

(e) Recreational Vehicles in Residential Zones. The storage of recreational vehicles or dependent trailers or RV equipment (camper shells, etc.), airplanes, and boats is permitted as an accessory use in the RSF, LSF, RMF, RS, or A Zones as follows (the storage of recreational vehicles in other zones is subject to Section 9-6.183; the storage of mobile homes is subject to Section 9-6.142(c)):

(1) Location of Storage. Recreational vehicles are not to be stored in the required front setback area.

(2) Use. Recreational vehicles are not to be used for living, sleeping or housekeeping purposes except as provided by Section 9-6.176.

(f) Scrap and Junk. The outdoor storage of scrap, junk and miscellaneous articles and materials accessory to another use is limited to a maximum area of two hundred (200) square

feet, with a maximum height of five (5) feet unless such storage is entirely within a six (6) foot high solid wood or masonry fence or within a building. Such storage shall be located only where it is within the buildable area of the lot. The storage of scrap and junk as a principal use is subject to the standards of Section 9-6.131.

(g) Cargo Containers. Cargo containers (also referred to as “Seatrains” or shipping containers) are defined as a prefabricated metal structure designed for use as an enclosed truck trailer in accordance with Department of Transportation (DOT) standards. This does not include architecturally modified cargo containers used as a building material. The use of cargo containers for accessory storage purposes is permitted based on the following standards:

(1) Use of Cargo Containers.

(i) Cargo containers shall be utilized for accessory storage only. Occupancy shall be limited to a “U” occupancy consistent with the California Building Code (CBC) or its successor title.

(ii) Cargo containers shall not be used for permanent or temporary human occupancies, including, but not limited to, living, sleeping or other residential uses.

(2) Number of Cargo Containers Permitted.

(i) One (1) cargo container may be permitted on a commercial, industrial or single-family residential lot over one (1) gross acre in size, subject to Design Review Committee (DRC) review for neighborhood compatibility and approval of a building permit.

(ii) Two (2) or more cargo containers may be permitted with a minor conditional use permit (CUP) on a commercial, industrial, or single-family residential lot over one (1) gross acre in size, subject to Planning Commission review for neighborhood compatibility and approval of a building permit.

(3) Standards for Cargo Containers.

(i) Building Permit. A building permit is required for cargo containers over one hundred twenty (120) square feet in size. A cargo container which is one hundred twenty (120) square feet or less, is exempt from building permit requirements provided it meets property line and structure setbacks required by this title and does not have any utility connections.

(ii) Setbacks. Cargo containers shall be located in the rear half of the property in commercial, industrial and residential zones. Cargo containers shall not be permitted within the front or street facing side yard setback of a residential property. Setbacks shall be consistent with underlying zone setback requirements and is consistent with the preceding subsections (1) and (2).

(iii) Foundation. Cargo containers shall be anchored on a foundation system capable of withstanding all imposed vertical and horizontal loads and consistent with all applicable codes. Any alterations to the container shall be designed and detailed by a licensed design professional. All foundations and alterations shall be approved by the Chief Building Official.

(iv) The cargo container may not occupy any required parking areas or obstruct any Fire Department access ways.

(4) Exemptions.

(i) Use of cargo containers for temporary on-site storage associated with a construction project is exempt from this section (refer to subsection (ab)).

(ii) Use of cargo containers for temporary commercial storage may be allowed with the approval of an administrative use permit for a period not to exceed four (4) months.

