



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, December 10, 2019

**City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California
(Entrance on Lewis Ave.)**

City Council Regular Session:

6:00 P.M.

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

PLEDGE OF ALLEGIANCE: Council Member Fonzi

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

APPROVAL OF AGENDA: Roll Call

Recommendation: Council:

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

PRESENTATIONS: None.

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

1. City Council Draft Action Minutes – November 26, 2019

- Recommendation: Council approve the November 26, 2019 Draft City Council Meeting Minutes. [City Clerk]

2. City Council 2020 Meeting Schedule

- Fiscal Impact: None.
- Recommendation: Council approve the City Council meeting schedule for 2020. [City Manager]

3. Destination Marketing Services for the Atascadero Tourism Business Improvement District (ATBID)

- Fiscal Impact: \$274,667.00
- Recommendation: Council authorize the City Manager to execute a contract with Verdin Marketing Ink, in the amount of \$274,667, for ATBID Destination Marketing Services [City Manager]

UPDATES FROM THE CITY MANAGER: (The City Manager will give an oral report on any current issues of concern to the City Council.)

COMMUNITY FORUM: (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or cityclerk@atascadero.org.)

B. PUBLIC HEARINGS: None.

1. Approval of Colony Park Master Site Plan Amendment 2019-1

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution approving Amendment 2019-1 to the Colony Park Master Plan. [Public Works]

2. 4 Unit Planned Development – 7900 Curbaril Avenue (DEV18-0124)

- Fiscal Impact: If the project is approved for processing, it should be required to be fiscally neutral so the added residential units fund their own on-site improvements and maintenance, as well as their fair share of off-site improvements and impacts to City emergency services.
- Recommendations:
 1. Introduce for first reading, by title only, Draft Ordinance amending Title 9, Chapter 3 of the Atascadero Municipal Code approving a zoning text change to establish Planned Development Overlay Zone No. 36.
 2. Adopt Draft Resolution to approve a Conditional Use Permit (Master Plan of Development), and Vesting Tentative Parcel Map (AT18-0111) based on findings and subject to Conditions of Approval. [Community Development]

3. 2020 Community Development Block Grant Draft Recommendations

- Fiscal Impact: \$164,833.00.
- Recommendation: Council develop and adopt draft recommendations for the 2020 Community Development Block Grant (CDBG) funds. [Public Works]

4. 2019 Municipal Code Updates - Title 4, Title 8, Title 9 and Title 11 (CPP19-0080)

- Fiscal Impact: Staff expects minimal fiscal impact to the City from the adoption of the new building codes and proposed code text amendments.
- Recommendations:
 1. Introduce for first reading, by title only, Draft Ordinance A repealing and replacing Title 4, Public Safety, Chapter 7, Fire Code, for consistency with the 2019 California Building and Fire Codes.
 2. Introduce for first reading, by title only, Draft Ordinance B repealing and replacing Title 8, Building Code, of the Atascadero Municipal Code for consistency with the 2019 California Building Code.
 3. Introduce for first reading, by title only, Draft Ordinance C approving amendments to Title 9, Planning and Zoning, Chapters 2, 3, 4, and 6 of the Atascadero Municipal Code for minor text corrections.
 4. Introduce for first reading, by title only, Draft Ordinance D approving amendments to Title 11, Subdivisions, Section 11-4.23 for minor text corrections. [Community Development]

C. MANAGEMENT REPORTS: None.

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

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Economic Vitality Corporation, Board of Directors (EVC)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Bourbeau

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

Council Member Fonzi

1. Air Pollution Control District
2. Atascadero Basin Ground Water Sustainability Agency (GSA)
3. City of Atascadero Design Review Committee
4. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. City of Atascadero Finance Committee
2. Homeless Services Oversight Council
3. League of California Cities – Council Liaison

Council Member Newsom

1. California Joint Powers Insurance Authority (CJPIA) Board
2. City / Schools Committee
3. City of Atascadero Design Review Committee
4. Visit SLO CAL Advisory Committee

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

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

F. ADJOURN

Please note: Should anyone challenge any proposed development entitlement listed on this Agenda in court, 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 City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.

City of Atascadero

WELCOME TO THE ATASCADERO CITY COUNCIL MEETING

The City Council meets in regular session on the second and fourth Tuesday of each month at 6:00 p.m. Council meetings will be held at the City Hall Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Council in the order of the printed Agenda. Regular Council meetings are televised live, audio recorded and videotaped for future playback. Charter Communication customers may view the meetings on Charter Cable Channel 20 or via the City's website at www.atascadero.org. Meetings are also broadcast on radio station KPRL AM 1230. Contact the City Clerk for more information at cityclerk@atascadero.org or (805) 470-3400.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, www.atascadero.org. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the City Clerk's office.

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, "COMMUNITY FORUM", the Mayor will call for anyone from the audience having business with the Council 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 Mayor and Council.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present

This is the time items not on the Agenda may be brought to the Council's attention. A maximum of 30 minutes will be allowed for Community Forum (unless changed by the Council). If you wish to use a computer presentation to support your comments, you must notify the City Clerk's office at least 24 hours prior to the meeting. Digital presentations must be brought to the meeting on a USB drive or CD. You are required to submit to the City Clerk a printed copy of your presentation for the record. Please check in with the City Clerk before the meeting begins to announce your presence and turn in the printed copy.

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 Mayor will identify the subject, staff will give their report, and the Council will ask questions of staff. The Mayor will announce when the public comment period is open and will request anyone interested to address the Council 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 Mayor
2. Give your name (not required)
3. Make your statement
4. All comments should be made to the Mayor and Council
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

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



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, November 26, 2019

**City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California
(Entrance on Lewis Ave.)**

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

CITY COUNCIL CLOSED SESSION: 5:00 P.M.

Mayor Moreno announced at 5:00 p.m. that the Council was going into Closed Session.

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
 - a. Conference with Legal Counsel – Anticipated Litigation**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (One potential case)
- 4. CLOSED SESSION – ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION – REPORT**

The City Attorney reported that there was no reportable action in Closed Session.

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

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

ROLL CALL:

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

Absent: None

Staff Present: City Manager Rachelle Rickard, Public Works Director Nick DeBar, Police Chief Jerel Haley, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, City Attorney Brian Pierik and Deputy City Manager/City Clerk Lara Christensen.

APPROVAL OF AGENDA:

MOTION: By Mayor Pro Tem Bourbeau and seconded by Council Member Fonzi to:

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

Motion passed 5:0 by a roll-call vote.

PRESENTATIONS:

1. Photo Donation to the City from Charlotte Gibbon

Ms. Gibbon presented a trilogy of photos, entitled "Working Together" to the City Council.

2. Recognition of Donn Clickard – CPRS Champion of the Community Statewide Award recipient

The City Council presented a Commendation to Donn Clickard.

3. Recognition of Parents for Joy – CPRS Excellence in Design Park Planning Award recipient

The City Council presented a Commendation to representatives of Parents for Joy.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – November 12, 2019

- Recommendation: Council approve the November 12, 2019 Draft City Council Meeting Minutes. [City Clerk]

2. October 2019 Accounts Payable and Payroll

- Fiscal Impact: \$2,646,520.00
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for October 2019. [Administrative Services]

3. September 2019 Investment Report

- Fiscal Impact: None
- Recommendation: Council receive and file the City Treasurer's report for quarter ending September 30, 2019. [Administrative Services]

4. Micro Community Project - Grand Oaks Paseo Residential Development (DEV19-0049)

- Fiscal Impact: If the project is approved for processing, it shall be required to be annexed into the existing CFD so the added residential units fund impacts to City police, fire, and parks services.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance approving Title 9 Zone Text Amendments to the Planned Development Overlay Zone No. 27 (PD-27), based on findings. [Community Development]

5. Parcel Map AT 18-0086 (5425 Pescado Court) McCrudden

- Fiscal Impact: None.
- Recommendations: Council:
 1. Approve Parcel Map AT18-0086.
 2. Accept, on behalf of the public, the offers of dedication for a Public Utility Easement. [Public Works]

6. Final Map 2947 (8391 Amapoa Avenue) O'Connor

- Fiscal Impact: None.
- Recommendations: Council:
 1. Approve Final Map 2947.
 2. Reject, the offers of dedication for public utility easement and for street widening, drainage, and public access purposes without prejudice to future acceptance on behalf of the public. [Public Works]

MOTION: By Council Member Funk and seconded by Council Member Newsom to approve the Consent Calendar. (#A-4: Ordinance No. 630)
Motion passed 5:0 by a roll-call vote.

UPDATES FROM THE CITY MANAGER:

City Manager Rachelle Rickard gave an update on projects and issues within the City. Police Chief Haley gave a brief update on the City's efforts to address issues occurring in the downtown.

COMMUNITY FORUM:

The following citizens spoke during Community Forum: Kevin Campion

Mayor Moreno closed the COMMUNITY FORUM period.

B. PUBLIC HEARINGS: None.

C. MANAGEMENT REPORTS:

1. Council Policy Adoption – Drive-Through Businesses and Fuel Stations and Other High Traffic Producing Uses

- Fiscal Impact: Adoption of the Council Policy will limit or curtail future development of drive-through businesses, fuel stations, and other high traffic producing uses in the City. Utilization of the existing “Alternative Cost Per Single Trip Method” may increase fees that the City may charge for development of drive-through businesses, fuel stations, and other high traffic producing uses and help the City appropriately mitigate traffic impacts which will reduce potential fiscal impacts.
- Recommendation: Council adopt Draft Resolution establishing a Drive-Through Businesses, Fuel Stations, and Other High Traffic Producing Uses Policy to guide development review of drive-through businesses, fuel stations, and other high traffic producing uses applications and ensure orderly development in the City. [Community Development]

Community Development Director Dunsmore gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Geoff Auslen and Mark Diaz

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Newsom and seconded by Council Member Funk to adopt Draft Resolution establishing a Drive-Through Businesses, Fuel Stations, and Other High Traffic Producing Uses Policy to guide development review of drive-through businesses, fuel stations, and other high traffic producing uses applications and ensure orderly development in the City with the following amendments:

- The 9th WHEREAS statement of the Draft Resolution is amended to read – WHEREAS, **additional** drive-through businesses, fuel stations, and other high traffic ...
- Objective No. 1 of the Policy is amended as follows – When calculating Circulation Impact fees **Citywide**, staff will utilize...

(Resolution No. 2019-084)

Motion passed 5:0 by a roll-call vote.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

1. Economic Vitality Corporation, Board of Directors (EVC)

Mayor Pro Tem Bourbeau

1. Mobile Home Rent Stabilization ad hoc Committee

Council Member Fonzi

1. Air Pollution Control District
2. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. Homeless Services Oversight Council

Council Member Newsom

1. City of Atascadero Design Review Committee

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

1. City Clerk – Mayor Moreno reported receiving a resignation from Jamie Jones, the at-large resident member of the Design Review Committee, and announced Emily Baranek as the new at-large resident member to the Design Review Committee. By consensus, the Council ratified the appointment.

F. ADJOURN

Mayor Moreno adjourned the meeting at 8:19 p.m.

MINUTES PREPARED BY:

Lara K. Christensen
Deputy City Manager / City Clerk

APPROVED:



Atascadero City Council

Staff Report – City Manager’s Office

City Council 2020 Meeting Schedule

RECOMMENDATION:

Council approve the City Council meeting schedule for 2020.

DISCUSSION:

The City Council, pursuant to Chapter 2, Section 1.01 of the Atascadero Municipal Code, meets the second and fourth Tuesday of each month. On occasion, the Council will hold special study sessions and/or joint meetings with one or both of the Commissions on a fifth Tuesday. Generally, in the summer months, the Council meets once a month and avoids conflicts with major holidays. Staff has prepared the attached schedule for the year 2020 to help in the coordination of these meetings with personal schedules.

FISCAL IMPACT:

None.

ATTACHMENT:

City Council 2020 Meeting Schedule

City of Atascadero

Office of the City Clerk

Atascadero City Council 2020 Meeting Schedule

MEETING DATE	TYPE OF MEETING
January 14	Regular
January 28	Regular
February 11	Regular
February 25	Regular
March 10	Regular
March 24	Regular
April 14	Regular
April 28	Regular
May 12	Regular
May 26	Regular
June 9	Regular
June 23	Regular
July 14	Regular
August 11	Regular
September 8	Regular
September 22	Regular
October 13	Regular
October 27	Regular
November 10	Regular
November 24	Regular
December 8	Regular

Meetings are held at 6:00 p.m.

**6500 Palma Avenue, Atascadero, CA 93422
(805) 470-3400**



Atascadero City Council

Staff Report – City Manager’s Office

Destination Marketing Services for the Atascadero Tourism Business Improvement District (ATBID)

RECOMMENDATION:

The Atascadero Tourism Business Improvement District Advisory Board recommends Council:

Authorize the City Manager to execute a contract with Verdin Marketing Ink, in the amount of \$274,667, for ATBID Destination Marketing Services.

DISCUSSION:

In 2013, the lodging businesses in Atascadero requested the establishment of the “Atascadero Tourism Business Improvement District” (ATBID) in order to levy annual assessments under the Parking and Business Improvement Area Law of 1989. Tourism promotions and marketing programs, to promote the City as a tourism destination, are funded by the levied assessments against Lodging Businesses within the ATBID.

In March of 2015, the Council awarded a contract to Verdin Marketing Ink (Verdin), a local marketing company located in San Luis Obispo, for ATBID public relations and marketing services. The existing contract with Verdin is set to expire March 10, 2020.

On August 22, 2019, a Request for Proposals (RFP) was issued to solicit destination marketing services with a submission deadline of September 20, 2019. Verdin was the only firm to submit a proposal.

On October 16, 2019, the ATBID Advisory Board reviewed Verdin’s proposal (Attachment 1) and discussed whether to reopen the RFP process in the hopes of receiving additional proposals or recommend executing a new contract with Verdin. Following discussion, and given the quality of work Verdin has provided over the last five years, the Advisory Board approved recommending that Council authorize a new contract with Verdin for partial FY19/20 and FY20/21. The contract will have the option for up to four one-year extensions, with a term not to extend past March 10, 2025. At that time, the ATBID Advisory Board will go back out with a request for proposals.

FISCAL IMPACT:

Awarding a contract to Verdin for partial FY19/20 in the amount of \$68,667 and FY20/21 in the amount of \$206,000 will result in combined total of \$274,667 of budgeted Atascadero Tourism Business Improvement District Funds.

ALTERNATIVES:

The City Council may choose to not hire Verdin and to refer this issue back to the TBID Board with direction.

ATTACHMENT:

Destination Marketing Proposal from Verdin

PROPOSAL FOR DESTINATION MARKETING SERVICES

PRESENTED TO ATASCADERO TOURISM BUSINESS IMPROVEMENT DISTRICT

September 20, 2019



HELLO

WE ARE A BAND OF SPIRITED
STORYTELLERS IN SEARCH OF
BRANDS WITH PERSONALITY
AND POTENTIAL.

We love working with you.

VERDIN



VISIT
Atascadero
CALIFORNIA

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THE LAST FIVE YEARS HAVE BEEN AN INCREDIBLE JOURNEY. WE'RE LOOKING FORWARD TO TRAVELING EVEN FURTHER TOGETHER IN THE YEARS TO COME.

When Verdin first partnered with the Atascadero Tourism Improvement District back in 2015, your city was struggling to step out of the shadow of its big sisters, San Luis Obispo and Paso Robles. Today, thanks to the successes of Visit Atascadero, the city has established itself as the Central Coast's down-to-earth destination for family-friendly vacations, culinary adventures and outdoor excursions.

Verdin has been honored to help you reimagine Visit Atascadero's brand with an approachable, new logo and website, and to develop unique collateral that truly captures Atascadero's "Simply Genuine" spirit. Together, we've successfully marketed the city's attributes through social media and other targeted campaigns to put more heads in beds and grow Atascadero's tourism industry.

The success of our partnership can be measured by the trackable increase in Visit Atascadero's website traffic, ad impressions, e-newsletter sign-ups and growing social media presence. On the creative side, the work produced by Visit Atascadero and Verdin received awards from the Central California Chapter of the Public Relations Society of America, an industry standard bearer.

Moving forward, Verdin is excited help Visit Atascadero capitalize on its upward trajectory. Our team members have intimate knowledge of your organization, its goals, audiences, drive markets and pain points. Our experience and expertise will allow us to continue the mission of Visit Atascadero, seamlessly and effectively. We're prepared to hit the ground running with business-savvy, creative ideas that will continue to distinguish Atascadero from other Central Coast destinations, such as the upcoming Brews and Burgers Trail.

Our goal is to show visitors how special Atascadero is. We hope this proposal provides an informative explanation of how we can continue to partner together to realize that goal.

Thank you for the opportunity!

Sincerely,



Mary Verdin
President & Chief Strategy Officer
mary@verdinmarketing.com | (805) 541-9005
3580 Sacramento Dr #110, San Luis Obispo, CA 93401
DBE Firm No. 42625

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VERDIN 3

VERDIN BY THE NUMBERS

- 16 years in business
- 15 person team (and occasionally a dog or two)
- 3 Core Values:
Relationships Matter; Passion & Purpose; Integrity. Period.

MISSION STATEMENT

**TO CREATE SUCCESS
AND INSPIRE, THROUGH
THE POWER OF OUR WORK.**

LET'S TALK ABOUT YOU

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VISIT Atascadero CALIFORNIA | VERDIN 5

Verdin + Visit Atascadero: THE JOURNEY TO SUCCESS

For five years, Verdin and Visit Atascadero have been on an epic journey from a city uncertain of how to promote its attributes to a desirable destination for family-friendly vacations, culinary adventures and outdoor excursions. Buckle up and get ready for a tour of our best collaborations in tourism marketing.



In the last year

(2018 TO PRESENT)

Total ad impressions jumped from 4.0 million to 6.97 million
54% increase

Ad Clicks jumped from 53,400 to 86,783
63% increase

Ad Click-thru rate: 1.71 to 2.6 percent
30% increase

Total video views: 2.7 million

Total pixelated website visitors: 68,926

5 PHOTOSHOOTS

8 CAMPAIGNS

6 AWARDS

OPPORTUNITIES

OPPORTUNITIES

The Verdin team is excited about the opportunity to continue to build on Visit Atascadero's success. Our team has thoroughly enjoyed working alongside the board and City to build a brand that reflects the essence of Atascadero and continue to engage the community and drive markets through social media channels and e-newsletters. It has been exciting to see the success of FAM tours and conferences to share this special and unique destination with a range of journalists as well.

We see a range of promising opportunities for Visit Atascadero in not only continuing to leverage their PR but also their advertising. We would like to go more in depth about these advertising opportunities. First, regardless of the time or place, the golden rule of advertising has always stayed the same: Put the right, engaging message in front of the right, corresponding audience, in a platform that matches their lifestyle.