#### **9-4.109 Interior setbacks and open areas.**



Detached buildings located on the same site are to be separated as follows:

- (a) ~~Non-Habitable Structures Accessory Buildings. An accessory building is to be located no closer than six (6) feet from any principal building or as required by the Building Code. Minimum (5) foot setback required for enclosed structures. No minimum setback for open-sided structures.~~
- (b) ~~Habitable Structures Residential Buildings. A residential building (including a multifamily dwelling) is not to be located closer than ten (10) feet to another building (residential or nonresidential). Minimum (5) foot setback required.~~
- (c) Exemptions. The following ~~accessory~~ structures are exempt from the provisions outlined in this section:
  - (1) Decks;
  - (2) Patio covers and landscape structures;
  - (3) Structures under one hundred twenty (120) square feet when exempt from a building permit based on the adopted Building Code and consistent with the standards set forth in Section 9-6.106(b)(3);
  - (4) Similar accessory structures as determined by the Community Development Director.
- ~~(d) Nonresidential Buildings. Set by the Building Code.~~

#### **9-6.106 Residential accessory uses.**

The standards of this section apply to the specific types of residential accessory structures listed. Agricultural accessory structures for the keeping of animals are subject to Section 9-6.109.

(a) Swimming Pools. Swimming pools, including hot tubs, spas, and related equipment, may be located within any required side or rear setback, provided that they are no closer than eighteen (18) inches to a property line (additional setbacks may be required by the adopted building code), and provided that they are fenced as required by Section 9-4.128.

(b) Detached Accessory Structures. Any detached accessory structure intended for residential accessory uses and accessory storage.

(1) Limits on Use. An accessory structure may be constructed or used solely for noncommercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; for maintenance or mechanical work on vehicles owned or operated by the occupants; for an approved home occupation; or for other similar purposes.

(2) Floor Area. The gross floor area of a detached accessory structure is not to exceed fifty percent (50%) of the gross floor area of the principal structure.

(3) Residential accessory structures one hundred twenty (120) square feet or less are exempt from requiring a permit if the structure is incidental to the primary use and meets the following requirements:

- (i) The structure does not create a nuisance;
- (ii) The use of the structure is permitted under its zoning;
- (iii) The structure meets the property's rear and side yard minimum setback requirement of three (3) feet if the structure is less than twelve (12) feet in height;
- (iv) If the structure is more than twelve (12) feet in height, standard setback shall be required regardless of exemption;
- (v) The accessory structure is located outside of the required front yard setback;



~~(vi) A minimum six (6) feet of separation is required between accessory structures regardless of exemption, unless otherwise noted by the adopted Building Code. If the accessory structures have less than a six (6) foot setback, the aggregate area of the buildings shall be considered one (1) building and shall require a building permit. A minimum (5) foot setback is required. If structures are abutting, the aggregate area of the buildings shall be considered one (1) building and shall require a building permit.~~

(4) Number of Structures. The number of non-exempt accessory structures requiring a building permit shall be limited to two (2) structures.

(c) Mini-bike, motorcycle, dirt bike or similar two (2) or more wheel motor vehicle riding is allowed subject to the following limitations:

(1) No more than two (2) such vehicles shall be operating at the same time.

(2) Operation is limited to a maximum of two (2) hours in a day—Limit applies even if only one (1) such vehicle is being operated.

(3) Operation is limited to a maximum of eight (8) hours in a week.

(i) This limit applies even if only one (1) such vehicle is operated;

(ii) A week shall be measured from Monday through Sunday.

(4) Notwithstanding the above, no such use shall be allowed prior to noon on Sundays.

(5) Any violations to the above-mentioned limitations are subject to cost recovery for responses to disturbances, as listed in Section 9-14.14.

(d) Exceptions to Accessory Structure Standards.

(1) Detached accessory structures that deviate from requirements are subject to the approval of a minor conditional use permit.

(2) Any detached accessory structure in excess of the two (2) structures permitted or when multiple exempt accessory structures (less than one hundred twenty (120) square feet) are constructed on the premises that are no longer accessory uses to the primary unit as determined by the Community Development Director is subject to the approval of a minor conditional use permit.

### **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**

Amended:

Table Changed to alphabetical order.

#### **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 □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Accessory Storage		A <sup>4</sup>	CUP A <sup>4</sup>	A <sup>4</sup>	CUP A <sup>4</sup>	CUP A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.103
Adult Day Care Facility	A	A	A					CUP			
Adult Oriented Business			A	A					A	A	9-16
Age Restricted Housing							CUP				
Agricultural Produce Stands	A	A			A	A					9-6.117
Amusement Services		A	A	A		A	A			A	
Animal Hospitals		CUP <sup>7</sup>	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A <sup>5</sup>		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Brewery – Production				CUP		CUP			A	A	
Broadcast Studios			A	A							

Building Materials and Hardware w/ outdoor sales or storage area 10,000 sf or greater		CUP	CUP	CUP		CUP			CUP	CUP	9-6.165
Building Materials and Hardware w/ outdoor sales or storage area less than 10,000 sf		A	A	A		A			A	A	9-6.165
Business Support Services		A	A	A		A	A	A	A	A	
Caretaker's Residence/Employee Unit		CUP	CUP	CUP							
Childcare Center	A	A	A					CUP			9-6.125
Churches and Related Activities		CUP	CUP								9-6.121
Collection Stations	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.130
<del>Contract Construction Services (Indoor) w/ outdoor storage or sales area less than 10,000 sf</del>				A		A			A	A	
<del>Contract Construction Services (Outdoor) w/ outdoor storage or sales area 10,000 sf or greater</del>				CUP		<del>CUP</del>			CUP	CUP	

Data and Computer Services Center		AUP		AUP		CUP			A	A	
Day Care											
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Farm Equipment and Supplies w/ outdoor storage or sales area 10,000 sf or greater			CUP	CUP		CUP			CUP	CUP	
Farm Equipment and Supplies w/ outdoor storage or sales area less than 10,000 sf			A	A		A			A	A	
Farmers' Market	CUP	CUP	CUP		CUP	CUP	A	A			
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Fuel Dealer				A <sup>4</sup>		CUP			A <sup>4</sup>	A <sup>4</sup>	9-6.129
General Retail	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Government Offices and Facilities	A	A	A	A	A	A	CUP <sup>9</sup>	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP <sup>9</sup>	A			

Horticultural Specialties w/ outdoor storage or 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				
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Kennels			CUP	A							9-6.111
Large Family Day Care		CUP <sup>8</sup>	CUP <sup>8</sup>								9-6.125
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Laundries and Dry Cleaning Plants				A		A			A	A	
Laundromat/Coin-Operated Laundry	CUP	CUP	CUP	CUP	CUP	CUP			A	A	
Libraries, Museums		A	A	A	A		A	A			
Live/Work Unit							A <sup>1</sup>				
Manufacturing and Processing – High Intensity <sup>4</sup>				CUP		CUP			AUP	AUP	
Manufacturing and Processing - Low Intensity		CUP	CUP	A		A			A	A	

Medical Extended Care Services: 6 Residents or Less	CUP	CUP	CUP	CUP	CUP	CUP					9-6.134
Medical Extended Care Services: 7 Residents or More			CUP								9-6.134
Medical Research		CUP		A		A		CUP	A	A	
Membership Organizations			A	A		CUP	CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Mini-Storage				CUP		CUP			A	A	
Mobile Eating and Drinking Vendors <sup>6</sup>	A	A	A	A		A	A		A	A	
Mortuary Services			A	A							
Multifamily Dwelling	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>			A <sup>1</sup>	A <sup>1</sup>			
Occupancy Units											
Offices	A	A	A	A	A	A	CUP <sup>9</sup>	A			
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 <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	

Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Recreational Vehicle Parks					A						9-6.180
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	
Residential Care: 6 Residents or Less							A <sup>1</sup> A <sup>2</sup>	A <sup>1</sup> A <sup>2</sup>			9-6.135
Retail Sales—Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Schools		A	A	A			CUP	CUP			9-6.125
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A <sup>1</sup>	A <sup>1</sup>			
Single-Room			CUP								9-6.184