WHERE WE STARTED

When Verdin became partners with Visit Atascadero in fall of 2015, things were much different than today. Generally the Visit Atascadero website had fewer than 30,000 visitors yearly with very little engagement. Over the last five years, Visit Atascadero's website has seen strong yearly growth, with a dramatic improvement in the past 12 months. Changes in the digital landscape as well as improved optimization and placement has greatly benefitted Visit Atascadero.

Several platforms for paid advertising have been used throughout the years, including some print advertising, streaming radio, travel platforms like Travel Spike, programmatic video and social media advertising. The biggest gain in results occurred last year, when Verdin brought digital programmatic media placement in-house with our own DSP. A demand-side platform (DSP) is a system that allows buyers of digital advertising inventory to serve ad campaigns on multiple international ad networks and exchanges through one software system. This move has resulted in a 97% increase in website traffic to Visit Atascadero year over year, from the initial introduction of our DSP in August 2018.

Verdin is proud to be one of the few agencies on the Central Coast to offer clients this cutting-edge technology. Not only does this save clients' budgets from avoiding third-party markups, but the opportunities for fine tuning and optimizing performance are unparalleled.

Benefits of an in-house DSP include:

Improved transparency and reporting of campaign performance, budget and results

- Nimble ability to optimize, edit and review performance 24/7, by our certified, in-house DSP specialist
- Higher-performing campaigns
- Multiple targeting options
- Use of pixel technology, which creates audiences for retargeting capabilities

OPPORTUNITIES

FUTURE OPPORTUNITIES

Verdin is committed to continuing to grow the success and results of the paid advertising budget. For the duration of the contract, Verdin has vetted all advertising opportunities for Visit Atascadero and provided thoughtful analysis of each presentation. Our goal has always been to maximize the budget, improve traffic to the website to encourage visits and bring brand awareness of Visit Atascadero to drive markets.

The biggest opportunities we see for Visit Atascadero in the coming years involve more advanced technology. In addition to the success we have seen moving all digital advertising into video or motion graphics, our DSP offers new ways to reach the fragmented digital space. A few of the new opportunities may include:

- Pixel technology is one of the biggest benefits of our DSP. We hope to create secondary messages for Visit Atascadero website users to encourage a visit to the destination. This is also a great way to promote special events to those who already know about Atascadero.
- Native advertising is a way to get your message directly into content on a variety of websites. The benefit of native advertising is its ability to be undetectable to ad blocking software.
- Our DSP allows us access to Private Marketplace (PMP) specials. This means that placement and platforms not available with other DSPs have been directly negotiated for private usage. Tests of just a few of these opportunities have shown incredible results and will be strategically recommended for Visit Atascadero.
- Connected TV is revolutionizing the digital space. Connected TV (sometimes referred to as "over-the-top TV" or OTV) reaches digital users who watch traditional television programming on any device or big screen TV via streaming services like Roku, Apple TV or ESPN. This technology is proving to be very successful, particularly to reach Millennial audiences.
- Placement into programmatic music streaming platforms like Spotify and I Heart is now available, along with podcast placement for audio messages.
- Geofencing drive market events that highlight activities available in Atascadero, such as craft beer events, horseback riding, etc.

PROPOSED BUDGET

Based on the scope of work outlined in the RFP, following is the budget allocation for the ATBID's 16-month contract period, from March 10, 2020 through June 30, 2021. Per our proprietary Verdin 360 process, we will continue to monitor and refine all strategies and tactics on an ongoing basis for optimal performance.

- Strategy, planning and meetings including: **\$26,667**
 - Ongoing communication with Visit Atascadero tourism manager and city staff
 - Overseeing the implementation of the Marketing Strategy and Media Plan
 - Budget management
 - Meetings
 - Reporting
- Creative development including: **\$48,000**
 - Multiple campaign concepts developed to run throughout the year
 - Update of brochure design for print and distribution
 - Other collateral design as needed
- Asset development including: **\$6,667**
 - Coordination and direction of video shoots as needed
 - Coordination and direction of photo shoots as needed
- Public relations including: **\$22,667**
 - Planning and coordination of potential FAM tours
 - Pitching as needed
 - Coordination with SLOCAL on PR opportunities
 - Potential event representation/attendance

Billable hourly rates that this budget is based on:

Principal/Strategic:	\$176
VP/Account Supervision:	\$152
Art Direction:	\$152
Account Management:	\$145
PR Coordination:	\$134
Media Strategy:	\$134
Copywriting:	\$134
Graphic Design:	\$134
Account Support/Production:	\$124
Clerical:	\$100
Travel:	\$71

- Web updates as needed **\$5,333**
- E-newsletter management including: **\$13,333**
 - Monthly content development
 - Monthly content design
 - Monthly content deployment
- Social Media management including: **\$4,000**
 - Development of monthly content calendars
 - Implementation of content calendars
 - Monitoring of social content
- Media Strategy and management **\$8,000**
- Media buy projected to include: **\$140,000**
 - Planning and coordination of potential FAM tours
 - Pitching as needed
 - Coordination with SLOCAL on PR opportunities
 - Potential event representation/attendance

TOTAL: **\$274,667**

WHAT WE DO

OUR SERVICES

When you hire Verdin, you get access to a team of specialists + a full range of marketing services under one roof. And it's all customized to your goals.

MARKETING & BRAND MANAGEMENT

- Marketing Plans
- Strategic Planning
- Corporate Identity & Branding
- Image Perception Assessment
- Customer Relationship Management

ADVERTISING

- Strategic Campaign Concepting
- Digital, Print & Broadcast Ad Development
- Media Strategies
- Media Buying
- Campaign Monitoring & Reporting

DIGITAL MARKETING

- Social Media Strategies & Content Development
- Social Media Monitoring & Management
- Blogging
- Search Engine Marketing
- Mobile Marketing

WEBSITE DEVELOPMENT

- Site Planning
- Writing, Designing & Programming
- Search Engine Optimization
- Ongoing Website Maintenance

PUBLIC RELATIONS

- Public Relations Strategies
- Press Release Writing & Distribution
- White Paper Development
- Trade Show Booth Management
- Crisis Communications

WHAT SETS US APART

INTEGRITY-BASED MARKETING

"Integrity. Period." It's one of our three core values and a principle that has guided our agency since its founding. **Verdin believes in detailed and transparent reporting,** and we will include as much detail on our invoicing as you want to see. We don't feign perfection in situations where improvements can be made. Instead, we make recommendations and constantly improve outreach efforts so results keep getting better.

CREATIVE ROOTED IN STRATEGY

Research into the lifestyles, behaviors and desires of your target audiences guides our creative team to develop **messages that resonate**, so your audiences understand all that you have to offer. Our team will make strategic recommendations and work with you to execute campaigns that embody your brand and what it promises—and you'll have a lot of fun with us along the way.

LOCAL ROOTS, STATEWIDE PRESENCE

We've been headquartered on the Central Coast of California in San Luis Obispo since our founding in 2003. **Our clients are throughout California**, with most concentrated along the coast from Ventura County to Santa Cruz County, and into the Central Valley.

INTERNAL PROCESS

ONE RELIABLE POINT OF CONTACT

To keep things streamlined, each of our clients has special attention from one main source of contact. The Marketing Specialist manages the budget and coordinates projects – an efficient way to give our clients dedicated attention to a full team of specialists.

TRANSPARENT INVOICING & REPORTING

We have an uncompromising commitment to transparency in billing and reporting, so our clients have all the information they want to see in each report.

CLIENT SIGN-OFF

Our policy is clear and straightforward: no actions are undertaken without the client's approval. This goes for purchasing, too. Before printing or purchasing, we provide initial estimates with recommendations, so clients may consider pricing options.

APPENDIX

WORK SAMPLES

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VISIT
Atascadero
CALIFORNIA | **VERDIN** A1

Case Study

ATASCADERO TOURISM

Amar Sohi | asohi@hieatascadero.org | (805) 462-0200



Goal

To increase overnight stays for hotel and motel accommodations.

- Create and implement a new brand and marketing strategy to position Atascadero, CA as a desirable destination on the Central Coast.
- Build Atascadero brand awareness and target new visitors to engage in programs and increase awareness.

"We are very fortunate as a city to have acquired Verdin's services. Their level of professionalism, execution, and positive personalities are second to none. I can with complete confidence recommend Verdin to anyone looking to market and promote their destination, business, and/or organization."

— AMAR SOHI
Past Chair, Atascadero TBID

Where We Started

When people think San Luis Obispo County, they think rolling vineyards and crashing waves. They don't think "Atascadero." This inland town was struggling to obtain "top of mind" space in comparison to its neighboring communities of San Luis Obispo, Paso Robles and Morro Bay. Our branding and advertising sheds light on the rural beauty, genuine hospitality and sweet simplicity that make Atascadero an integral part of any San Luis Obispo County getaway.

What We Did

- Created and launched new "closer than you think" campaign for all three personas
- Created and launched new multi-tiered DSP and social campaigns for leisure and meetings
- Used pixel technology to create retargetable audiences

What Happened

- ADDY award for *Closer Than You Think* campaign
- By using Verdin's in-house DSP, the destination received 335% improvement in website visits YOY (fiscal year 2017-2018 to the fiscal year 2018-2019).
- Digital impressions grew by 79% YOY with the same budget.
- Engagement (clicks) on digital advertising improved 60% YOY.
- Average click through rate for digital campaigns improved from 1.2% to 2.01% YOY.
- Built retargetable audience to over 30,000 website visitors

Case Study

VENTURA COUNTY COAST

BRIAN TUCKER | BTUCKER@VISITVCCOAST.COM | (805) 644-2500



Goal

To increase visitors to Ventura, Oxnard, Camarillo and Port Hueneme.

- Create a new brand to position Ventura County Coast as a desirable, adventurous and affordable travel destination.
- Equally represent the four cities that comprise the association.

"Having an opportunity to work with the team at Verdin to inspire, engage and drive demand to Ventura County Coast is a true privilege. The partnership we have to make data-driven decisions and the talent we collectively have to turn those insights into action, fuels my passion to be better every day."

– BRIAN TUCKER

Where We Started

How do you market four diverse locations as one experience? Conversely, how do you give equal attention to all participating locations in a collaborative tourism effort? Ventura County Coast was lacking nothing in regards to natural beauty and desirability, but was in need of careful strategy to position the right balance of diversity and cohesiveness. Our branding and messaging showcase this location as the treasure that it is, while communicating that its four distinct communities complement one another to create one enriching experience.

What We Did

- Created multi-tiered digital strategy to improve ROI with pixel technology and retargeting capabilities
- Created three new, engaging inspiration videos, nine point-of-view retargeting videos, cold weather campaign videos, and multiple geo-fencing videos.
- Revamped the e-newsletter for improved engagement
- Improved website user experience on blog pages, along with adding specialty pages for specific campaigns

What Happened

- PRSA award for "Find Your Vibe" Whale Watching video 2019
- Improved new user web visits YOY by 95%, with 99% improvement in total visits
- 22% increased YOY results from digital advertising in both leisure and meetings categories
- Use of in-house DSP special campaigns with great success, including cold-weather triggered campaigns, and meetings and special event geo-fencing campaigns. These exposed new potential travelers in unique locations to the VCC message.
- Built retargetable audiences, with over 27 pixels pages, to over 45,000 visitors
- Increased social media followers by 18%

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VISIT ATASCADERO CALIFORNIA | VERDIN A5

Work Sample



CENTRAL COAST TOURISM COUNCIL

CHRISTINE THOMAS | CHRISTINE@WORKWITHCT.COM | (310) 963-5414



Verdin supports the Central Coast Tourism Council through the development of branded collateral that helps them achieve their initiatives.

NAMES VERDIN STANDS BEHIND



OUR TEAM

VISIT ATASCADERO TEAM



MARY VERDIN
President & Chief Strategy Officer

ROLE: Participates in discovery and initial meetings, provides ongoing strategic input.

Mary has 28 years of marketing experience and an energy that keeps ideas fresh and strategic. Her personal list of awards, combined with the industry awards our agency wins every year, reflect Mary's proven ability to create communications success for clients. An innate problem solver and natural leader, she founded Verdin 16 years ago and continues to grow the firm with a gusto for finding ways to give back to the community.

EXPERIENCE, CAPABILITIES AND CREDENTIALS:

- Strategically involved in the work performed for Verdin's clients
- Pacific Coast Business Times 40 Under 40
- Pacific Coast Business Times Top 50 Women in Business
- Pacific Coast Business Times Who's Who in Marketing & PR
- Stevie Award—Women in Business
- PRSA Professional of the Year
- Rotarian of the Year
- Leadership SLO Graduate Class IV
- Leadership California Graduate, Class 24
- UC Davis: Psychology



ASHLEE AKERS
Partner & VP of Client Services

ROLE: Participates in strategic planning meetings, oversees and reviews branding and marketing strategies.

Ashlee guides Verdin's account staff with enthusiasm, and plays a leading role in all client work. Her friendly and dynamic personality makes our clients instantly feel comfortable and confident. She is the master of surpassing client needs with an unwavering devotion to achieving stellar results.

EXPERIENCE, CAPABILITIES AND CREDENTIALS:

- Strategically involved in the work performed for all four client references listed on the previous pages
- 10+ years in marketing and advertising and partner at Verdin
- San Luis Obispo Tribune Top 20 Under 40
- Pacific Coast Business Times Who's Who in Marketing & PR
- Serves on Central Coast Tourism Council Board of Directors
- Serves on marketing and branding committee for SLO CAL
- Cal Poly, San Luis Obispo: Agriculture Science/Agricultural Business

VISIT ATASCADERO TEAM



LISA CAMPOLMI
Media & Research Strategist

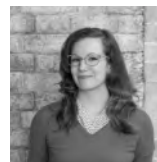
ROLE: Creates and negotiates individualized, multi-platform comprehensive media strategies, provides the research that is essential for effective strategy development.

Lisa is committed to applying the most current trends, technologies and research to each client's media strategy. Her fascination with the way people consume media keeps her devoted to uncovering the latest research and finding the best ways to maximize a media budget.

Relevant work includes media strategy and buying for Dignity Health Central Coast, Wilshire Health and Community Services, Hospice SLO, and Ventura County Lodging Association.

EXPERIENCE, CAPABILITIES AND CREDENTIALS:

- Sales at some of the largest radio stations in the Los Angeles area (including KFI-AM News Talk and 103.5 Coast FM)
- Media sales, management and marketing in the San Luis Obispo market since 1999
- More than five years of experience in media strategy and ad buying



MEGAN CONDUCT
Art Director

ROLE: Participates in creative planning meetings, develops campaign and ad concepts, oversees and reviews all creative produced for our clients.

Megan is the helm that steers Verdin's design in the right direction. Her keen eye and strategic mind lead Verdin to produce work that is strikingly distinct. Each design approach masterfully accomplishes the goals of our clients.

EXPERIENCE, CAPABILITIES AND CREDENTIALS:

- Strategically involved in the work performed for all four client references listed on the previous pages
- 13 years of design experience in a variety of industries, including technology, outdoor sporting goods, retail, agriculture, nonprofits and tourism
- Brooks Institute of Photography: Visual Communications

SUPPORT TEAM



MICHELLE STARNES
Partner & Operations Manager

Michelle keeps the firm striding forward as a strong partner for clients and an incubator for innovative ideas.



ADAM VERDIN
Principal

Adam is well-accustomed to a bird's eye view and uses this big-picture mentality to keep the firm strategically focused on our foundations.



CHELSEA MODLIN
Marketing Specialist

Chelsea champions our tourism clients with experience and enthusiasm. From a diverse background in marketing, PR and sales, she has the know-how to reach new audiences through integrated marketing strategies.



MEGAN ALBEE
Project Manager

Megan balances projects and efficiently communicates within the Verdin team. She is devoted to enhancing client projects through thoughtful strategies, productive time lines and careful collaboration.



KATIE PEDERSEN
Graphic Designer

Katie supports our design team with a propensity for perfection, moving creative projects forward with adaptability, thoughtfulness and care.



BRITTANY HILT
Graphic Designer

Brittany develops creative projects that are attentive to the clients' needs, yet creatively express the brand. With a passion for design, she pushes projects to be holistic and innovative.



AMY BLASCO
Copywriter

With an eclectic background in journalism and nonprofit marketing, Amy uses her creativity and writing skills to help tell the stories of Verdin's clients through a range of platforms.



MANDY FOLKERTS
Administrative & Trafficking Assistant

Mandy brings her positive and determined attitude to support the whole team with time management. Her kindness sets the tone for a welcoming client experience and team attitude.



PAM RIORDAN
Bookkeeper

Pam brings enthusiasm and competence to Verdin's accounting activities. Her organization and knack for numbers ensures accurate billing and timely payments.

**SIMPLY
 THE BEST.**

VERDIN + VISIT *Atascadero*
 CALIFORNIA



Atascadero City Council

Staff Report – Public Works Department

Approval of Colony Park Master Site Plan Amendment 2019-1

RECOMMENDATION:

Council adopt Draft Resolution approving Amendment 2019-1 to the Colony Park Master Plan.

DISCUSSION:

Background

The General Plan requires the City to maintain Master Plans for each of the City's parks. The Colony Park Master Plan was originally approved in 2005 and is a living document that is periodically updated to reflect the various existing and future facilities and spaces in the Park. The most recent update was performed in 2014 to accommodate the Joy Playground, where the Master Plan was amended to show the proposed playground in a turfed commons area next to the Community Center building. In addition, the following revisions were included in the 2014 update:

1. Move Recreation Center and Parking lot to as built locations.
2. Move playground and splash pad (water spray play) area to open areas east of the Recreation Center.
3. Decrease the area designated for the "future swim complex", but still provide adequate area for an Olympic size swimming pool.
4. Show the basketball, bocce and petanque courts in the as built location.
5. Indicate an amphitheater could be built along the Atascadero Creek.

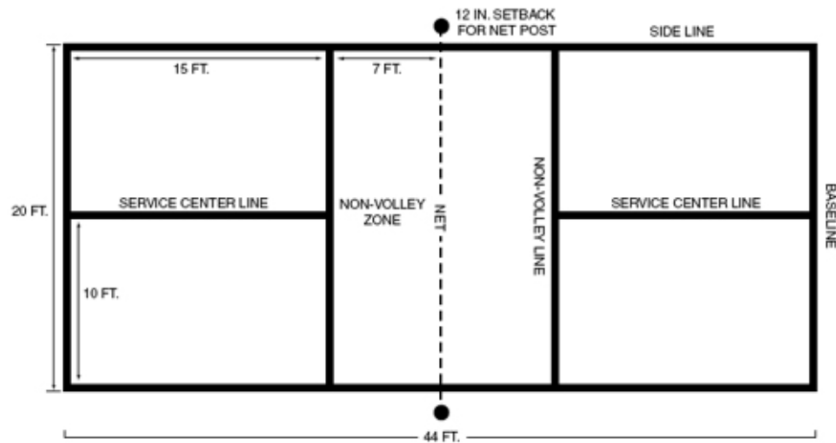
Over the past year or so, Council and staff have been contacted by residents representing the Atascadero Pickleball Club to request additional pickleball courts at Colony Park. Currently, there are no dedicated pickleball facilities at Colony Park or at any other City park. Pickleball participants currently play in the Colony Park Community Center gymnasium and on the outdoor basketball courts. To accommodate this request for additional courts, the Colony Park Master Plan needs to be updated to include potential new pickleball facilities at the Park.

Analysis

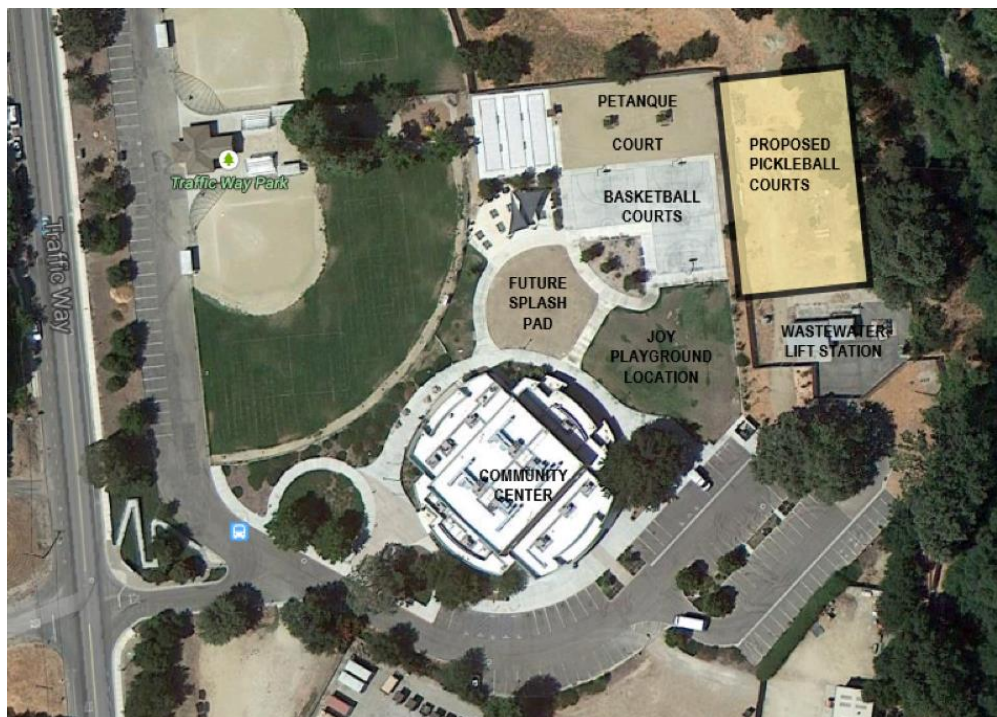
Pickleball has become a very popular sport over the last ten years, particularly among older adults. Pickleball is played as doubles or singles with a paddle and plastic ball with holes. This sport combines many elements of tennis, badminton, and ping-pong.

Pickleball is played indoors or outdoors on a badminton-sized court with a slightly modified tennis net. The playing area for pickleball measures 20 feet by 44 feet, with a recommended buffer area of 5 feet and 8 feet outside the side lines and baselines, respectively. The recommended total hard surface dimension needed for one pickleball court with buffer areas is 30 feet by 60 feet.

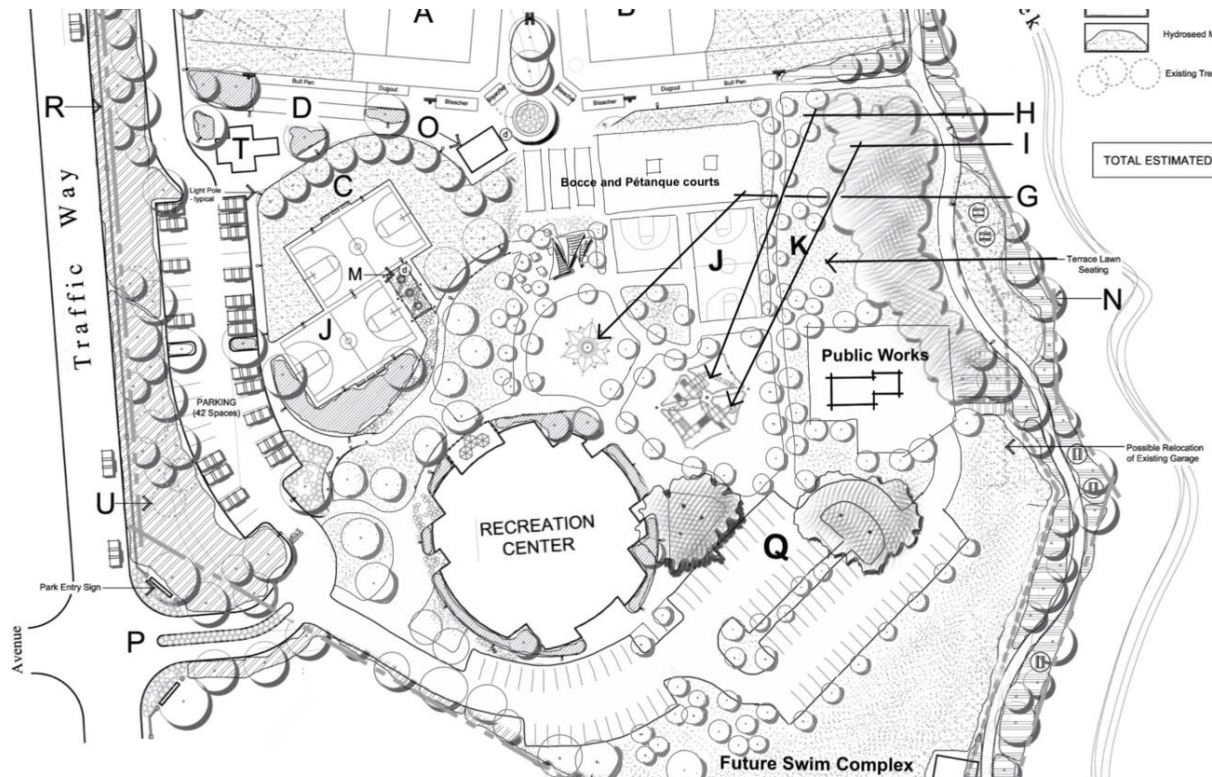
Pickleball Court Dimensions



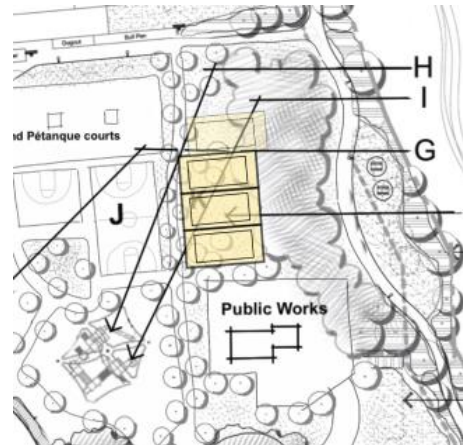
Pickleball is currently played in the Community Center gymnasium (three courts) and outside on the basketball courts (three courts). There is a request for three to four additional pickleball courts to accommodate the growing demand of this popular sport. Staff has evaluated the current layout of Colony Park to identify a location that can accommodate this request with the least amount of impact to current and future park uses, and determined the most feasible location to be east of the basketball and petanque courts (see map below).



The proposed pickleball court location is currently being used as a temporary material storage yard for Public Works and is located just north of Lift Station No. 5. The Master Plan currently identifies this area as a future small outdoor stage and amphitheater space with terrace lawn seating (see “K” in sketch below).



While the lift station is static and cannot be relocated without significant costs, the temporary material storage yard can be combined with other nearby Public Works storage yards. This proposed location is relatively flat and can accommodate three pickleball courts and a possible fourth depending upon tree locations and distance to the bank of Atascadero Creek. The Master Plan does not accurately depict the actual bank location of Atascadero Creek, and heavy winter storms the past few years have eroded the bank further from the creek channel.



The addition of the pickleball courts will result in the loss of the future small outdoor stage and amphitheater space unless another suitable location can be found. Staff has not identified another suitable location but believes there may be an opportunity for a similar use as the park develops and evolves if the Council believes this space is still needed. Council should consider if the addition of three (and possibly four) pickleball courts is a worthwhile trade-off with the potential loss of the small outdoor stage and amphitheater space.

There is currently no funding source identified in the budget to construct pickleball courts if the Council decides to move forward with these facilities at Colony Park. In the past, the City has collaborated with local groups requesting park facilities, including: Joy Playground and petanque courts at Colony Park; and the horseshoe pits and horse riding arena at Paloma Park. Representatives from the Atascadero Pickleball Club have informed staff that they are amenable to a similar arrangement if the Council approves pickleball facilities at Colony Park.

Staff recommends adopting the attached Draft Resolution to amend the Colony Master Plan to include pickleball courts to the east of the existing basketball courts. Staff believes having another three, and possibly four, pickleball courts will alleviate demand pressure on the gymnasium and allow the sport to grow locally.

FISCAL IMPACT:

Adoption of the Draft Resolution amending the Colony Park Master Plan has no fiscal impact. There are no appropriations in the current budget for pickleball court construction. However, there appears to be an opportunity to collaborate with the Atascadero Pickleball Club for the construction of such facilities.

ALTERNATIVES:

Alternative locations at Colony Park for proposed pickleball courts were evaluated but not chosen due to future facilities or physical constraints. Other park locations were also evaluated for feasibility to construction pickleball courts but were not pursued. This decision was made since pickleball participants will play against multiple opponents on any given day, and having all pickleball facilities at one location will provide pickleball participants the opportunity to play against multiple opponents. Furthermore, the proposed pickleball court location at Colony Park is relatively flat and considered a very good site for pickleball court construction and is anticipated to result in lower overall construction costs.

ATTACHMENTS:

1. Draft Resolution
2. Location Map/Aerial Photo of Colony Park

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, APPROVING AMENDMENT 2019-1
TO THE COLONY PARK MASTER PLAN**

WHEREAS, the Colony Park Master Plan was originally approved by the City Council on March 22, 2005 and amended on January 9, 2014 (Amendment 2014-1); and

WHEREAS, pickleball has grown in popularity over recent years and residents have requested that the City Council consider the addition of outdoor pickleball courts at Colony Park; and

WHEREAS, the City Council of the City of Atascadero recognizes the value that future outdoor pickleball courts at Colony Park will provide to Atascadero residents; and

WHEREAS, the Colony Park Master Plan does not include pickleball court facilities as last amended; and

WHEREAS, the City of Atascadero is proposing an amendment to the Colony Park Master Plan to add future pickleball courts and remove future small outdoor stage and amphitheater space.

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

SECTION 1. Amendment 2019-1 to the Colony Park Master Plan, adding pickleball courts and removing a small outdoor stage and amphitheater space as shown in Exhibit A, attached hereto and incorporated herein by this reference, is hereby approved.

PASSED AND ADOPTED at a regular meeting of the City Council held on the _____ day of _____, 2019.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

ITEM NUMBER: B-1
DATE: 12/10/19
ATTACHMENT: 1

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Attachment 2: Location Map / Aerial Photo





Atascadero Planning Commission

Staff Report – Community Development Department

4 Unit Planned Development – 7900 Curbaril Avenue (DEV18-0124)

RECOMMENDATIONS:

Planning Commission recommends City Council:

1. Introduce for first reading, by title only, Draft Ordinance amending Title 9, Chapter 3 of the Atascadero Municipal Code approving a zoning text and map change to establish Planned Development Overlay Zone No. 36.
2. Adopt Draft Resolution to approve a, Conditional Use Permit (Master Plan of Development), and Vesting Tentative Parcel Map (AT18-0111) based on findings and subject to Conditions of Approval.

REPORT-IN-BRIEF:

The project consists of a 4-lot subdivision and the construction of four (4) detached single-family residential homes on an existing undeveloped property. The Atascadero Municipal Code allows for small lot single-family subdivisions within the multi-family zoning designation with the approval of the Planned Development (PD) Overlay Zone. The project will establish a PD36 Overlay Zone to accommodate the requested project.

Project Info In-Brief:

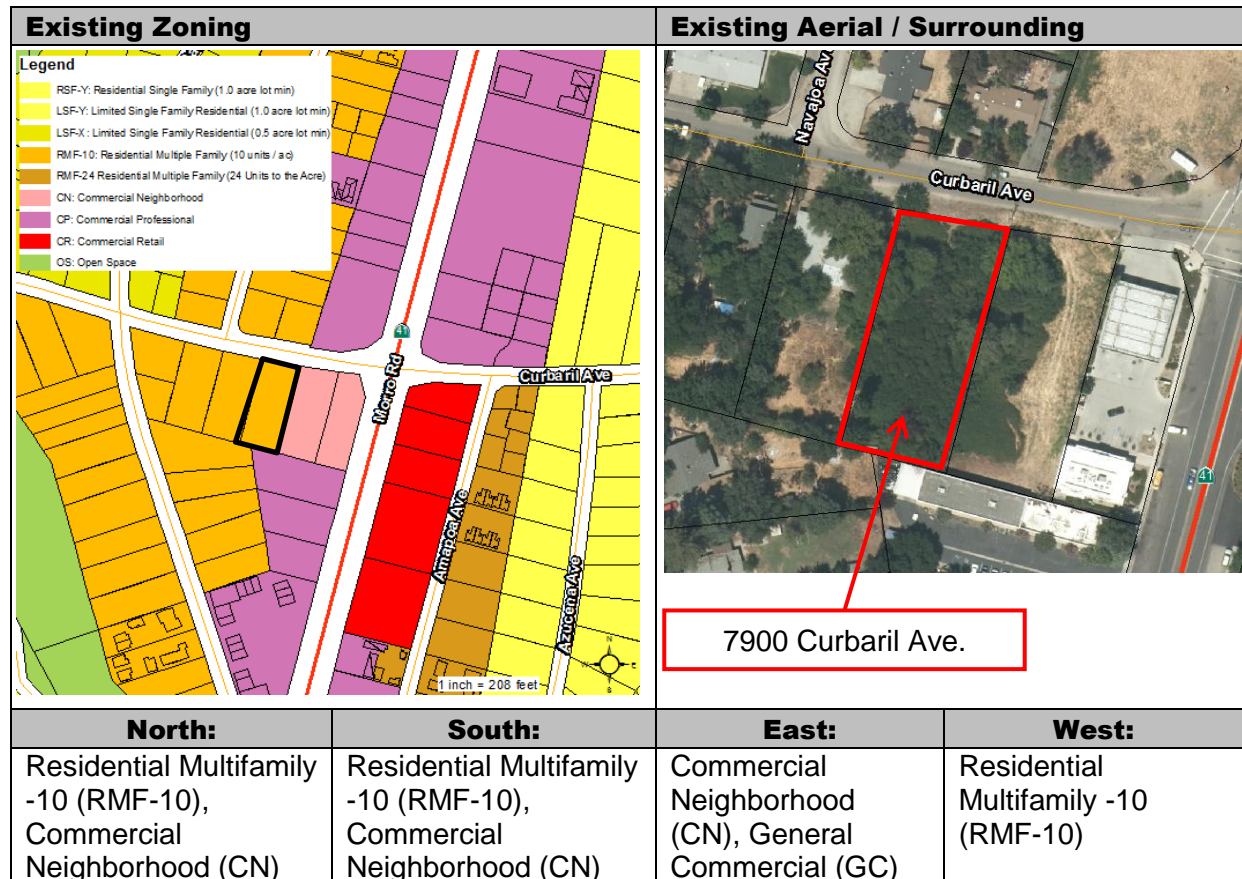
PROJECT ADDRESS	7900 Curbaril Ave.	Atascadero, CA	APN	031-231-003
PROJECT PLANNER	Kelly Gleason, Senior Planner	(805) 470-3446	kgleason@atascadero.org	
APPLICANT	Robert Mannon			
PROPERTY OWNER	Robert Mannon			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
Medium Density Residential (MDR)	Residential Multifamily - 10 (RMF-10)	0.58-acres	Vacant	Medium Density Residential

ENVIRONMENTAL DETERMINATION

- ☐ Environmental Impact Report SCH: _____
- ☐ Consistent with previously certified Mitigated Negative Declaration No. _____
- ☒ Categorical Exemption CEQA – Class 15: Minor Land Divisions
- ☐ Statutory Exemption §§ 21000, et seq & _____
- ☐ No Project – Ministerial Project

DISCUSSION:

Existing Surrounding Uses / Parcel Configurations



Analysis

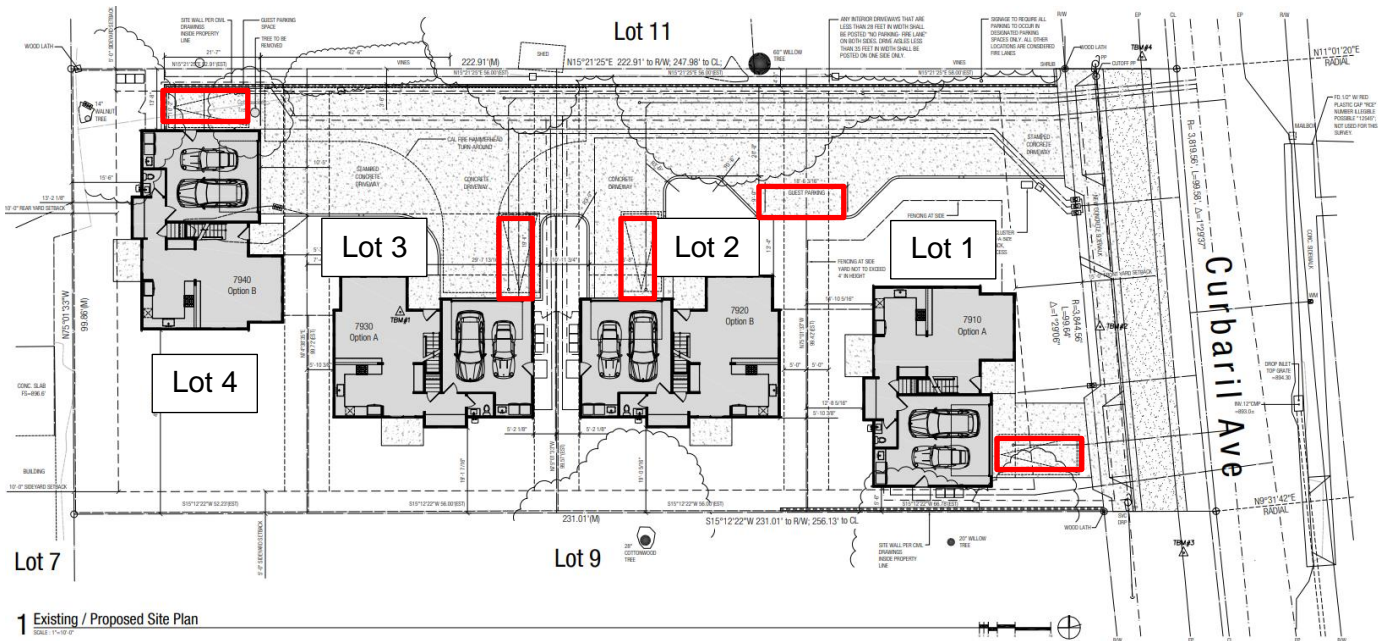
The existing vacant lot is 0.52 acres, allowing for a maximum density of five (5) units. The proposed project includes 4 detached residential units on individual lots. Each unit provides approximately 2,000 square-feet of living area with an attached 2-car garage. The medium density multi-family zoning district has a minimum lot size of 0.5 acres but allows for smaller lot sizes with the approval of a planned development overlay zone. The project includes establishing a PD36 to accommodate the proposed subdivision.