Small Family Day Care		A <sup>8</sup>	A <sup>8</sup>	A <sup>8</sup>		A <sup>8</sup>	A <sup>8</sup>				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					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 <sup>3</sup>	CUP	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A	A	9-6.177
Temporary Offices		A	A	A							9-6.176
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	
Vehicle and Equipment Storage (Indoor) <sup>4</sup>				A		CUP			A <sup>4</sup>	A <sup>4</sup>	9-6.183
Vehicle and Equipment Storage (Outdoor) <sup>4</sup>				CUP <sup>4</sup>					CUP <sup>4</sup>	CUP <sup>4</sup>	9-6.183
Vehicle and Freight Terminals				CUP					CUP	CUP	
Warehousing				CUP		CUP			A	A	



Wholesaling and Distribution Center <sup>4</sup>		AUP	AUP	A <sup>4</sup>		A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	
Winery – Boutique			A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>		A <sup>4</sup>	A <sup>4</sup>	
Winery – Production				CUP		CUP			A <sup>4</sup>	A <sup>4</sup>	

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

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

#### **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



**Table 3-3 Public Zone Uses  
Allowed Land Uses and Permit Requirements**

**Table alphabetized**

Public Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted				
	Permitted Uses By Zones				Special Use Regulation(s)
	L	LS	P	OS	
Accessory Storage	A	A			9-6.103
Adult Day Care Facility			CUP		
Agricultural Accessory Uses		A			
Amusement Services	A	CUP			
ATM			A		
Bed and Breakfast	A	A			
Broadcast Studios			A		
Caretaker's Residence/Employee Unit	CUP				9-6.184
Cemeteries	CUP	CUP	CUP		

Childcare Center			CUP		9-6.125
Churches and Related Activities			CUP		9-6.121
Collection Stations	A	A	A		9-6.130
Day Care					
Eating and Drinking Places	CUP	CUP			
Farmers' Market	A	A	A		
Government Offices and Facilities			A		
Health Care Services			CUP		
Home Occupation		A			
Horticultural Specialties		CUP			
Hotels, Motels		CUP			
Indoor Recreation Services	CUP	CUP	A		
Libraries, Museums	A	A	A		
Medical Extended Care Services: 6 Residents or Less			CUP		9-6.134
Medical Extended Care Services: 7 Residents or More			CUP		9-6.134
Membership Organizations	A		CUP		
<del>Mini-Storage</del>			<del>CUP</del>		
Mortuary Services			CUP		
Outdoor Recreation Services	A	CUP	A		9-6.123
Parking Lots			A		
Parks and Playgrounds	A	A	A	A	
Recreational Vehicle Parks	CUP	CUP	CUP		9-6.180
Residential Accessory Uses		A			9-6.106
Residential Care: 6 Residents or Less			CUP		9-6.125
Residential Care: 7 Residents or More			CUP		9-6.125
Schools			A		9-6.125
Schools—Business and Vocational	A		CUP		9-6.125
Single-Family Dwelling		A	CUP		
Sports Assembly	CUP				
Telecommunication Facilities	CUP	CUP	CUP		
Temporary Dwelling		A			9-6.176
Temporary Events	A	A	A		9-6.177
Temporary Offices			A		
Transit Stations	CUP		CUP		

Utility Facilities	A	A	A	CUP	
Utility Infrastructure	CUP	CUP	CUP	CUP	
Accessory Storage	A	A			9-6.103
Agricultural Accessory Uses		A			
Amusement Services	A	CUP			
Animal Hospitals			CUP		
ATM			A		
Bed and Breakfast	A	A			
Broadcast Studios			A		

### **Zoning Districts Abbreviations**

L – Recreation

LS – Special Recreation

P – Public

OS – Open Space

(Ord. 602 § 2, 2016)

### **9-6.140 Storage yards.**

Outdoor storage yards, excluding the storage of vehicles in a day use parking lot or garage, are subject to the provisions of this section. The storage of vehicles in a public or commercial parking lot or garage is subject to Section 9-4.114; the storage of wrecked, abandoned or vehicles being dismantled, is subject to Section 9-6.131, in addition to this section.

#### **(a) Site Design Standards.**

(1) Access. There shall be only one (1) access point to a storage yard for each three hundred (300) feet of street frontage. Such access point is to be a maximum width of twenty (20) feet and shall be provided with a solid gate or door.

(2) Screening. A storage yard, except a temporary offsite construction yard, is to be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six (6) feet. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished. This requirement may be waived through administrative use permit approval (Section 9-1.112), when:

- (i) The side of a storage yard abuts a railroad right-of-way; or
- (ii) The surrounding terrain, existing vegetation intended to remain or other conditions would make fencing ineffective or unnecessary for the purpose of screening the storage yard from the view of public roads.

(3) Parking Requirement. None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on-site.

(4) Site Surfacing. A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, ~~or oiled earth, or other all weather surfaces as approved by the City~~ and be maintained in a dust-free condition.

~~—(5) Office Facilities. When no buildings exist or are proposed on a storage yard site, one (1) commercial coach may be utilized for an office, provided that such vehicle is equipped with skirting, and installed pursuant to the permit requirements of Title 8 of this Code (the Building and Construction Ordinance).~~

(b) Operation. Except for vehicles or freestanding equipment, materials within a storage yard are not to be stacked or stored higher than six (6) feet, unless screening requirements have been waived or modified pursuant to subsection (a)(2)(ii) of this section, or unless a higher wall or fence is constructed at the required setback line under an approved building permit.

**SECTION 5. CEQA.** The proposed Title 9 zoning text change is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 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)(4), 15061(b)(3).

**SECTION 6. Recommendation of Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on November 19, 2019, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would amend the City Title 9 Text.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

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

AYES:	( )
NOES:	( )
ABSTAIN:	( )
ABSENT:	( )
ADOPTED:	

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Tom Zirk  
Planning Commission Chairperson

Attest:

\_\_\_\_\_  
Phil Dunsmore  
Planning Commission Secretary

**DRAFT PC RESOLUTION D**

**RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL  
AMEND 11-4.23 OF THE ATASCADERO MUNICIPAL CODE**

**CITY OF ATASCADERO  
(CPP19-0080)**

**WHEREAS**, an application has been received from the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), to consider Code Text Amendments; and

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to enact these amendments to Title 11 Subdivision of the Municipal Code for consistency with the General Plan and to maintain a clear and legible set of Map Regulations that is easily interpreted by the public and staff; and

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

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Title 4, 8, 9 and Title 11 Zoning Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Atascadero make the following findings, determinations and recommendations with respect to the proposed Zoning Code Text Amendment and Official Zoning Map Amendment:

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

**SECTION 2. Public Hearing.** The Planning Commission of the City of Atascadero, at a Public Hearing held on November 19, 2019, considered the proposed zoning text amendments.

**SECTION 3.** Title 11 of the City of Atascadero Municipal Code are hereby amended by new Title 11 language as follows.

**AMC 11-4.23**

(a) The Planning Commission may extend the time for filing the final map for a period or periods not exceeding a total of ~~five~~ **six (56) years** or as provided by Section 66452.6 and/or Section 66463.5 of the Subdivision Map Act.

(b) Applications for extension shall be made in writing to the Community Development Department prior to the date of tentative map expiration. The first one (1) year time extension can be made by the Community Development Director. Time extensions may be granted subject to the condition that the final map shall be prepared and improvements constructed and installed in compliance with the requirements in effect at the time the request for extension is considered. The Planning Commission may also impose any other conditions which it was empowered to impose at the time of the tentative map approval, and it may revise or delete conditions.

**SECTION 4. CEQA.** The proposed Title 11 zoning text change is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 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)(4), 15061(b)(3).

**SECTION 5. Recommendation of Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on November 19, 2019, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would amend the City Title 11 Text.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

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

AYES: ( )

NOES: ( )

ABSTAIN: ( )

ABSENT: ( )

ADOPTED:

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Tom Zirk  
Planning Commission Chairperson

Attest:

\_\_\_\_\_  
Phil Dunsmore  
Planning Commission Secretary