Site Plan

The site is designed with one unit facing, and accessed off, Curbaril Avenue with the remaining three (3) units accessed off a shared driveway. Consistent with the proposed requirements of the PD36 Overlay Zone, the shared driveway will be constructed of decorative material with ½ proposed as pervious pavers and ½ proposed as colored

concrete. A minimum of one guest space is provided on each lot and there is one additional guest parking space provided along the shared access drive.

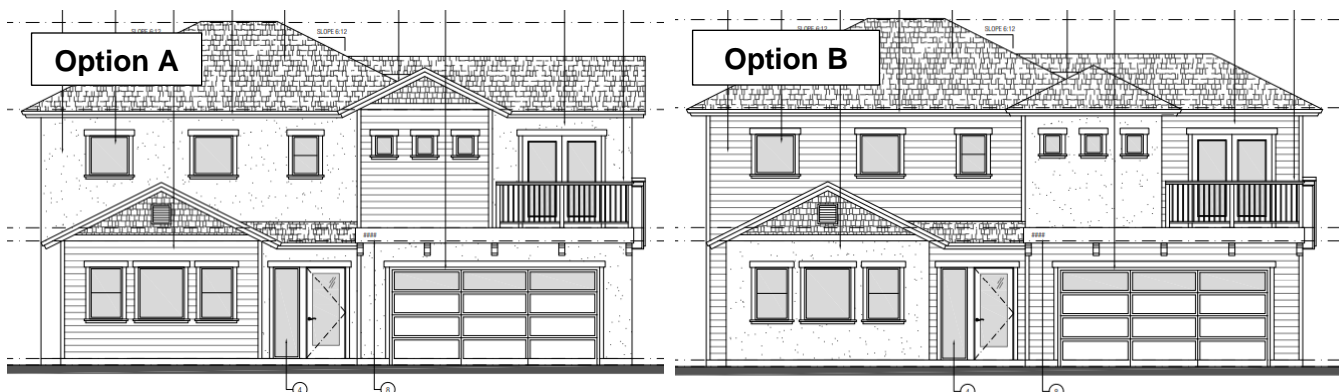
Proposed Site Plan



Architectural Design

The proposed units are two stories in height, with attached garages, totaling approximately 2,355 square-feet. The applicant is proposing two slightly different exterior design options. Both designs include a mixture of horizontal exterior siding and stucco. Option A has a predominately stucco façade with composite-wood horizontal laths on the extruded planes. Option B's façade consists of predominately composite wood with stucco on the extruded faces.

The units have minimal variation aside from material changes and a front façade accent roof line. The units are proposed to be alternated on the site. Current City Planned Development Policy requires that architectural design be high quality to meet the required findings to allow for the reduction in lot size standards. This not only includes high quality materials but also variation in design and attention to massing and limiting garage dominance. The Design Review Committee and Planning Commission reviewed the project and are recommending approval. A finding is included in the Draft Resolution affirming that the project meets the requirements for high quality architectural design.



Landscape Design

Landscape includes trees along the Curbaril frontage and shared driveway. Drought-tolerant shrubs and grasses are proposed for all visible front and side yard areas. Privacy fencing will be setback from the building façades.

Establishment of Planned Development No. 36

The intent of planned development overlay zones is to provide flexibility to the development standards in return for community benefit. Within the medium density residential zone, this flexibility generally allows for subdivision into lots smaller than ½ acre, providing entry level housing with individual lot ownership. Standards have been included that specify decorative paving for the shared driveway, guest parking requirements, building setbacks, and usable porch designs.

Planned Development Benefit Policy

The applicant is proposing to apply the Planned Development No. 36 Overlay Zone to the subject property. Planned developments allow for deviation in the City's standards for setbacks, heights, minimum lot size, etc. in exchange for community benefits that have been established by the City Council. The Planned Development Policy requires certain benefits be provided in order to warrant the granting of special or modified development standards. The benefit chart is shown below.

PD Location	Tier 1 Benefits	Tier 2 Benefits
Inside of Urban Core PD7 PD17 PD25 Custom PD's	a) Affordable / Workforce Housing b) High Quality Architectural Design c) High Quality Landscape Design d) Buffering between Urban and Suburban zones (large lot sizes, increased setbacks, landscape buffers, etc.) e) Higher density to meet Housing Element goals	a) Pocket Parks in larger projects b) Trails / Walkways for Pedestrian Connectivity c) Historic Preservation
Outside of Urban Core Rural / Suburban Areas PD16 Custom PD's	a) Natural Open Space Preservation	a) Multi-Purpose Trails – Equestrian / Bicycle / Pedestrian b) Recreational Areas / Facilities c) Historic Preservation

The Planning Commission and City Council must find that the project provides all Tier 1 benefits, including high quality landscape and architectural design, in order to approve the Planned Development and allow for the proposed small lot single-family subdivision. Both the Design Review Committee and Planning Commission found that the proposed project meets the required benefits related to high quality architectural and landscape design.

Inclusionary Housing

The City Council has an interim inclusionary affordable housing policy that requires smaller projects to pay an in-lieu fee based on the building valuation of each unit. Based on the proposed unit square-footage, fees are expected to be approximately \$12,100 per unit. No affordable units are proposed within the project and each of these homes is expected to be priced well above the moderate affordability level.

General Plan Compatibility

The City's multi-family residential zones are designed for smaller residences, attached and detached apartments, condominiums and other residences that are available for either rental or individual ownership. Many of the smaller sites within this designation are actually developed below their maximum density with single family homes. Larger, single family homes, as proposed in this project, are not what this designation was intended to provide. However, the Planned Development rezoning process has allowed for substantial flexibility in the use of this district. The General Plan defines this district as follows:

Medium-Density Residential (MDR)

These areas are intended for up to ten attached or detached residences per acre. In addition to apartments and townhouses, this designation allows mobile home subdivisions and mobile home parks. The minimum lot area is 0.5 acres net, although smaller lot sizes may be allowed through a planned development overlay process. Zoning standards require adequate parking, setbacks, landscaping, on-site recreation areas, individual storage, and building and parking area screening from abutting lower density single-family areas. Maximum densities shall be reduced based on lot slopes. All development within this district is subject to appearance review.

At this time, there are no specific house size standards in the multi-family zone.

Community Facilities District

If the project is approved for processing, it should be required to be fiscally neutral so the added residential units fund their own on-site improvements and maintenance, as well as their fair share of off-site improvements and impacts to City emergency services. Based on findings from the 2003 Taussig Study, revenue from new residential development including property tax revenues, vehicle licensing fees, sales taxes, and other revenues are insufficient to cover costs of providing City services including emergency services to new development. Based on the revenue projections from the Taussig Study, the City has developed standard conditions of approval for new development projects that requires new residential development to annex into the Citywide Community Facilities District (CFD) prior to recordation of any final map. A condition has been included requiring annexation into the Citywide CFD prior to recordation of any final map.

Tentative Tract Map

A four (4) lot vesting tentative parcel map (AT18-0111) is proposed which would allow each residence to be sold individually. The map has been conditioned to meet all Municipal Code requirements and all requirements of the Subdivision Map Act.

Findings

To recommend approval of the proposed project, findings are required to be made by the City Council. The City's General Plan and Zoning Ordinance identify the specific findings that must be made to approve the zoning text amendment, zoning map amendment, conditional use permit, and tentative parcel map. Findings are included in the attached Draft Ordinance and Resolution.

Conclusion

The project proposes a small lot single-family subdivision consistent with the underlying multi-family zoning and the provisions of the proposed PD36 Overlay Zone. The site is currently vacant and has a maximum density of five (5) units.

The Planning Commission recommends the City Council approve the project as conditioned.

ENVIRONMENTAL DETERMINATION:

The project qualifies for a Class 15 categorical exemption which exempts subdivisions of properties into four (4) parcels or less from CEQA review.

FISCAL IMPACT:

Based on findings from the 2003 Taussig Study, revenue from new residential development including property tax revenues, vehicle licensing fees, sales taxes, and other revenues are insufficient to cover the maintenance and emergency services costs of new development. Based on the revenue projections from the Taussig Study, the City has developed standard conditions of approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through annexation into the existing Community Facilities District (CFD). The proposed project will be required to establish a Homeowners Association or other similar mechanism to maintain the development's roadways, common area landscaping, drainage, etc. Conditions of Approval have been included as Exhibit B to the Draft Resolution.

ALTERNATIVES:

1. The City Council may determine that more information is needed on some aspect of the project or that changes need to be made to the code text language or conditions of approval and may refer the item back to the applicant and staff to develop the additional information. The Council should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
2. The City Council may deny the project. The Council must specify what findings cannot be made, and provide a brief oral statement, based on the staff report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the Council.

ATTACHMENTS:

1. Draft Ordinance (Zoning Map and Text Amendment)
2. Draft Resolution (Tentative Tract Map, & Master Plan of Development)

DRAFT ORDINANCE

**ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
AMENDING TITLE 9, CHAPTER 3 OF THE ATASCADERO MUNICIPAL
CODE, APPROVING A ZONING TEXT CHANGE TO ESTABLISH
PLANNED DEVELOPMENT OVERLAY ZONE NO. 36 (9-3.681) AND
AMENDING THE OFFICIAL ZONING DISTRICT DESIGNATION FOR
APN 031-231-003
FROM RESIDENTIAL MULTI-FAMILY - 10 (RMF-10)
TO RESIDENTIAL MULTI-FAMILY - 10 WITH A PLANNED
DEVELOPMENT NO. 36 OVERLAY
ZONING DESIGNATION (RMF-10 / PD36)**

**7900 CURBARIL AVENUE
(APN 031-231-003)**

WHEREAS, an application has been received from Robert Mannon, Applicant, and Owner, to consider a Planned Development Zone Map and Text Amendment, a Master Plan of Development (Conditional Use Permit), and a Vesting Tentative Parcel Map; and

WHEREAS, the site's current General Plan Land Use Designation is Medium Density Residential (MDR); and

WHEREAS, the site's current Zoning Designation is Residential Multi-Family (RMF-10) which allows for a maximum density of 10 du/ac; and

WHEREAS, Article 28 of the Atascadero Municipal Code (AMC) allows for the creation of planned development overlay zones to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; 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, the Planning Commission has determined that it is in the best interest of the City to enact an amendment to the official Zoning Map to protect the health, safety and welfare of its citizens by applying orderly development through the use of a planned development overlay zone; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject 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 project; and

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on October 15, 2019, studied and considered Planned Development Overlay Zone No. 36; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of the Planned Development Overlay Zone No. 36; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning text amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on December 10, 2019, considered the proposed zoning map amendments.

SECTION 3. Facts and Findings. The City Council makes the following findings, determinations and approvals with respect to the zoning map amendment:

A. Findings for Approval of a Zone Text and Map Change

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

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

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

FACT: The proposed text amendment provides for orderly development within the multi-family zoning districts in accordance with the adopted General Plan.

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

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

FINDING: Modification of development standards or processing requirements of the Zoning Ordinance through the Planned Development overlay is warranted to promote orderly and harmonious development.

FACT: The PD-36 Overlay Zone establishes development standards that promote a cohesive neighborhood development and ensure that City goals related to aesthetic character, inclusionary housing, and high quality design, among others, are achieved.

FINDING: Modification of development standards or processing requirements of the Zoning Ordinance through the Planned Development Overlay will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

FACT: The Planned Development No. 36 Overlay Zone will allow for a small-lot single-family subdivision increasing homeownership opportunities in the City.

FINDING: Benefits derived from the Planned Development Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

FACT: The Planned Development Overlay Zone No. 36 ensures that development within the area provides certain benefits as identified by Council Policy. In addition, the Planned Development will allow for subdivision of the parcel allowing each unit to be sold individually.

FINDING: Proposed plans offer certain redeeming features to compensate for requested modifications of the Planned Development Overlay Zone.

FACT: City Council Planned Development Policy requires project benefits, such as affordable inclusionary housing and high quality landscape and architecture, be provided in exchange for modified development standards. As conditioned, the project satisfies these requirements.

SECTION 4. Approval. The City Council of the City of Atascadero, in a regular session assembled on December 10, 2019, resolved to introduce for first reading by title only, an Ordinance to amend the Official Zoning Map and text consistent with the following exhibits, attached hereto and incorporated herein by this reference:

EXHIBIT A: PD-36 Zoning Text (9-3.681)

EXHIBIT B: Zoning Map Amendment

SECTION 5. CEQA. The proposed project is Categorically Exempt (Class 15) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15315, which exempts minor divisions of land.

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

SECTION 7. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s

effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on December 10, 2019, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2019.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Exhibit A

9-3.681 Establishment of Planned Development Overlay Zone No. 36: (PD36).

Planned Development Overlay Zone No. 36 may be established in Residential Multifamily Zones. The maximum residential density within the planned development shall not exceed the densities allowed by the underlying zoning district and provisions of this code. The following development standards shall be met by all projects within the PD36 Overlay Zone:

- (a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.
- (b) The tentative tract map and any subsequent amendments for the site shall be consistent with an approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.
- (c) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.
- (d) A parent lot or lots shall have frontage on a public street.
- (e) Access off of the public street shall be designed as a parking court with a maximum length of less than one hundred fifty (150) feet and shall include the following elements:
 - (1) Decorative paving continuous throughout the parking court;
 - (2) Address marker at the entrance to the court.
- (f) Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the Atascadero Appearance Review Manual. All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved.
- (g) Building setbacks shall be as follows:

Setback from public street frontage	15 feet from right-of-way/back of sidewalk (whichever is greater)
	Porches can encroach up to 3 feet into the required setback
Setback from parking court/interior street	8 feet to porch
	10 feet to front of residence
	10 feet minimum to garage (if one car garage is proposed, the second parking space must be located in the driveway with a minimum length of 20 feet)
	5 feet to side of residence
Setback between buildings	10 feet minimum
Rear yard setback	12 feet minimum

- (h) Porches shall be provided for each unit. Porches shall be a minimum of six (6) feet deep and a functional width.
- (i) Residential units adjacent to a public street shall be oriented to the public street.
- (j) Each unit shall include the following:

(1) Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement);

(2) Dedicated space for laundry facilities with hookups.

(k) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed and/or relocated underground.

(l) Engineered drainage detention basins shall be located within a common area. Multiple basins on individual lots shall not be permitted. All basins shall be landscaped, shall be no deeper than two (2) feet, and shall be unfenced. No retaining walls or fencing shall be permitted within the basin area.

(m) Exterior walls or fencing shall be consistent throughout the project. Design and appearance of fences and/or walls shall be compatible with the design of the dwelling units. Fence posts shall be metal or pressure-treated wood. Wood preservative/sealer shall be applied to fence panels.

(n) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.

(o) Trash shall be stored in individual garages or behind fenced areas on individual lots. Dedicated trash storage area shall be a minimum of three (3) feet by six (6) feet paved area.

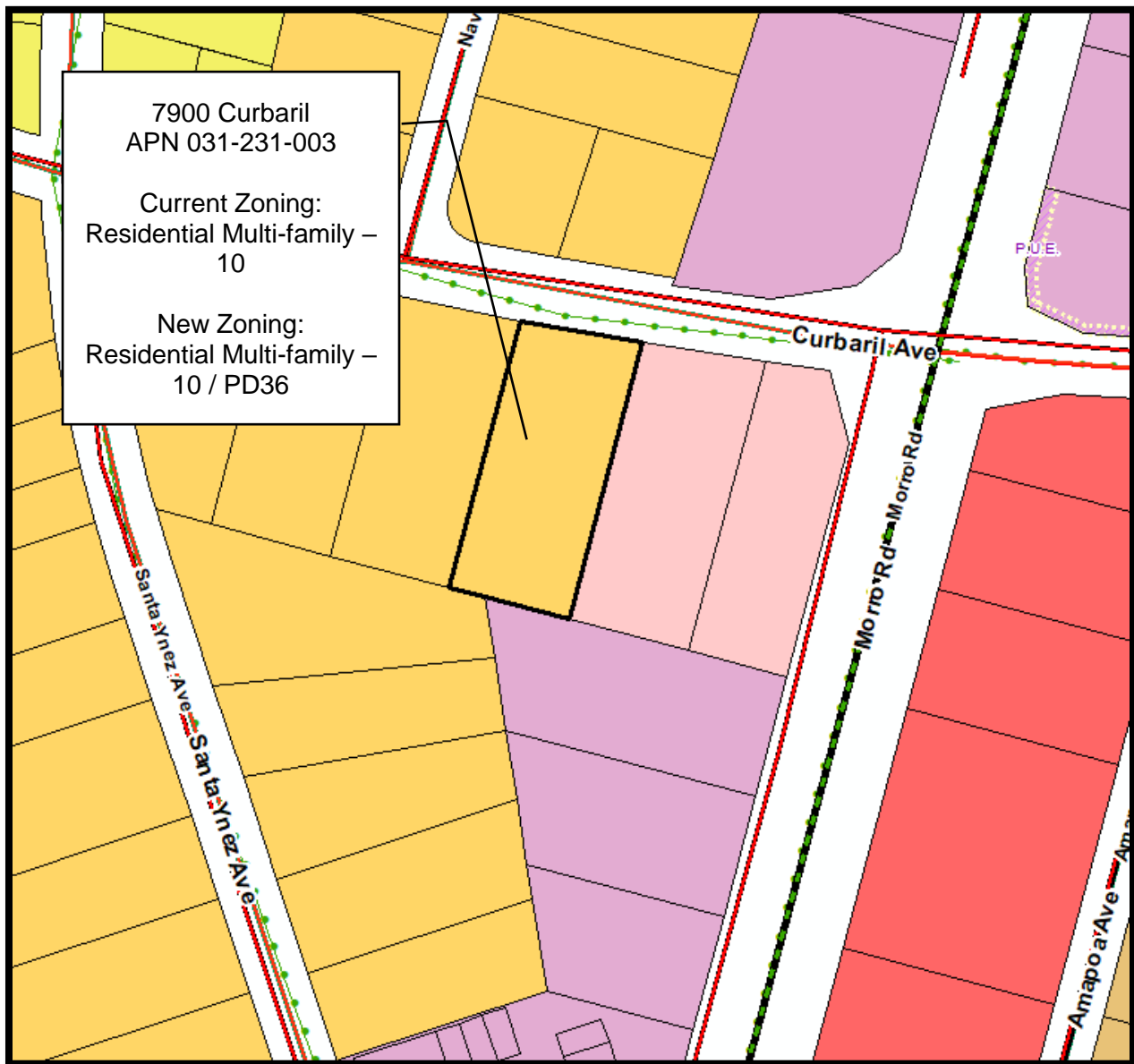
(p) The total number of parking spaces shall be provided as follows:

(1) Two (2) spaces per unit for units with less than four (4) bedrooms. One additional space for each additional bedroom. All spaces must be located on the individual lot

(2) Guest parking provided at a ratio of one space per every three (3) units.*

* Guest parking may not be located adjacent to the public street frontage.

Exhibit B



DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (MASTER PLAN OF DEVELOPMENT) AND VESTING TENTATIVE PARCEL MAP (AT18-0111)

7900 CURBARIL AVENUE (APN 031-231-003)

WHEREAS, an application has been received from Robert Mannon), Applicant, and Owner, to consider a Planned Development Zoning Map and Text Amendment, a Master Plan of Development (Conditional Use Permit), and a Vesting Tentative Parcel Map; and

WHEREAS, the site's current General Plan Land Use Designation is Medium Density Residential (MDR); and

WHEREAS, the site's current Zoning Designation is Residential Multi-Family (RMF-10); and

WHEREAS, the Planning Commission has recommended that the City Council approve the establishment of Planned Development Overlay Zone No. 36 (PD36) on the subject property; and

WHEREAS, the PD36 requires the adoption of a master plan of development, approved in the form of a Conditional Use Permit; 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 project was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Master Plan of Development; and

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 15, 2019, studied and considered the proposed Conditional Use Permit (Master Plan of Development) and the proposed the Vesting Tentative Parcel Map (AT18-0111).

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on December 10, 2019, considered the proposed project.

SECTION 3. Facts and Findings. The City Council makes the following findings, determinations and approvals with respect to the Zoning Map Amendment, Conditional Use Permit and Vesting Tentative Parcel Map:

A. Findings for Approval of a Conditional Use Permit

FINDING: The proposed project or use is consistent with the General Plan.

FACT: The proposed project is consistent with General Plan Land Use Circulation and Housing Element Policies. Application of the PD36 Overlay Zone allows for development standards to be established through a master plan of development. The proposed project is consistent with the Zoning Ordinance and the PD36 Overlay Zone as proposed.

FINDING: The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD36 Overlay Zone.

FACT: The Planned Development No. 36 Overlay allows for development standards to be established through a master plan of development. The proposed project is consistent with the Zoning Ordinance and the PD36 as proposed.

FINDING: The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.

FACT: The proposed residential use will not be detrimental to the health, safety, or welfare of the general public or persons residing in the neighborhood. A residential use is consistent with the surrounding neighborhood. The Planned Development overlay language and City development standards will ensure that pedestrian and vehicular access conditions are designed in a manner which does not create ongoing safety concerns.

FINDING: The proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development.

FACT: The proposed residential use is consistent with surrounding residential and commercial uses.

FINDING: The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.

FACT: The proposed single-family residences will not generate significant and unavoidable impacts to traffic. The project will contribute City TIF fees toward the US 101 interchanges. All abutting public roads will be improved to City standards.

FINDING: The proposed project is in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council, including the City's Appearance Review Manual and the Inclusionary Housing Policy.

FACT: The proposed project was reviewed by the Design Review Committee and was found to comply with all standards of the City's Appearance Review Manual. The project is proposing to comply with the City's interim Inclusionary Housing Policy.

FINDING: The Master Plan of Development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

FACT: The PD36 allows for small lot single-family developments within the multi-family zoning district providing flexibility in ownership and product type throughout the City.

FINDING: Benefits derived from the Master Plan of Development and PD36 Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

FACT: The Planned Development No. 36 Overlay text modifies standard development requirements to allow for a small lot single-family development with individual lot ownership. City Council Planned Development Policy requires project benefits such as affordable inclusionary housing, pocket parks, and high-quality landscape and architecture in exchange for modified development standards. As conditioned, the project satisfies these requirements.

B. Findings for Approval of Vesting Tentative Tract Map (AT18-0111)

FINDING: The proposed subdivision, design and improvements as conditioned, are consistent with the General Plan and applicable zoning requirements, including provisions of the PD36 overlay district.

FACT: The proposed amendments are consistent with General Plan Land Use Circulation and Housing Element Policies. The Planned Development No. 36 Overlay allows for development standards to be established through a master plan of development. The proposed project is consistent with the Zoning Ordinance and the PD36 as proposed for amendment.

FINDING: The proposed subdivision, as conditioned, is consistent with the proposed Planned Development Overlay District No. 36 Master Plan of Development.

FACT: The subdivision is consistent with the currently proposed Master Plan of Development.

FINDING: The site is physically suitable for the type of development proposed.

FACT: The site has minimal slope. The site has been designed to accommodate the proposed residential units and associated site improvements including drainage.

FINDING: The site is physically suitable for the density of development proposed.

FACT: The site is located along Curbaril Avenue near to the intersection with Morro Road / Highway 41. The surrounding uses include multi-family and commercial. The maximum density of the site is 10 du/ac which could accommodate a total of six (6) residential units. A total of four (4) units are proposed.

FINDING: The design and improvement of the proposed subdivision will not cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.

FACT: The project biologist confirmed that no sensitive species or environmental features exist on the property.

FINDING: The design of the subdivision or the type of improvements will not cause serious health problems.

FACT: The design of the subdivision or the type of improvements will not cause serious health problems.

FINDING: The design of the subdivision will not conflict with easements acquired by the public at large for access through, or the use of property within, the proposed subdivision; or substantially equivalent alternative easements provided.

FACT: The site is private property and no easements for public use exist at this time.

FINDING: Covenants, Conditions and Restrictions (CC&R's) or equivalent shall be required that incorporate the Master Plan of Development conditions of approval to ensure that the site retains the proposed qualities (architecture, colors, materials, plan amenities, fencing, and landscaping) over time.

FACT: A condition of approval has been included requiring CC&R's be recorded concurrently with the final map.

FINDING: The proposed subdivision design and type of improvements proposed will not be detrimental to the health, safety or welfare of the general public.

FACT: The proposed residential use will not be detrimental to the health, safety, or welfare of the general public or persons residing in the neighborhood. A residential use is consistent with the surrounding neighborhood. The Planned Development Overlay language and City development standards will ensure that pedestrian and vehicular access conditions are designed in a manner which does not create ongoing safety concerns.

SECTION 5. CEQA. The proposed project is Categorically Exempt (Class 15) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15315, which exempts minor subdivisions of land.

SECTION 4. Approval. The City Council of the City of Atascadero, in a regular session assembled on December 10, 2019, resolved to approve a master plan of development and vesting tentative parcel map consistent with the following:

EXHIBIT A: Vesting Tentative Parcel Map (AT18-0111)

EXHIBIT B: Conditions of Approval

EXHIBIT C: Master Plan of Development

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Atascadero, State of California, held on this ____ day of _____, 2019 by the following vote:

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

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

Exhibit A

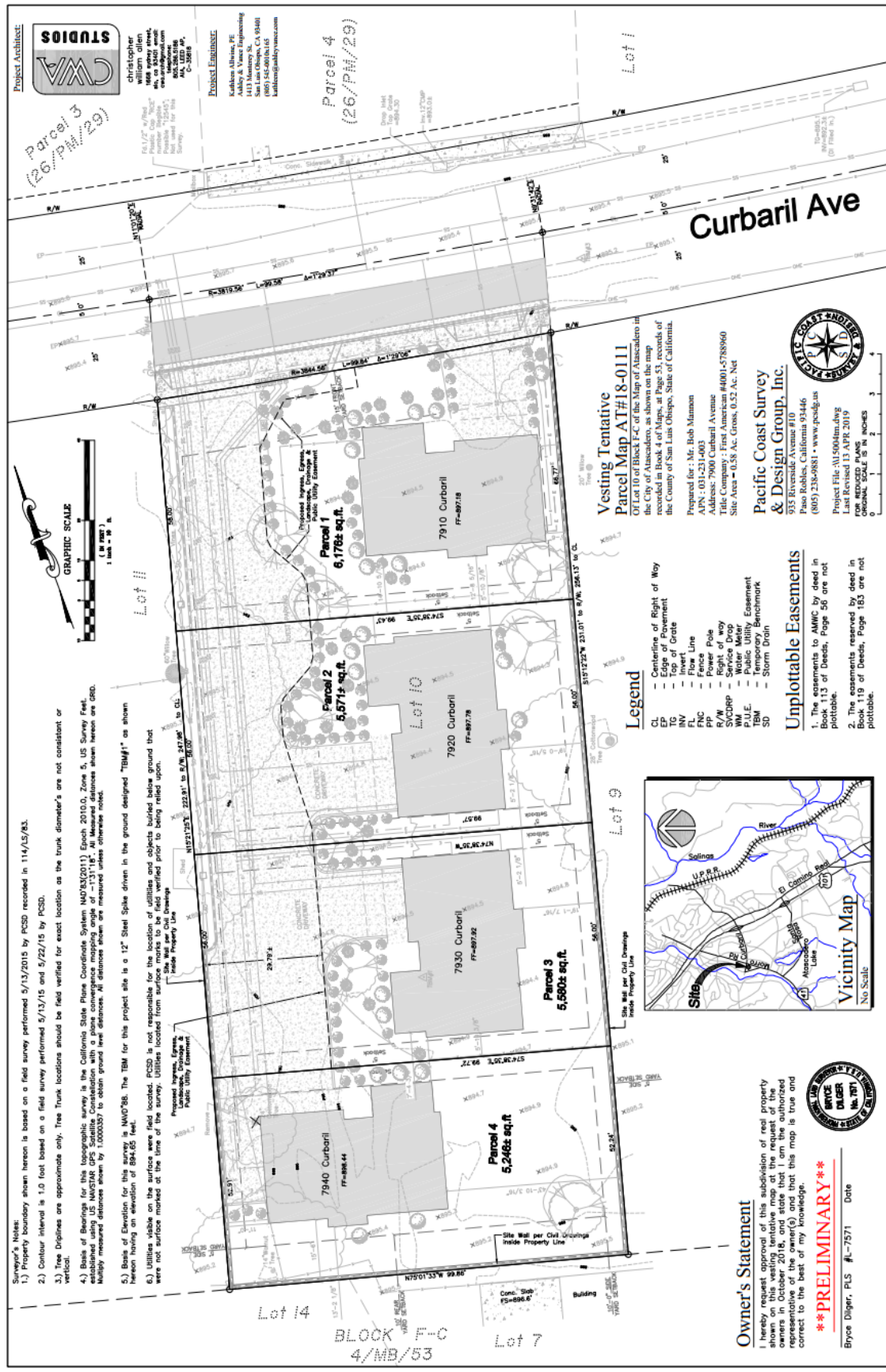


Exhibit B

Conditions of Approval Curbaril Residential Planned Development DEV18-0124 7900 Curbaril Avenue	Timing FM: Final Map BP: Building Permit FO: Final Occupancy IP: Improvement Plans FI: Final Improvement Inspection	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer CA: City Attorney
Planning Services		
1. The approval of this use permit shall become final and effective for the purposes of issuing building permits thirty (30) days following the City Council approval of the Establishment of PD36 upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	Ongoing	PS
2. The Community Development Director shall have the authority to approve minor changes to the project that remain in substantial conformance to the approved Master Plan of Development. Such changes may include, but are not limited to, building alterations and/or architectural changes, site placement of structures, landscape modifications, and construction design issues that do not substantively affect the Master Plan of Development. The DRC shall make a recommendation to the Community Development Director related to any proposed architectural design changes not in keeping with the architectural style approved by this resolution. The Planning Commission shall have the final authority to approve any changes to the Master Plan of Development and any associated Tentative Maps deemed to be substantive by the Community Development Director.	BP / FM	PS, CE
3. Approval of this Conditional Use Permit shall be valid for the life of the Tentative Map.	Ongoing	PS
4. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the city, or any of its entities, concerning the subdivision	Ongoing	PS
<ul style="list-style-type: none"> ▪ All project development shall be in conformance with the attached exhibits with the following modifications: ▪ The parking court shall be colored or stamped concrete in areas not designated as pavers in compliance with PD-25 standards. ▪ Stucco be hand troweled smooth finish 	BP	PS

Conditions of Approval Curbaril Residential Planned Development DEV18-0124 7900 Curbaril Avenue	Timing FM: Final Map BP: Building Permit FO: Final Occupancy IP: Improvement Plans FI: Final Improvement Inspection	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer CA: City Attorney
<ul style="list-style-type: none"> ▪ Windows be high quality materials, not vinyl. ▪ Roofing be architectural grade dimensional composition shingles. ▪ A darker integral stucco color for color scheme A and tying the units together by using the same window and garage color for all 4 units ▪ Use of historic color palettes for complimentary and accent colors ▪ Concrete pads & access gates shall be installed for trash storage ▪ Retaining walls shall be dark color split face block 		
5. Affordable Housing Requirement: The applicant shall submit a payment of 5% of the building valuation for each residential unit to be placed into the City's inclusionary housing fund. Payment shall be required prior to building permit issuance.	GP/BP	PS, CA
6. The emergency services and facility maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance costs shall be funded through a community facilities district established by the City at the developer's cost. The funding mechanism must be in place prior to or concurrently with acceptance of the final maps. The funding mechanism shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any final map. The administration of the above mentioned funds shall be by the City. Developer agrees to participate in the community facilities district and to take all steps reasonably required by the City with regard to the establishment of the district and assessment of the property. <ul style="list-style-type: none"> ▪ All Atascadero Police Department service costs to the project. ▪ All Atascadero Fire Department service costs to the project. ▪ Off-site common City of Atascadero park facilities maintenance service costs related to the project. 	BP	PS
7. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance cost shall be funded through a Home Owners Association established by the developer subject to City approval. The Home Owners Association must be in place prior to, or concurrently with	BP	PS

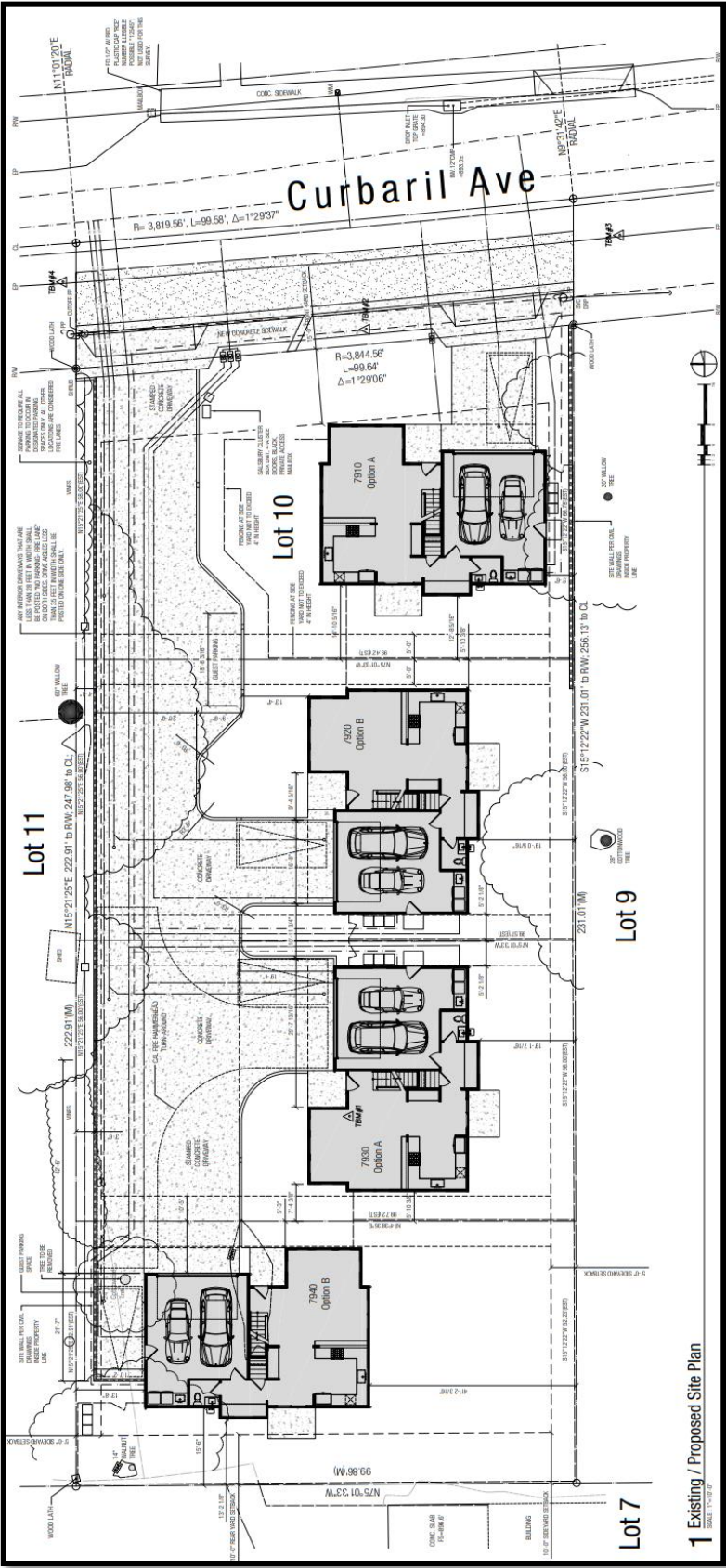
Conditions of Approval Curbaril Residential Planned Development DEV18-0124 7900 Curbaril Avenue	Timing FM: Final Map BP: Building Permit FO: Final Occupancy IP: Improvement Plans FI: Final Improvement Inspection	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer CA: City Attorney
<p>acceptance of any final maps. The Home Owners Association shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any Final Map. The administration of the above mentioned funds, and the coordination and performance of maintenance activities, shall be the responsibility of the Home Owners Association.</p> <ul style="list-style-type: none"> a) All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project. b) All parks, trails, recreational facilities and like facilities. c) All open space and native tree preservation areas. d) All drainage facilities and detention basins. e) All creeks, flood plains, floodways, wetlands, and riparian habitat areas. f) All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities. g) All frontage landscaping and sidewalks along public streets 		
<p>8. Prior to final map, the applicant shall submit CC&Rs for review by the Community Development Department. The CC&R's shall record with the Final Map and shall include the following:</p> <ul style="list-style-type: none"> a) Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping. b) A detailed list of each individual homeowner's responsibilities for maintenance of the individual units. c) Individual unit's responsibility for keeping all trash receptacles within the unit's garage. d) Concurrent with recordation of CC&Rs and/or integrated into CC&Rs shall be a paragraph addressing the City's roles and responsibilities related to the administration and enforcement of any CC&R provisions. 	BP	PS, BS
ENGINEERING CONDITIONS		
PROJECT SPECIFIC CONDITIONS		
<p>9. Public improvement plans (PIPs) shall be prepared by a licensed civil engineer. PIPs shall be prepared on 24"x36" plan sheets,</p>	IP	CE






Conditions of Approval Curbaril Residential Planned Development DEV18-0124 7900 Curbaril Avenue	Timing FM: Final Map BP: Building Permit FO: Final Occupancy IP: Improvement Plans FI: Final Improvement Inspection	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer CA: City Attorney
shall use the City Standard border and signature block, and shall comply with Section 2 of City Standard Specifications.		
10. The Public Improvement Plan shall provide a City Standard plan and profile for the right-of-way centerline and new top of curb. A typical road section shall be diagrammed and dimensioned on the plan and profile sheet and shall show right-of-way limits, centerline, lane widths, frontage improvements, PUE easement (beyond the right-of-way), and road surface cross-gradients. The plan and profile of the existing CL and edge of road flowline shall extend a minimum of 25-feet beyond the limits of the new improvements to adequately show continuity between existing road conditions and the new frontage improvements, to the satisfaction of the City Engineer.	PI	CE
11. The Public Improvement Plan shall include design sections at 25-foot stations from centerline to right-of-way.	PI	CE
12. An engineer's cost estimate shall be prepared by a registered civil engineer (using the City's standard spreadsheet) and submitted for review and approval by the City Engineer.	PI	CE
13. Prior to final inspection of the subdivision improvements, the Applicant's engineer shall submit the following documents for review and approval by the City Engineer: a. Record drawings prepared by a registered civil engineer b. Material certifications c. Material and site conditions testing reports d. Applicant's portion of the City Engineer's Final Inspection Checklist e. Engineer of Work Certification (City form) f. Utility provider clearance letters g. Stormwater Forms: i. ATAS - SWP-1001 Engineer Certification Form ii. ATAS - SWP-1003 Owner Agent Information iii. ATAS - SWP-3001 Stormwater System O&M Agreement iv. ATAS - SWP-3002 Private Stormwater System Recorded Notice	FI	CE
PARCEL MAP CONDITIONS		

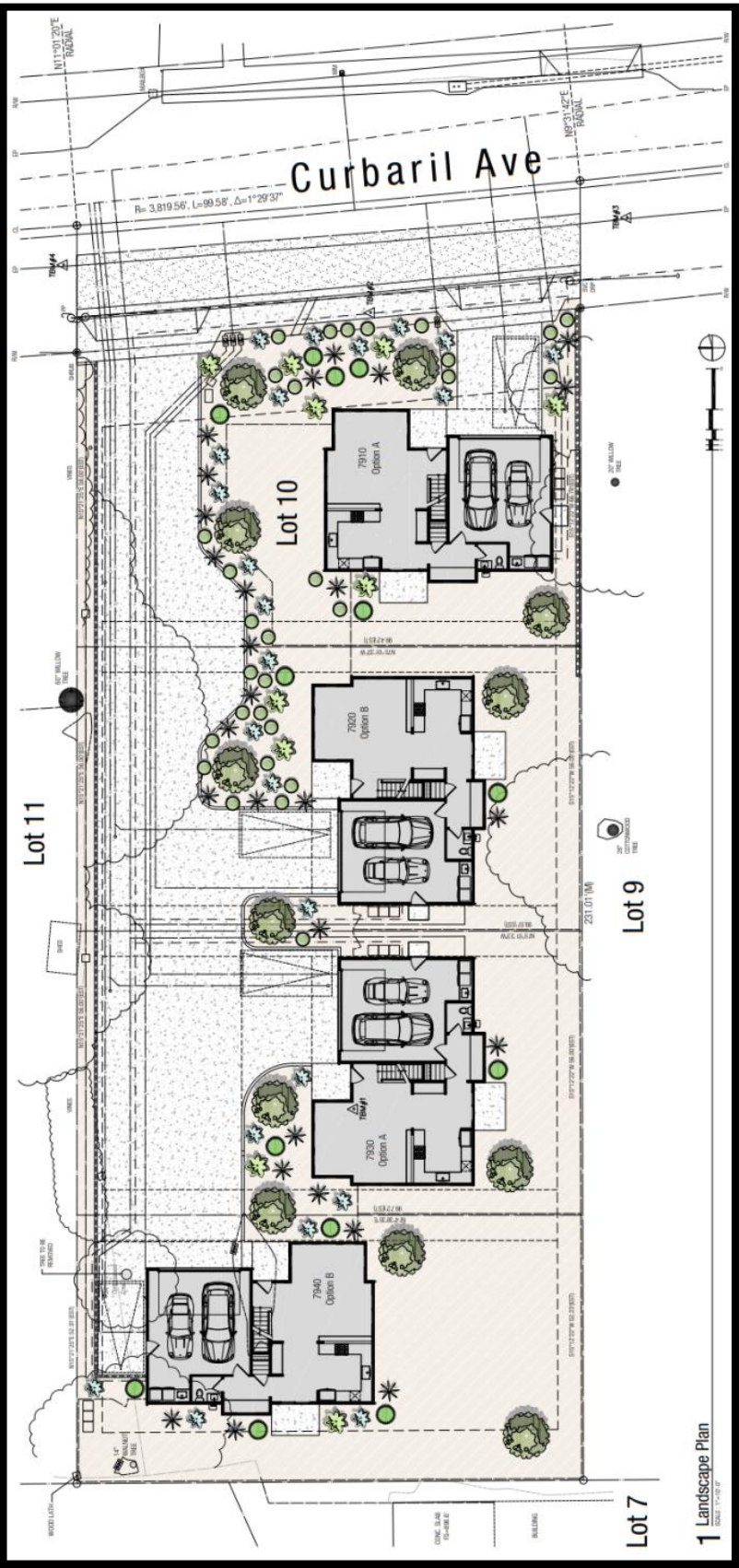
Conditions of Approval Curbaril Residential Planned Development DEV18-0124 7900 Curbaril Avenue	Timing FM: Final Map BP: Building Permit FO: Final Occupancy IP: Improvement Plans FI: Final Improvement Inspection	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer CA: City Attorney
14. Prior to recording the Parcel Map, the Applicant shall have the map reviewed by the public utility providers for power, telephone, gas, cable TV, and the Atascadero Mutual Water Company. The Applicant shall obtain a letter from each utility company stating that the easements and rights-of-way shown on the map for public utility purposes are acceptable.	FM	CE
15. Documents required to be recorded concurrently with the Parcel Map shall be listed on the certificate sheet of the map.	FM	CE
16. The City of Atascadero may require an additional map sheet for information purposes in accordance with the Subdivision Map Act.	FM	CE
EASEMENTS		
17. A 6-foot wide Public Utility Easement (PUE) shall be dedicated contiguous to the Curbaril right-of-way.	FM	CE
18. Wherever an easement is created for commonly owned or operated improvements for the benefit of more than one lot a maintenance and operations agreement shall be required, to the satisfaction of the Community Development Director and City Engineer.	FM	CE
19. Development improvements that modify a natural drainage course may be required to provide an easement for the benefit of upstream tributary properties to an adequate point of discharge, to the satisfaction of the City Engineer.	FM	CE
20. Easements that are not intended to continue in perpetuity or may be subject to future modifications shall be recorded by separate instrument concurrently with the Parcel Map and not shown or referenced on the Parcel Map.	FM	CE
OFF-SITE ROAD IMPROVEMENTS		
21. The Applicant shall construct new frontage improvements consisting of a 5-ft wide integral sidewalk, curb and gutter, new driveway approaches with a wrap-around ADA compliant sidewalk, and widen the roadway pavement to join said frontage improvements, in accordance with City Standard Specifications and Drawings and to the satisfaction of the City Engineer.	IP	CE

Conditions of Approval Curbaril Residential Planned Development DEV18-0124 7900 Curbaril Avenue	Timing FM: Final Map BP: Building Permit FO: Final Occupancy IP: Improvement Plans FI: Final Improvement Inspection	Responsibility /Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer CA: City Attorney
22. Where the new frontage improvements do not join existing frontage improvement, the Applicant shall construct an asphalt ramp in accordance with San Luis Obispo County Standard No. C-7.	IP	CE
STORM WATER		
23. Post-construction stormwater shall comply with the Section 5 of the City Standard Specifications and the Regional Water Quality Control Board Res. No. R3-2013-0032.	BP	CE
24. The Applicant's engineer shall prepare a hydrology study for review and approval by the City Engineer. Storm water detention or retention facilities may be required. The study shall analyze the change in stormwater run-off between existing site conditions and post-development conditions and shall include design and sizing recommendations of storm water improvements to be included on the improvement plans.	BP	CE
25. Where storm water is concentrated as a result of new improvements, the drainage shall be conveyed in a non-erosive, controlled condition to an adequate point of discharge, to the satisfaction of the City Engineer. Where concentrated drainage from new improvements cannot be avoided and crosses more than one property, drainage easements may be required, to the satisfaction of the City Engineer.	BP	CE
WASTEWATER		
26. Each lot shall be served by a separate sewer lateral to the public sewer main in Curbaril Ave. in accordance with City Standard Specifications and Drawings. Easements may be required wherever lateral(s) cross adjacent lots.	BP, IP	CE
UTILITIES		
27. Each lot shall be served with separate services for water, sewer, gas, power, telephone and cable TV. Utility laterals shall be located and constructed to each lot in accordance with City Standard Specifications and Drawings and to the satisfaction of the City Engineer.	BP, IP	CE

EXHIBIT C



	STREET AND PARKING LOT TREES ARBUBUS X 'MARINA' / ARBUBUS STANDARD SIZE: 40' - 50' TALL AND 20' - 40' WIDE WUCCOLS PF = 1 - 3	12	24" BOX
	ORNAMENTAL SCREENING GRASSES CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' / FEATHER REED GRASS SIZE: 3' - 5' TALL AND 1.5' - 2.5' WIDE WUCCOLS WATER NEEDS: 1 - 3	70	5 GAL
	ORNAMENTAL ACCENT GRASSES LOMANORA LONGIFOLIA 'BREEZE' / DWARF MAT RUSH SIZE: 3' TALL AND WIDE WUCCOLS PF = 1 - 3	60	5 GAL
	ORNAMENTAL AGAVES AGAVE ATTENUATA 'NOVA' / BLUE CLONE 3' - 4' TALL AND WIDE WUCCOLS PF = 1 - 3	25	5 GAL
	SCREENING ORNAMENTAL AGAVE FURCRAEA MACDOUGALLI / FALSE AGAVE SIZE: 12' - 20' TALL 6' WIDE WUCCOLS PF = > 1	38	15 GAL



Option A



1 Proposed Side Elevation
1/4" = 1'-0"



2 Proposed Side Elevation
1/4" = 1'-0"

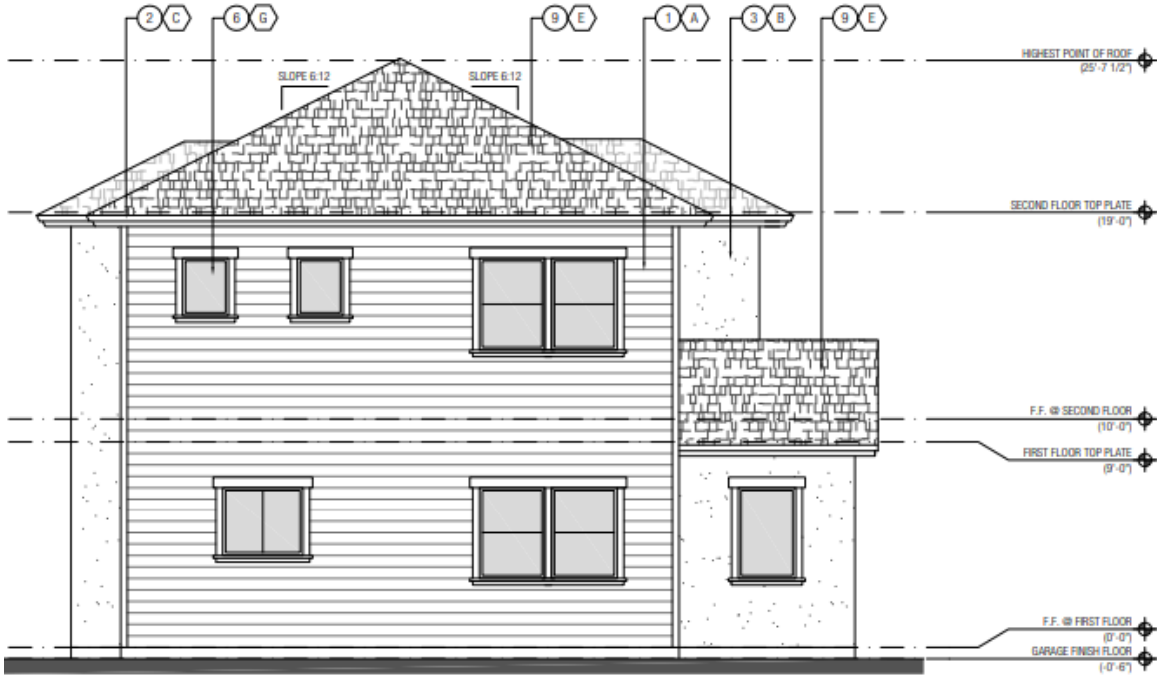


3 Proposed Front Elevation
1/4" = 1'-0"



4 Proposed Back Elevation
1/4" = 1'-0"

Option B



1 Proposed Side Elevation

1/4" = 1'-0"



2 Proposed Side Elevation

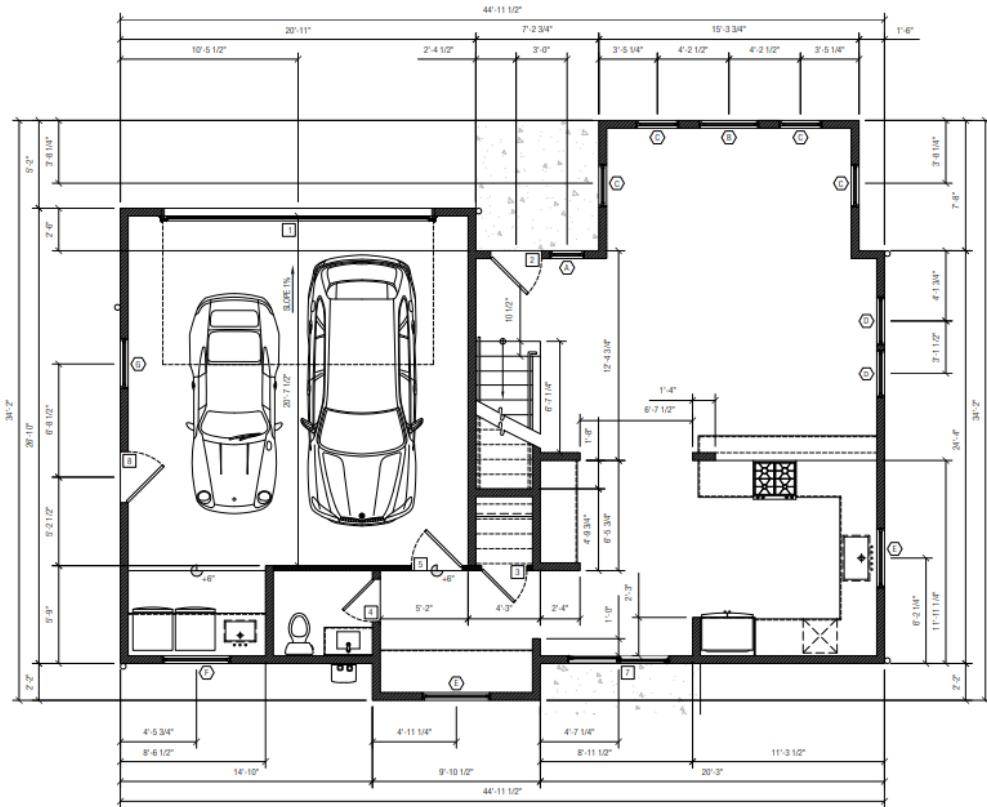
1/4" = 1'-0"



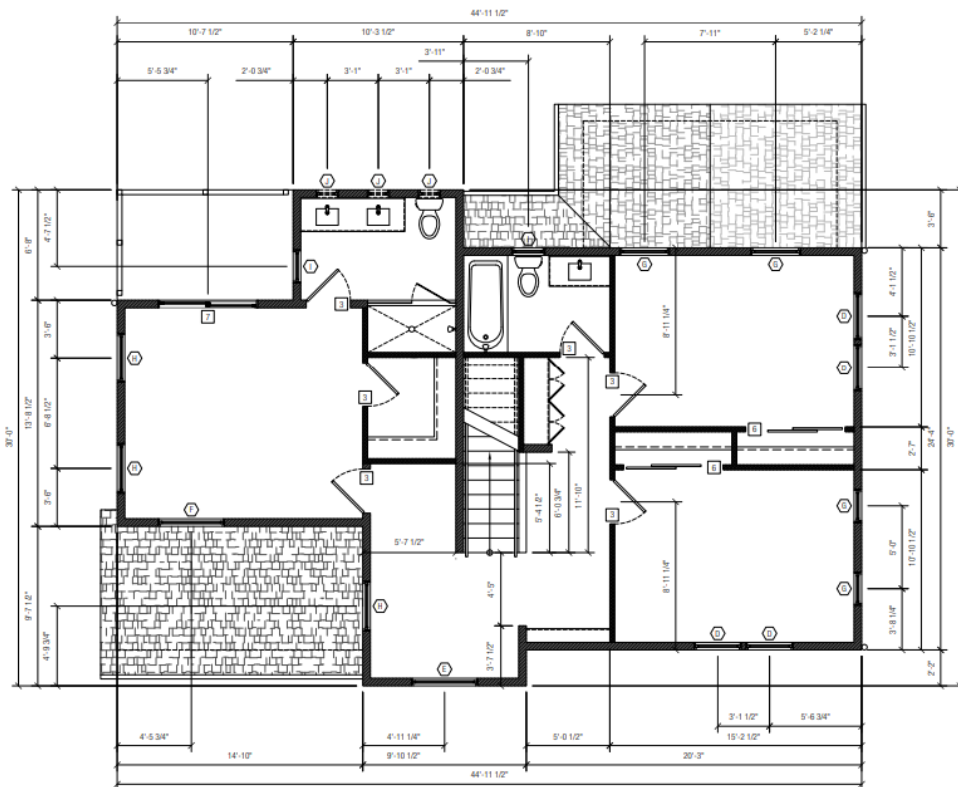
3 Proposed Front Elevation
1/4" = 1'-0"



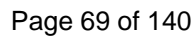
4 Proposed Back Elevation
1/4" = 1'-0"

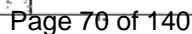


1 Proposed First Floor Plan
1/4" = 1'-0"



2 Proposed Second Floor Plan
1/4" = 1'-0"







Atascadero City Council

Staff Report – Public Works Department

2020 Community Development Block Grant Draft Recommendations

RECOMMENDATION:

Council develop and adopt draft recommendations for the 2020 Community Development Block Grant (CDBG) funds.

DISCUSSION:

Background

The 2020 CDBG award process began in the fall of 2019. Workshops were held throughout the County to solicit public comment on community needs. The County published a request for CDBG proposals and the City received seven applications. Total available funding for the 2020 cycle, based on previous levels, is anticipated to be approximately \$140,071. Final funding amounts are anticipated to be released by the Department of Housing and Community Development (HUD) in spring 2020.

The City will also receive \$18,939 from the City of Morro Bay's 2020 CDBG allocation for a combined total of \$159,010. In 2016 the City of Atascadero reallocated \$236,420 to Morro Bay to complete a shovel ready project. The City of Morro Bay allocated their annual CDBG funding to Atascadero on a dollar-per-dollar repayment until paid in full. The City received repayment from Morro Bay in 2017 (\$77,662), 2018 (\$79,367), and 2019 (\$60,452) leaving a balance owed of \$18,939 which will repay the loan in full in the 2020 CDBG cycle.

CDBG funds are available for community development activities, which meet at least one of the three national objectives:

1. A benefit to low and moderate-income persons;
2. Aid in the prevention or elimination of blight;
3. Address urgent needs that pose a serious and immediate threat to the health or welfare of the community.

In order for a program to qualify under the low and moderate income objective, at least 51% of the persons benefiting from the project or program must earn no more than 80% of the area median. Additionally, at least 70% of the CDBG funds must be spent toward this objective.

There is a minimum award threshold of \$8,000 per project, meaning the City can only allocate less than \$8,000 for a particular public service activity if another agency in the County commits to programming the remainder to equal a Countywide cumulative total of at least \$8,000. This will apply to Food Bank Coalition's 2020 application to Atascadero for \$3,000.

The following criteria should also be used to guide selection of CDBG programs:

1. The proposal is consistent with the national objectives and eligibility criteria of the HUD CDBG program;
2. The proposal is consistent with the Urban County Consolidated Plan;
3. The proposal is consistent with the General Plan and other City codes/ordinances.
4. The proposal will achieve multiple community development objectives;
5. The proposal can be implemented in a timely manner, without significant environmental, policy, procedural, legal, or fiscal obstacles to overcome; and
6. The project is not financially feasible without CDBG funding.

Analysis

The City received the following applications for the 2020 funding cycle:

Public Facilities (PF) and Housing Projects (HP) – Estimated 2020 Allocation \$91,046 (Atas.) + \$18,939 (Morro Bay Repayment) + \$5,823 (Reallocation) = \$115,808	
City of Atascadero – Santa Rosa Accessibility - Barrier Removal Project (PF)	\$124,759
Atascadero Loaves & Fishes – New Facility for Atascadero Loaves & Fishes (PF)	140,000
Peoples' Self Help Housing – Del Rio Ridge (HP)	140,071
SLO Non-Profit Housing Corp (with HASLO) Housing Rehabilitation – Group Home - Homeless Mental Health (HP)	149,500
Public Services – Limited to 15% of 2020 Allocation (\$21,011)	
City of Atascadero – Youth Activity Scholarships	12,500
El Camino Homeless Organization (ECHO) – Operation of Homeless Shelter	10,000
Peoples' Self Help Housing – SLO County Supportive Housing Program	9,500
Food Bank Coalition of SLO County – No Cook Bags for Homeless Residents	3,000
Administration – Limited to 20% of 2020 Allocation (\$28,014)	
City Program Administration Costs	9,805
County Program Administration Costs	18,209
Total Funds Requested	\$617,344

Remaining 2018 Administrative and Youth Scholarship funds are recommended to be reallocated to the 2020 Santa Rosa Accessibility project.

Administrative Reallocation- City of Atascadero	
2019 Administration Reallocation to 2020 Santa Rosa Accessibility	4,804
2018 Youth Scholarship Reallocation to 2020 Santa Rosa Accessibility	1,019
Total Administration Reallocation to Santa Rosa Accessibility	\$5,823

Estimated 2020 CDBG Allocation	
Atascadero's 2020 CDBG Allocation	140,071
Morro Bay's Final Repayment	18,939
Atascadero 2018 Reallocation Funds	5,823
2020 Estimated Total Allocation	\$164,833

Atascadero received four applications for Public Facilities/Housing Projects totaling \$554,330, which exceeds the estimated allocation of \$115,808 by \$438,522. There are four applicants for public services funding with the requests totaling \$35,000, exceeding the estimated public service allocation of \$21,011 by \$13,989. As part of the CDBG process, Council must develop a draft recommendation for the 2020 grant year that meets the funding criteria while adhering to the categorical limits.

Upon approval, the draft funding recommendations will be forwarded to the County for publishing along with recommendations from all participating agencies. A minimum of 30 days after publication, a second workshop will be held to allow questions from applicants regarding the draft recommendations, after which the draft allocations will be forwarded to City Council, with comments from the workshop, for final approval and forwarding to the County Board of Supervisors. The following is a brief explanation of the funding groups and applications within each:

PUBLIC FACILITIES (PF) & HOUSING PROJECTS (HP) 2020 Funds Available: \$115,808

Public Facilities are defined as activities relating to real property, including the acquisition, construction, rehabilitation or installation of public improvements.

City of Atascadero – Santa Rosa Accessibility - Barrier Removal Project (PF)
Funds Requested: \$124,759

The Santa Rosa sidewalk, from the northwest corner of El Camino Real to the north bound Freeway 101 on ramp (adjacent to Motel 6), warrants improvements to increase accessibility for the traveling public due to its dilapidated and non-compliant condition. This project proposes to remove and replace approximately 400 linear feet of currently non-ADA compliant sidewalk, and a curb ramp at the NW corner of El Camino Real and Santa Rosa Road. In addition, a small (3'-5') retaining wall, handrail, and associated curb and gutter work will complete the project. The infrastructure improvements providing wheelchair ramps and ADA compliant sidewalks will aid those with mobility impairments.

Atascadero Loaves & Fishes (ALF) – New Facility for Atascadero Loaves & Fishes (PF)
Funds Requested: \$140,000

ALF is in the process of identifying a building for acquisition to expand from the current 2400 square foot facility to one that is at least 5,000 square feet. The location must be within a block of El Camino Real in Atascadero and close to a bus line. Currently two locations are under consideration. ALF anticipates being in escrow by March 15, 2020. In

April 2020 interior construction/renovation would begin with an expected move-in date of December 15, 2020.

A larger facility will benefit ALF clients by providing a free food equivalent to about 10 days of food/household member/month. The additional square footage will allow for increased storage of items such as frozen meats, thereby increasing the quality of the food provided. A new facility will streamline functions of the pantry operation, such as receiving supplies, stocking, interviewing clients, and bagging, which will make the client experience faster and easier - important to seniors and clients who must bring small children with them.

Peoples' Self Help Housing (PSHH) – Del Rio Ridge (HP)
Funds Requested: \$140,071

PSHH is proposing to develop an affordable multi-family residential apartment project on a 1.95-acre project site located east of Highway 101 and accessed off El Camino Real (2455 El Camino Real / APN 049-151-056) in Atascadero. The project will provide 42 units, which will be 100% affordable. The apartments will range from 1, 2, and 3 bedroom units. The project will target income levels of extremely low, to low income.

A 3,865 square foot community room will contain a kitchen, multipurpose room, laundry facilities, restrooms, and office space for the onsite manager and resident supportive services. Other amenities will include a courtyard with children's play equipment and a basketball court.

PSHH has been chosen to partner on a competitive No Place Like Home (NPLH) application in January 2020. If the joint County PSHH application is not awarded for NPLH this round, the County and PSHH will wait a year before applying for NPLH again. To ensure that Del Rio Ridge is awarded in Round 3, County funding commitments will be imperative to a successful funding application for this project.

San Luis Obispo Non-Profit Housing Corp (with HASLO) – Housing Rehabilitation -
Group Home - Homeless Mental Health (HP)
Funds Requested: \$149,500

Funding to rehabilitate a 4 bedroom group home in Atascadero owned by San Luis Obispo Non-Profit Housing Corporation (SLONP). For 20 years the home has been operated as affordable shared housing/group homes for homeless mental health clients. Client services are provided by Transitions Mental Health. The home is in need of rehabilitation but a loan could lead to increased rents. The home is currently under no regulatory agreement/use restriction.

PUBLIC SERVICES – (15% cap)

2020 Funds Available: \$21,011

CDBG regulations allow for a wide range of public service activities, including, but not limited to: employment services, crime prevention, childcare, health services, substance abuse services, fair housing counseling and recreational services.

City of Atascadero – Youth Activity Scholarship FundFunds Requested: \$12,500

The City administers the Youth Activity Scholarship Fund to allow the children of very low and low-income families to participate in recreational and social activities, to keep children active and engaged. Because this program is limited to very-low and low-income families, the benefit criteria will be met.

Every youth serving organization in Atascadero has received requests for assistance in paying registrations or enrollment fees for their activities. Many families are unable to afford fees that usually range from \$35 per child to \$300 per child. Applications have grown dramatically over the past several years, but the need has been more acute in the last couple of years. These children would not be able to participate in the activities that promote self-esteem, feelings of community, friendships, health, etc. if they are not provided with financial aid.

El Camino Homeless Organization (ECHO) – Operation of Homeless ShelterFunds Requested: \$10,000

El Camino Homeless Organization maintains 50 emergency and transitional shelter beds, housing 200 adults and children each year from throughout San Luis Obispo County. ECHO is in the process of transitioning to a 24/7 shelter, accessible to clients during daytime hours, and will be adding 10 additional shelter beds. In addition to the physical shelter, staff provide the case management and supportive services needed for clients to increase their income and secure permanent housing.

ECHO's nightly dinner meal program serves up to 80 shelter clients and community members in need each evening and the public shower program offers access to showers three times weekly for those not staying in the shelter. For the approximately 50 children each year who stay in the shelter and another 50 children annually who participate in dinner meals, ECHO offers a Children's Program with enrichment activities including tutoring/homework help, art, gardening, and family literacy support.

A new case manager and a new daytime shelter and program coordinator will be hired to provide expanded services at the ECHO shelter. Existing programs (art, gardening, parenting classes, story time, financial literacy, nutrition education) will be offered during the daytime hours in addition to the current evening programs to allow for more participation from clients with varying work schedules. A 35% increase in services is expected to occur because of the increase in daytime operations and a 20% increase in the number of clients served because of the 10 additional beds.

Peoples' Self Help Housing (PSHH) – SLO County Supportive Housing ProgramFunds Requested: \$9,500

PSHH will provide clinical social services and case management through the San Luis Obispo County Supportive Housing Program (SHP), developing personalized wrap-around services for those living at PSHH's 26 affordable, sliding-scale rental properties

in the County. Most households are certified as very-low-income at time of move-in, which typically means they earn 50% or less of Area Median Income. Most services are provided weekdays between 9 am and 6 pm. Services are provided by those possessing a master's degree in the social work field. Grant funds will support the 5 social workers who provide SHP services within San Luis Obispo County.

Social workers complete assessments of resident needs, develop ongoing case management plans, and assist with coordinating services to support and enhance household management. All case management plans are resident-driven. PSHH clinical staff support residents in crisis situations to prevent homelessness, and work with each household to help them move toward personal resiliency. For senior residents, SHP provides supportive services to help them age in a place that maintains their quality of life. For those living with disabilities, SHP provides the opportunity to enjoy independent living.

Last year, approximately 40% of PSHH residents utilized SHP, assisting residents in meeting their basic needs: food, housing, income security, and health. To help residents achieve stability, SHP social workers provide free and confidential assistance coordinating medical appointments and mobility, linking residents to community resources, enhancing budgeting skills, assisting with job searches, providing crisis intervention, addressing mental health issues and accessing emergency financial assistance for basic needs.

Food Bank Coalition of SLO County – “No Cook Bags” for Homeless Residents
Funds Requested: \$3,000

"No-Cook Bags" are bags of portable foods designed for a diverse homeless population who do not have access to a kitchen and cannot benefit from typical Food Bank distribution items. These bags are distributed by community partners throughout San Luis Obispo County who work directly with the homeless, including non-profits, faith-based organizations, law enforcement and other government agencies.

Each “No-Cook Bag” includes five pounds of food that are easily consumable without heat, refrigeration, or specialized utensils. The bags include proteins like peanut butter and tuna fish in pop-top cans, nuts, cheese, and protein bars and shakes. They also include canned fruits or vegetables, V8 juice, and snack items (crackers, granola bars, etc.). Volunteers pack the bags with appropriate shelf-stable, easy-open foods from our retail and community donations. Approximately 25% of each bag is purchased; the remainder is donated.

ADMINISTRATION – (20% cap)

2020 Funds Available: \$28,014

City of Atascadero – CDBG Program Administration- (7% cap)
Allocated Funds: \$9,805

Significant City staff time from Public Works and Administrative Services is required for CDBG administration, and coordination with County Planning staff. The City's administrative portion of the funding cannot exceed 7%, or \$9,805 of the total administrative grant amount.

If administration costs exceed the funding allocation, the remaining cost of administering the program will need to be paid from the general fund.

County of San Luis Obispo – CDBG Program Administration- (13% cap)

Allocated Funds: \$18,209

Due to the complexity of grant administration responsibilities and the consequences of non-compliance, HUD recommends that the County provide all monitoring and oversight for all CDBG grants. The County assumes the duties of project oversight, and receives a required 13% of the total grant funds for administration services for Atascadero in the amount of \$18,209.

Conclusion

The City received funding requests for approximately \$450,000 more than the anticipated 2020 CDBG funding. In addition, there are limits related to categories of funding for Public Services and Administration. As part of the CDBG process, Council must develop a draft recommendation for the 2020 grant year that meets the funding criteria while adhering to the category limits. A final recommendation will be made by Council in March 2020.

FISCAL IMPACT:

Approval of Atascadero's total 2020 CDBG allocation would result in the estimated revenue and expenditure of \$164,833 of CDBG funds.

ALTERNATIVES:

CDBG allocation awards must meet program requirements, providing a minimum of 70% of funding to benefit low- and moderate-income persons, and no more than 15% may be allocated to the public service category.

ATTACHMENTS:

None.

A complete packet of submitted applications is available for public review at the City of Atascadero, Public Works Department, 6500 Palma Avenue.



Atascadero City Council

Staff Report - Community Development Department / Fire Department

2019 Municipal Code Updates - Title 4, Title 8, Title 9 and Title 11 (CPP19-0080)

RECOMMENDATIONS:

Planning Commission recommends City Council:

1. Introduce for first reading, by title only, Draft Ordinance A repealing and replacing Title 4, Public Safety, Chapter 7, Fire Code, for consistency with the 2019 California Building and Fire Codes.
2. Introduce for first reading, by title only, Draft Ordinance B repealing and replacing Title 8, Building Code, of the Atascadero Municipal Code for consistency with the 2019 California Building Code.
3. Introduce for first reading, by title only, Draft Ordinance C approving amendments to Title 9, Planning and Zoning, Chapters 2, 3, 4, and 6 of the Atascadero Municipal Code for minor text corrections.
4. Introduce for first reading, by title only, Draft Ordinance D approving amendments to Title 11, Subdivisions, Section 11-4.23 for minor text corrections.

REPORT-IN-BRIEF:

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.

The Building Code has 13 main parts and a number of appendices that offer optional or supplemental criteria to the main sections of the Code. This allows for flexibility and tailoring of the Code to specific local and regional characteristics. Appendices include additional information that add to the "toolbox" the City can utilize to guide construction standards. For example, there are appendices related to standards for residential patio covers, and grading provisions for hillside areas and for the installation of specific plumbing devices, just to name a few.

With each piece of the Code, local jurisdictions may make local modifications 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 the new building codes and has combined proposed text amendments from various titles to implement the required California Building Code and Fire Codes, with some local modifications specific to Atascadero. Many of the local modifications were adopted with previous editions of 2013 and 2016 codes and are simply being carried forward for 2019.

Separately, staff has proposed amendments to Title 9 (Zoning Text) and 11 (Subdivision Text) of the Atascadero Municipal Code. These amendments provide for consistency with the Building Code, Fire Code, and the General Plan.

DISCUSSION:

Analysis

A. Title 4 Public Safety (Fire Code)

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

Chapter 12 – Energy Systems. The local amendments identify specific roof edge clearances related to rooftop Solar Systems. The City already utilizes adopted guidelines for solar installations. These standards establish specific installation standards that protect the health and safety of emergency responders when working on a structure where solar systems have been installed. Local amendments to Chapter 12 propose 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 simply access areas on the existing roof surface that allow an emergency responder to traverse portions of a roof structure containing solar panels.
- *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.

B. Title 8 Building Code

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 2nd reading of the City Council (February 13, 2020).

Although there are many technical updates to the 2019 edition of the building code, perhaps one of the most notable is the requirement for rooftop solar on all new residential units. The code does include a list of exceptions that may apply, such as inability to have solar access, however most new residential structures will be required to install some form of rooftop solar energy equipment.

The discussion below addresses the proposed local amendments to the building code

1. 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 structures during the declared crisis period. These provisions include the regulation of RV's, Tents, and more permanent structures used for emergency housing purposes.

The proposed code adoption includes Appendix O with the modifications to clarify code intent and require that certain zoning standards be met. Adoption of the Appendix is critical to ensuring that temporary warming shelters and other emergency shelters meet minimum health and safety standards. These standards will allow the

City to enforce non-compliant structures used for these purposes 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 to appendix O include:

- Clarification 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 and noting that all permanent structures will be required to follow applicable Building Code and Municipal Code standards.
 - Require specific standards be met for a “transportable emergency housing unit”. This includes RV’s or other units not governed by the Building Code.
 - Clarification that all dependent units (units without cooking or bathing facilities) be located on a site where those facilities are provided and accessible.
2. Appendix I (Patio Covers): This appendix allows 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. With these amendments, a patio cover can be constructed with minimal footing design; therefore, saving construction costs.
3. Cold-Formed Steel Structural Framing and Masonry Structures: Amendments include a reference 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.
4. Appendix J – Grading: This will allow the City to enforce grading regulations and clarify grading standards for hillside lots.
5. Appendix Q (Tiny Houses): This appendix 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 appendix will allow greater flexibility and code direction for smaller permanent units throughout the City. It will not alter where these structures may be built and any of these units would still need to comply with typical zoning standards for density, parking, setbacks and other property development standards.
6. Local References: The following local references are being implemented to provide a consistent resource for plan design and review:
- 2018 International Solar Energy Provisions (ISEP).
 - 2018 International Swimming Pool and Spa Code (ISPSC).

- 2019 California Solar Permitting Guidebook.
- ICC 900 / SRCC 300 – 2015 Solar Thermal Systems Standard

7. Proposed local amendments to the 2019 Plumbing Code

Appendix D - Sizing Stormwater Drainage Systems: This appendix 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.

Appendix I - Installation Standard for PEX Tubing Systems for Hot-and-Cold Water Distribution: This will allow the City to define and standardize the installation of cross-linked polyethylene (PEX) tubing and fittings.

Appendix K - Potable Rainwater Catchment Systems: Adoption of this appendix, by reference only, will establish regulations for Potable Rainwater Catchment Systems. 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.

8. Proposed local amendments to the 2019 California Residential Code

Amend the California Residential Code to be consistent with Chapter 12 of the Fire Code related to access on residential structures that contain photovoltaic panel systems.

Proposed amendments to Title 8 of the Atascadero Municipal Code

Although not part of the building code itself, nor a “local amendment”, an amendment to Title 8 of the Municipal Code is proposed to aid code enforcement. The Municipal Code already contains enforcement provisions, however the enforcement mechanism related to the declaration of an unsafe building, or the City’s posting of a “Stop Work” order is unclear. Section 8-2.101 of the Municipal code can be amended 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 allows for a misdemeanor violation to be issued to persons who occupy a building that has been deemed unsafe and posted with such a notice. This will assist the City in the abatement of non-permitted uses and ensure compliance with unsafe building regulation enforcement.

C. Title 9 Planning and Zoning

Changes to Title 9 of the Atascadero Municipal Code encompass text corrections to existing sections of Title 9, while ensuring General Plan and land use compatibility with the Zoning Code. 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.

1. Contract Construction Services.

The Municipal Code currently defines Contract Construction Services as an office use with outdoor or indoor facilities. Such uses are currently allowed in the Commercial Service (CS), Commercial Park (CPK), Industrial (I), and Industrial Park (IP) zoning districts. Currently, if such a business proposes outdoor storage that exceeds 10,000 square feet, a Conditional Use Permit is required. Outdoor uses of this nature may be appropriate in the CS, I, and IP zones but the General Plan defines the CPK zone as the City's lodging, business park and office zone. Extensive outdoor uses are not consistent with this General Plan definition, 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, and another that is primarily an indoor land use with incidental outdoor storage. Each are appropriate in different zones and with different levels of review, 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.

- ***Contract Construction Services (Indoor):*** Office uses with or without indoor storage facilities operated by, or on behalf of, a building contractor, exterminator, janitorial service, or similar. Can include the indoor storage of materials used for repair and maintenance of contractor's own equipment and for use by the contractor. All uses must be located within an approved, permitted building. Outdoor storage of construction related vehicles, fleet, or accessory storage (other than in 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. May also include accessory buildings or structures for uses by the contractor. An on-site office building is required. All applicable development standards listed in the code as well as standards for outdoor storage uses must be met.

2. 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. Similar to Contract Construction Services, the code update includes two separate definitions, one for Vehicle and Equipment Storage - indoor, and one for Vehicle and Equipment storage - outdoor.

- **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 is proposed to be updated to reflect these new uses.

3. Accessory Storage

The accessory storage definition is proposed to be modified to be consistent with the modified outdoor storage use definitions proposed above.

- **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.

4. Land Use Table

Table 3-2 in the AMC is proposed to be modified to reflect the new definitions discussed above.

5. Public Zoning District – Mini-Storage

Mini-Storage is proposed to be eliminated as a conditionally allowed use in 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.

D. Title 11 Subdivisions

Changes to Title 11 of the Atascadero Municipal Code will correct time extensions for map applications for consistency with the Subdivision Map Act allowing 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 makes local amendments or amends 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. As a part of this effort, staff has proposed modifications to certain sections within the State Codes and City's Municipal Code to provide clarification, simplification, and flexibility, along with consistency with the General Plan.

City staff has provided outreach to applicants, builders, and others during field visits, inspections, and questions at the front counter. 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 Code, changes to Title 9 and Title 11 are proposed and 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 to the City from the adoption of the new building codes and proposed code text amendments. There is likely to be additional costs related to the construction of private development due to building code changes such as the addition of State mandated solar requirements.

ALTERNATIVES:

1. The City Council may refer this item back to staff for additional analysis of proposed amendments. It is important to note, 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.
2. The City Council may recommend denial of some or all of the proposed local text amendments.

ATTACHMENTS:

1. Draft Ordinance A – Title 4 – Public Safety
2. Draft Ordinance B – Title 8 – Building Code
3. Draft Ordinance C – Title 9 – Planning and Zoning Code
4. Draft Ordinance D – Title 11 – Subdivisions

DRAFT ORDINANCE A

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

(CPP19-0080)

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

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

WHEREAS, provisions codified in this Title are adopted to implement and supplement the California Building and Fire Codes as they exist and 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 and California Fire Code with amendments specific to the City of Atascadero; and

WHEREAS, the California Health and Safety Code, Section 17958.5 and Section 18941.5, requires 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, a timely and properly noticed Public Hearing upon the subject amendments was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments, and

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on November 19, 2019, studied and considered the proposed code amendments; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of the amendments; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject amendments was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on December 10, 2019, considered the proposed amendments.

SECTION 3. Findings. The City Council makes the following findings, determinations and approvals with respect to the Municipal Code Amendments:

FINDING: The code amendments are justified by climatic, topographic or geological conditions of the City.

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

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

- A. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, and 1995. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of fire department personnel may cause a substantial or total lack of protection against fire for the buildings and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in the 2019 California Building and Fire Codes;
- 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 and Fire Codes;

- 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 and Fire Codes;
- 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 and Fire Codes;
- 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 and Fire Codes;

- 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 and Fire Codes.

SECTION 4. CEQA. The proposed Title 4 amendments are 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. Approval. The City Council of the City of Atascadero, in a regular session assembled on December 10, 2019, resolved to introduce for first reading by title only, an Ordinance that would repeal and replace all of Chapter 7, 2019 California Fire Code within Title 4 of the City of Atascadero Municipal Code as detailed in Exhibit A attached hereto and incorporated herein by this reference.

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on December 10, 2019, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2020.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Exhibit A

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 m²) 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 m²) 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 m²), 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 m²); or

b. The total combined floor area will exceed 5,000 square feet (464 m²).

6. Group B and M occupancies whenever single or multiple additions will exceed 1,000 square feet (92.9 m²) 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 m²), 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 m²).

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 m²), 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 m²).

2. A Group F-1 Occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

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 m²).

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.

DRAFT ORDINANCE B

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

(CPP19-0080)

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

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

WHEREAS, the California Health and Safety Code, Section 17958.5 and Section 18941.5, requires 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 of the City of Atascadero, at a Public Hearing held on November 19, 2019, studied and considered the proposed code amendments; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of the amendments; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject amendments was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on December 10, 2019, considered the proposed amendments.

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

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

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

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

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

- A. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, and 1995. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of fire department personnel may cause a substantial or total lack of protection against fire for the buildings and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in the 2019 California Building Code;
- B. That the City of Atascadero is situated near three major faults each capable of generating earthquakes with a magnitude of 7.5. These are the San Andreas to the east of the City, the Nacimiento-Rinconada that crosses Hwy 101 north of the City then parallels the City to the east, and the Hosgri to the South West. Other faults of importance are the Huasna and West Huasna to the Southeast of the City, the San Simeon to the Northwest. In as much as these faults are included as major California earthquake faults, which are subject to becoming active at any time,

the City Atascadero is particularly vulnerable to devastation should such an earthquake occur. The potential effects include isolating the City of Atascadero from the North and South due to the potential for collapsing of freeway overpasses or a slide on both the Cuesta and Ontario Grades and the potential for horizontal or vertical movement of the Edna fault rendering surface travel across the southern extremities of the city unduly burdensome or impossible. Additional potential situations inherent in such an occurrence include broken natural-gas mains causing structure and other fires, leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of greater requirements than set forth in 2019 California Building Code;

- C. That the central commercial area in the City of Atascadero consists of mixed conditions that create the potential for possible conflagration, including congested streets during the business day, numerous older buildings without adequate internal fire-resistance, and contemporary low-rise buildings. Significant spread of fire in said area will actually exceed the fire suppression capabilities of regional firefighting personnel. The continued development of the Atascadero commercial area and the current and potential development of high-rise buildings pose a substantial threat of fire to human life, public safety, and the preservation of property and support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular, support the imposition of greater requirements than set forth in 2019 California Building Code;
- D. That the City of Atascadero is bisected by a major freeway (Hwy 101), traversing in the north/south direction and a major highway (Hwy 41) traversing in an east/west direction. The City is also transected by a mainline railroad that traverses in the north/south direction. It is a frequent occurrence for the aforementioned highways and railway to support the transportation of hazardous materials. The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life, and to prevent as far as practicable, property losses. Emergency personnel responding to said incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The above-described problems support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2019 California Building Code;
- E. That seasonal climatic conditions during the late summer and fall create numerous serious difficulties in the control and protection against fire situations in the City of Atascadero. The hot, dry weather in combination with Santa Ana

winds frequently results in wildland fires in the brush-covered slopes on the Santa Lucia Mountains and several areas surrounding. The aforementioned areas completely surround the City. When a fire occurs in said areas, such as occurred in 1994, the Highway 41 fire burned for several days and entered the City, the entirety of local fire department personnel is required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property and watershed land. The same climatic conditions may result in the concurrent occurrence of one or more fires in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Therefore, the above-described findings support the imposition of fire-protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2019 California Building Code;

- F. That for the most part, the soils in the City of Atascadero are medium to highly expansive in nature, and such soils may cause damage to foundations, structures and underground utilities if not properly mitigated through known construction techniques. Furthermore, a significant part of the City lies on hills and rolling topography subject to earth slides and movements and present problems to developments constructed in such areas due to surface water drainage and disposal. The above-described conditions support the imposition of requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than those set forth in the 2019 California Building Code.

SECTION 5. CEQA. 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. Approval. The City Council of the City of Atascadero, in a regular session assembled on December 10, 2019, resolved to introduce for first reading by title only, an Ordinance that would repeal and replace Title 8 as detailed in Exhibit A attached hereto and incorporated herein by this reference.

SECTION 7. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 10. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

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

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

INTRODUCED at a regular meeting of the City Council held on December 10, 2019, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2020.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Exhibit A

Title 8

BUILDING CODE

Chapters:

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

Chapter 1

ADMINISTRATIVE

Sections:

- 8-1.101 Title.**
- 8-1.102 Adoption of Codes.**
- 8-1.103 Building Official designated.**

8-1.101 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, Appendix O, and Appendix J except as modified in (f), (d), (eg), and (fh).
- (c) Adopt as reference North American Standard for Cold-Formed Steel Structural Framing (2015) and the TMS 402/602 Building Code Requirements and Specification for Masonry Structures (2016).
- (d) Adopt as reference the 2019 California Solar Permitting Guidebook
- (e) Adopt as reference the ICC 900 / SRCC 300 – 2015: Solar Thermal System Standard
- (df) Adopt Appendix I in its entirety:
- (eg) 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.

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

~~(gi)~~ 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.

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

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 m²) 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,

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.

DRAFT ORDINANCE C

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9,
PLANNING AND ZONING, CHAPTERS 2, 3, 4, AND 6 OF THE
ATASCADERO MUNICIPAL CODE**

(CPP19-0080)

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, the Planning Commission of the City of Atascadero, at a Public Hearing held on November 19, 2019, studied and considered the proposed amendments; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of the amendments; 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 City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on December 10, 2019 considered the proposed zoning text amendments.

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

FINDING: 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.

FINDING: 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.

FINDING: 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. 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 5. Approval. The City Council of the City of Atascadero, in a regular session assembled on December 10, 2019, resolved to introduce for first reading by title only, an Ordinance that would amend Title 9 of the City of Atascadero Municipal Code as follows:

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

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

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

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

SECTION 10. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15)

days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

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

INTRODUCED at a regular meeting of the City Council held on December 10, 2019, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2020.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Exhibit A

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.

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.

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.

(c) Fire backflow devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(d) Fire connection devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

9-3.342 CP Zone

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

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

(b) Fire backflow devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(c) Fire connection devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

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.

(e) Fire backflow devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(f) Fire connection devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

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.

(b) Fire backflow devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(c) Fire connection devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

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.

(b) Fire backflow devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(c) Fire connection devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

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.

(e) Fire backflow devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(f) Fire connection devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

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	
Density	20 dwelling units/acre maximum	20 dwelling units/acre maximum

Development Feature	Requirement by Zoning District	
	DC	DO
	Downtown Commercial	Downtown Office
Minimum lot size	No minimum	
<u>Fire Backflow Devices</u>	<p>(a) <u>Fire backflow devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.</u></p> <p>(b) <u>Fire connection devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.</u></p>	

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 use by the contractor. All uses must be located within an approved, permitted building. Outdoor storage of construction related vehicles, fleet, or accessory storage (other than an approved parking lot for employees or fleet vehicles) is limited to 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. May also include accessory buildings or structures for uses by the contractor. An on-site office building is required. All applicable development standards listed in the code as well as standards for outdoor storage uses must be met.

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:

Type of Storage		
Type of Liquid	Above Ground	Underground
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 ⁴	<u>CUP</u> A ⁴	A ⁴	<u>CUP</u> A ⁴	<u>CUP</u> A ⁴			A ⁴	A ⁴	9-6.103
Adult Day Care Facility	A	A	A					CUP			
Adult Oriented Business			A	A					A	A	9-16
Age Restricted Housing							CUP				

Agricultural Produce Stands	A	A			A	A					9-6.117
Amusement Services		A	A	A		A	A			A	
Animal Hospitals		CUP ⁷	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A ⁵		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Brewery – Production				CUP		CUP			A	A	
Broadcast Studios			A	A							
Building Materials and Hardware w/ outdoor sales or storage area 10,000 sf or greater		CUP	CUP	CUP		CUP			CUP	CUP	9-6.165
Building Materials and Hardware w/ outdoor sales or storage area less than 10,000 sf		A	A	A		A			A	A	9-6.165
Business Support Services		A	A	A		A	A	A	A	A	
Caretaker's Residence/Employee Unit		CUP	CUP	CUP							

Childcare Center	A	A	A					CUP			9-6.125
Churches and Related Activities		CUP	CUP								9-6.121
Collection Stations	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	9-6.130
Contract Construction Services (Indoor) w/ outdoor storage or sales area less than 10,000 sf				A		A			A	A	
Contract Construction Services (Outdoor) w/ outdoor storage or sales area 10,000 sf or greater				CUP		CUP			CUP	CUP	
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Day Care											
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Farm Equipment and Supplies w/ outdoor storage or sales area 10,000 sf or greater			CUP	CUP		CUP			CUP	CUP	

Farm Equipment and Supplies w/ outdoor storage or sales area less than 10,000 sf			A	A		A			A	A	
Farmers' Market	CUP	CUP	CUP		CUP	CUP	A	A			
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Fuel Dealer				A ⁴		CUP			A ⁴	A ⁴	9-6.129
General Retail	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Government Offices and Facilities	A	A	A	A	A	A	CUP ⁹	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP ⁹	A			
Horticultural Specialties w/ outdoor storage or sales area 10,000 sf or greater		CUP	CUP	CUP	CUP	CUP			CUP	CUP	9-6.116
Horticultural Specialties w/ outdoor sales or storage area less than 10,000 sf		A	A	A	A	A					9-6.116
Hotels, Motels		CUP	A	A	A		CUP				
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Kennels			CUP	A							9-6.111

Large Family Day Care		CUP ⁸	CUP ⁸								9-6.125
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Laundries and Dry Cleaning Plants				A		A			A	A	
Laundromat/Coin-Operated Laundry	CUP	CUP	CUP	CUP	CUP	CUP			A	A	
Libraries, Museums		A	A	A	A		A	A			
Live/Work Unit							A ¹				
Manufacturing and Processing – High Intensity ⁴				CUP		CUP			AUP	AUP	
Manufacturing and Processing - Low Intensity		CUP	CUP	A		A			A	A	
Medical Extended Care Services: 6 Residents or Less	CUP	CUP	CUP	CUP	CUP	CUP					9-6.134
Medical Extended Care Services: 7 Residents or More			CUP								9-6.134
Medical Research		CUP		A		A		CUP	A	A	
Membership Organizations			A	A		CUP	CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Mini-Storage				CUP		CUP			A	A	

Mobile Eating and Drinking Vendors ⁶	A	A	A	A		A	A		A	A	
Mortuary Services			A	A							
Multifamily Dwelling	CUP ²	CUP ²	CUP ²	CUP ²			A ¹	A ¹			
Occupancy Units											
Offices	A	A	A	A	A	A	CUP ⁹	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 ⁴			A ⁴	A ⁴	
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Recreational Vehicle Parks					A						9-6.180
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132

Research and Development		CUP		A		A	CUP	A	A	A	
Residential Care: 6 Residents or Less							A ^{A2}	A ^{A2}			9-6.135
Retail Sales—Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Schools		A	A	A			CUP	CUP			9-6.125
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A ¹	A ¹			
Single-Room			CUP								9-6.184
Small Family Day Care		A ⁸	A ⁸	A ⁸		A ⁸	A ⁸				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					A	A	9-6.131
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Temporary Events	A/ CUP ³	CUP	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A	A	9-6.177
Temporary Offices		A	A	A							9-6.176

Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	
Vehicle and Equipment Storage (Indoor) ⁴				<u>A</u>		CUP			A ⁴	A ⁴	9-6.183
<u>Vehicle and Equipment Storage (Outdoor)⁴</u>				<u>CUP⁴</u>					<u>CUP⁴</u>	<u>CUP⁴</u>	<u>9-6.183</u>
Vehicle and Freight Terminals				CUP					CUP	CUP	
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center ⁴		AUP	AUP	A ⁴		A ⁴			A ⁴	A ⁴	
Winery – Boutique			A ⁴	A ⁴	A ⁴	A ⁴	A ⁴		A ⁴	A ⁴	
Winery – Production				CUP		CUP			A ⁴	A ⁴	

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

- 1 Residential uses allowed only on second and third floors. If a project is required to 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.

- ## Zoning District Abbreviations

I – Industrial

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

Table Changed to alphabetical order.

Public Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted				
	Permitted Uses By Zones				Special 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		
Mini Storage			CUP		
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

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.

DRAFT ORDINANCE D

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AMENDING SECTION 11-4.23
OF THE ATASCADERO MUNICIPAL CODE**

(CPP19-0080)

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact 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, the Planning Commission of the City of Atascadero, at a Public Hearing held on November 19, 2019, studied and considered the proposed amendments; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of the amendments; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject Title 11 amendment application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said text amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on December 10, 2019, considered the proposed text amendments.

SECTION 3. CEQA. The proposed Title 4 amendment 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 4. Approval. The City Council of the City of Atascadero, in a regular session assembled on December 10, 2019, resolved to introduce for first reading by title only, an Ordinance that would amend Title 11 of the City of Atascadero Municipal Code 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 Filing.

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

SECTION 6. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 8. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on December 10, 2019, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2020.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney