



# **CITY OF ATASCADERO CITY COUNCIL AGENDA**

## **\* COVID-19 NOTICE \***

**Consistent with Executive Orders N-25-20 and No. N-29-20 from the Executive Department of the State of California and the San Luis Obispo County Health Official's March 18, 2020 Shelter at Home Order, the City Council Meeting will not be physically open to the public and City Council Members will be teleconferencing into the meeting.**

### **HOW TO OBSERVE THE MEETING:**

To maximize public safety while still maintaining transparency and public access, the meeting will be live-streamed on SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and on KPRL Radio 1230AM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website or by visiting <https://slo-span.org/static/meetings-ATASCC.php>.

### **HOW TO SUBMIT PUBLIC COMMENT:**

Members of the public are highly encouraged to call **805-538-2888** to listen and provide public comment via phone, or submit written public comments to [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) by 5:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Mayor's discretion. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

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

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

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

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



# ***CITY OF ATASCADERO CITY COUNCIL***

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## **AGENDA**

**Tuesday, April 14, 2020**

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

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

**PLEDGE OF ALLEGIANCE:** Council Member Newsom

**ROLL CALL:** Mayor Moreno  
Mayor Pro Tem 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 – March 24, 2020**

- Recommendation: Council approve the March 24, 2020 Draft City Council Meeting Minutes. [City Clerk]

## **2. Weed/Refuse Abatement Program**

- **Fiscal Impact:** The City recovers costs for administering this program through recovery of the cost of abatement, plus a flat fee of \$260 plus a percentage charge of 166% administrative fee, which is placed on the San Luis Obispo County Special Tax Assessment for the fiscal year 2020-2021 Tax Roll.
- **Recommendation:** Council adopt Draft Resolution, declaring vegetative growth and/or refuse a public nuisance, commencing proceedings for the abatement of said nuisances, and placing all abatement fees on the San Luis Obispo County Special Tax Assessment for the fiscal year 2020-2021 Tax Roll. [Fire Department]

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

- **Fiscal Impact:** The updated resolution will allow the City to be eligible for federal and state financial assistance.
- **Recommendation:** Council adopt Draft Resolution Repealing Resolution No. 2017-003 and Updating the Authorization of Certain City Representatives to Execute State Office of Emergency Services Documents for Certain Financial Assistance. [Administrative Services]

## **4. Contract Change Order with Bureau Veritas Company for Contract Plan Check Services**

- **Fiscal Impact:** Authorization of the change order will result in the expenditure of \$46,000 in plan check services revenues.
- **Recommendation:** Council authorize the City Manager to execute a change order for \$46,000 for contract plan check services from \$84,000 to \$130,000 for the 2019/2020 purchasing contract with Bureau Veritas. [Community Development]

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

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

## **B. PUBLIC HEARINGS:**

### **1. Urgency Ordinance Authorizing Delay of Transient Occupancy Tax (TOT) and Tourism Business Improvement District (TBID) Assessment Penalties and Interest**

- **Fiscal Impact:** The fiscal impact of approving the Urgency Ordinance is a temporary reduction in penalties and interest charges attributable to late TOT/TBID payments in an unknown amount that is dependent on the number of late payments.

- Recommendation: Council adopt an Urgency Ordinance authorizing the Administrative Services Director to delay penalties and interest for late Transient Occupancy Tax (TOT) and Atascadero Tourism Business Improvement District (ATBID) assessment revenues received for January, February and March 2020 transient lodging services until August 31, 2020. [City Manager]

**2. Urgency Ordinance Affirming Orders of the Emergency Services Director and Public Health Officer**

- Fiscal Impact: The adoption of this Urgency Ordinance would not have a fiscal impact to the City. Enforcement of the Urgency Ordinance would have a financial impact to the City depending upon the extent of enforcement required.
- Recommendation: Council adopt an Urgency Ordinance of the City Council of the City of Atascadero, California Affirming Orders of The Emergency Services Director and Public Health Officer. [City Attorney]

**C. MANAGEMENT REPORTS:**

**1. 6th Cycle Housing Element Update (CPP19-0067)**

- Fiscal Impact: None.
- Recommendation: Council receive an update and provide feedback to staff and the Housing Element Consultant regarding housing opportunity sites and policies for inclusion in the Housing Element Update. [Community Development]

**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 CITY COUNCIL**

## **DRAFT MINUTES**

**Tuesday, March 24, 2020**

**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.**

Mayor Moreno called the meeting to order at 6:01 p.m. and 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, Administrative Services Director Jeri Rangel, 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

Council Members Fonzi, Funk, and Newsom as well as staff members Rangel, Dunsmore, Bryson, Pierik and Christensen were present by teleconference.

### **APPROVAL OF AGENDA:**

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

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

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

**PRESENTATIONS: None.**

**A. CONSENT CALENDAR:**

**1. City Council Draft Action Minutes – March 10, 2020 and March 17, 2020**

- Recommendation: Council approve the March 10, 2020 Draft City Council Meeting Minutes and the March 17, 2020 Draft City Council Special Meeting Minutes. [City Clerk]

**2. February 2020 Accounts Payable and Payroll**

- Fiscal Impact: \$2,062,897.06
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for February 2020. [Administrative Services]

**3. 2020 Pavement Resurfacing Project Construction Award**

- Fiscal Impact: \$569,213.00
- Recommendations: Council:
  1. Award a construction contract for \$569,213 to Souza Engineering Contracting, Inc. for the 2020 Pavement Resurfacing Project and the remaining portion of the F-14 Pavement Rehabilitation Project.
  2. Authorize the City Manager to execute a contract with Souza Engineering Contracting, Inc. for \$569,213 for the construction of the 2020 Pavement Resurfacing Project and the remaining portion of the F-14 Pavement Rehabilitation Project. [Public Works]

**4. San Anselmo Road (West) Pavement Rehabilitation Construction Award**

- Fiscal Impact: \$479,775.00
- Recommendations: Council:
  1. Award a construction contract for \$368,755 to Papich Construction Company, Inc. for the San Anselmo Road (West) Pavement Rehabilitation Project (Project No. C2019R01).
  2. Authorize the City Manager to execute a contract for \$368,755 with Papich Construction Company, Inc. to construct the San Anselmo Road (West) Pavement Rehabilitation Project.
  3. Authorize the Director of Administrative Services to allocate an additional \$111,000 in Local Transportation Funds to the San Anselmo Road (West) Pavement Rehabilitation Project. [Public Works]

**5. Temporary Change of Cancellation Policy for Facility Rentals**

- Fiscal Impact: Although the City is experiencing significant downturns in facility rental income and recreation income, allowing refunds versus requiring the renters to book another date will only have a slight negative impact on City revenues.
- Recommendation: Council authorize the City Manager to allow refunds for facility rentals that were cancelled due to concerns regarding COVID-19 Coronavirus. [City Manager]

Mayor Moreno noted that Item #A-5 is a temporary change to allow refunds for those who need to cancel rentals as a result of orders, directives and closures due to COVID-19.

**MOTION: By Council Member Fonzi and seconded by Council Member Newsom to approve the Consent Calendar.**  
***Motion passed 5:0 by a roll-call vote.***

#### **UPDATES FROM THE CITY MANAGER:**

City Manager Rickard gave updates on COVID-19 and discussed City actions in response to COVID-19.

Mayor Moreno asked for the Council's consideration of a temporary suspension and/or waiver of late fees for the payment of Transient Occupancy Taxes (TOT) as some of the other cities in the County have done or are currently considering.

Attorney Pierik reported that the item was not on the Agenda so the Council could not discuss or take action regarding any temporary suspension or waiver of late fees for TOT payments. He did note that the City Manager, as the Director of Emergency Services, could take action to temporarily suspend or waive late fees for the late payment of TOT and the City Council could ratify that action at the next City Council Meeting.

#### **COMMUNITY FORUM:**

The following citizens spoke during Community Forum: Geoff Auslen

***Mayor Moreno closed the COMMUNITY FORUM period.***

#### **B. PUBLIC HEARINGS: None.**

#### **C. MANAGEMENT REPORTS:**

##### **1. Results of Voter Opinion Survey on Feasibility of a Potential Future Tax Ballot Measure**

- Fiscal Impact: None.
- Recommendation: Council receive and file the Revenue Measure Feasibility Survey Summary Report prepared by True North Research. [City Manager]

Deputy City Manager/City Clerk Christensen introduced Dr. Timothy McLarney of True North Research who gave the presentation and answered questions from the Council. Attorney Pierik and Deputy City Manager/City Clerk Christensen also answered questions from the Council.

#### **PUBLIC COMMENT:**

The following citizens spoke on this item: Geoff Auslen and Ron Di Carli

City Clerk Christensen read comments received by email prior to the start of the meeting from Ron Overacker and Brandon Roberts into the record.

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



**The City Council received and filed the Revenue Measure  
Feasibility Survey Summary Report.**

**2. Proposed Sewer Service Rate Increases**

- Fiscal Impact: Approving staff recommendations will generate an estimated \$430,000 in additional revenue from sewer service charges collected in FY20/21 over FY19/20 amounts.
- Recommendations: Council:
  1. Direct staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all property owners connected to the municipal sanitary sewer system.
  2. Set a Public Hearing on May 26, 2020 for the City Council's consideration of the proposed wastewater rate increases.
  3. Approve a budget amendment and authorize the Director of Administrative Services to appropriate \$7,500 from the Wastewater Fund for costs related to the Proposition 218 majority protest process. [Public Works]

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

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

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

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

1. Direct staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all property owners connected to the municipal sanitary sewer system.
2. Set a Public Hearing on May 26, 2020 for the City Council's consideration of the proposed wastewater rate increases.
3. Approve a budget amendment and authorize the Director of Administrative Services to appropriate \$7,500 from the Wastewater Fund for costs related to the Proposition 218 majority protest process.

***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. County Mayors Round Table
2. Economic Vitality Corporation, Board of Directors (EVC)
3. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Fonzi

1. City of Atascadero Design Review Committee

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 Attorney – City Attorney Pierik noted that earlier in the meeting the Mayor brought up the suspension or waiver of penalty fees/interest for late payment of TOT. He reported that he did some research and found that Pismo Beach adopted an urgency ordinance to extend the time for the payment of TOT for February and March through August 31, 2020 and believes that rather than having the City Manager issue an order as director of Emergency Services, the better approach would be to have it brought back to the Council as an urgency ordinance at April 14 meeting.

**There was Council consensus to have an urgency ordinance brought back at the April 14, 2020 Council Meeting, delegating to the City Manager the authority to determine appropriate extensions for application of the suspension/waiver of penalty fees/interest for payment of the first quarter TOT and presenting those parameters to the City Council as part of the urgency ordinance.**

**F. ADJOURN**

Mayor Moreno adjourned the meeting at 8:44 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager / City Clerk

**APPROVED:**



# ***Atascadero City Council***

## ***Staff Report – Atascadero Fire & Emergency Services Department***

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### **Weed/Refuse Abatement Program**

#### **RECOMMENDATION:**

Council adopt Draft Resolution, declaring vegetative growth and/or refuse a public nuisance, commencing proceedings for the abatement of said nuisances, and placing all abatement fees on the San Luis Obispo County Special Tax Assessment for the fiscal year 2020-2021 Tax Roll.

#### **DISCUSSION:**

The Municipal Code, Section 6-13.03, addresses the abatement of vegetative growth and/or refuse, which constitute a hazard. Adoption of the proposed Resolution is the first step in this annual program, which requires City Council action. Atascadero Fire & Emergency Services Department (AFD) conducted its initial inspection the last week of March and the first week of April. There are approximately 11,188 parcels within the City. Notices are mailed to the recorded property owner of each parcel listed declaring that their parcel is an existing, future or “potential” hazard. AFD advises that it considers a parcel a future or “potential” hazard if the parcel is not completely landscaped or irrigated and / or there is a potential for weed growth (6-13.01). The list of parcels identified to have vegetative growth and/or refuse, which are or may become a public nuisance, is available for review in the Office of the City Clerk and at Atascadero Fire & Emergency Services.

#### **FISCAL IMPACT:**

The City recovers costs for administering this program through recovery of the cost of abatement, plus a flat fee of \$260 plus a percentage charge of 166% administrative fee, which is placed on the San Luis Obispo County Special Tax Assessment for the fiscal year 2020-2021 Tax Roll.

#### **ATTACHMENTS:**

1. Draft Resolution
2. Vegetative Growth/Refuse Notice

## **DRAFT RESOLUTION**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING VEGETATIVE GROWTH (NOXIOUS WEEDS) AND/OR REFUSE A PUBLIC NUISANCE**

**WHEREAS**, Atascadero Fire & Emergency Services conducted parcel inspections throughout the City during the last week of March 2020 and the first week of April 2020; and

**WHEREAS**, Atascadero Fire & Emergency Services considers a property, land or lot a future or “potential” hazard if the property, land or lot is not completely landscaped or irrigated and/or there is a potential for weed growth; and

**WHEREAS**, property, lands or lots in the City were identified as having existing, future or “potential” hazards that are considered to be a public nuisance; and

**WHEREAS**, Atascadero Fire & Emergency Services is commencing proceedings for the abatement of said nuisances; and

**WHEREAS**, abatement fees will be placed on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2020-2021 Tax Roll.

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

**SECTION 1.** That vegetative growth (noxious weeds) and/or refuse are, or may become, a hazard and hereby declared to be a public nuisance which should be abated for the reasons that vegetative growth may attain such a large growth as to become a fire menace and/or drainage restriction, when mature and said refuse may become a public nuisance, thereby creating a hazard to public health and safety.

The City Council of the City of Atascadero finds and declares that vegetative growth (noxious weeds) and/or refuse on specified parcels of property are seasonal and recurrent nuisances. Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of City and State laws. No further hearings need to be held, and it shall be sufficient to mail a notice to the owner of the property as their address appears upon the current assessment roll.

**SECTION 2.** A description of the parcel of lots of private property upon which, or in front of which, said nuisances are or may become a hazard, according to the official Assessment Map of said City of Atascadero, shall be posted annually in the office of the City Clerk and referred to as Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 3.** The City Clerk or designee is hereby ordered and directed to mail written notices of the proposed abatement to all persons owning property described in accordance with Section 6-13.08 of the Atascadero Municipal Code.

**SECTION 4.** Pursuant to Section 6-13.10 of the Atascadero Municipal Code, the City Council shall hear and consider all objections or protests to the required removal of said vegetative

growth and/or refuse. The City Clerk shall post a copy of the public hearing notice in accordance with the Ralph M. Brown Act.

**SECTION 5.** Pursuant to Section 6-13.17 of the Atascadero Municipal Code, if the owner does not abate the hazard, it will be abated by the City contractor. The cost of the abatement plus a \$260 flat fee and 166% administrative fee and County fee will be assessed upon the County property tax bill, and constitute a lien upon such land until paid.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_\_, 2020.

On motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, 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



# City of Atascadero

## *Atascadero Fire & Emergency Services*

### **NOTICE**

Dear Atascadero Property Owner:

Weed abatement season has arrived and parcel inspections were recently performed throughout the City. The Atascadero Municipal Code, Section 6-13.08, requires this notification, which enables Atascadero Fire & Emergency Services to abate dry noxious weeds and/or refuse in an effort to make our neighborhoods safer in the event of a fire. Please be advised your property has been identified as an existing, future or “potential” hazard. Atascadero Fire & Emergency Services advises that it considers a parcel a future or “potential” hazard if the parcel is not completely landscaped or irrigated and/or there is a potential for vegetative growth.

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### **NOTICE TO REMOVE VEGETATIVE GROWTH (NOXIOUS WEEDS) AND /OR REFUSE**

Notice is hereby given that on the 14<sup>th</sup> day of April 2020, the City Council passed a Resolution declaring that vegetative growth (noxious weeds) and refuse constitute a fire hazard, and health and safety hazard, which must be abated by the cutting of said vegetative growth (noxious weeds), and/or removal of refuse which constitutes said health and safety hazard. If the property owner does not abate the noxious weeds and/or refuse by **June 1, 2020**, it will be abated by the City, and the cost of the abatement will be assessed upon the County property tax bill, and will constitute a lien upon such land until paid. The City recovers costs for administering this program through a \$260 flat fee and 166% administrative fee. Reference is hereby made to the Resolution for further particulars and Municipal Code Sections 6-13.01 through 6-13.17. A copy of said Resolution is on file in the Office of the City Clerk.

All property owners having any objections to the proposed removal of the hazard are encouraged to attend , or virtually attend if necessary, the meeting of the City Council of the City of Atascadero to be held on **May 12, 2020 at 6:00 p.m.** when their objections will be heard and given due consideration.

Dated this 15<sup>th</sup> day of April, 2020

/s/ Casey D. Bryson  
Fire Chief  
City of Atascadero

## **THE DEADLINE FOR WEED/REFUSE ABATEMENT COMPLIANCE IS JUNE 1, 2020**

**THANK YOU FOR YOUR ASSISTANCE IN MAINTAINING YOUR  
VEGETATIVE GROWTH TO A MAXIMUM HEIGHT OF 4 INCHES**

On June 1, 2020, the City's contractor begins the abatement process for parcels that are not in compliance. The contractor's fees, as well as applicable City and County fees/fines are assessed on the County's tax roll.

The Fire Chief has established the following requirements:

### **CLEARANCE REQUIREMENTS OF VEGETATIVE GROWTH (NOXIOUS WEEDS)**

#### **Maximum height of 4 inches**

- a) Located within 100 feet of any building or structure, or to the property line, whichever is nearer;
- b) Located within 50 feet from the edge of any improved roadway;
- c) Located within 50 feet from each property line;
- d) Located within 10 feet on each side of driveways.

### **EXEMPTIONS:**

- a) Animal pastures and agricultural fields growing hay or grains. The interior portion of fenced pastures where the quantity of livestock significantly reduces the vegetative growth, therefore bringing the parcel into compliance. Agricultural fields must be cut at harvest time. Uncut hay and grain is subject to abatement.
- b) Habitat for endangered or threatened species or any species that is a candidate for listing as an endangered or threatened species by the State of California or Federal Government.
- c) Land kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
- d) Open space lands that are environmentally sensitive parklands.
- e) Other lands having scenic values.

*Abatement requirements shall remain in effect in waterways where flood preparation measures and emergency flood control mitigation is necessary.*

- 1) This exemption applies whether the land or water are held in fee title or any lesser interest. This exemption applies to any public agency, and private entity that has dedicated the land or water areas to one or more of those purposes or uses, or any combination of public agencies and private entities making that decision.
- 2) This section shall not be construed to prohibit the use of properly authorized prescribed burning to improve the biological function of land or to assist in the restoration of desired vegetation.
- 3) In the event that any lands adjacent to land or water areas, as described above, are improved such that they are subject to this chapter, the obligation to comply with Section 6-13.04 shall be with the person owning, leasing, controlling, operating, or maintaining the occupied dwelling or occupied structure on the improved lands. All maintenance, activities, and other fire prevention measures required by Section 6-13.04 shall be required only for the improved land, and water areas as described above.

Questions regarding weed abatement may be directed to (805) 470 3300 or by writing to: City of Atascadero, Fire & Emergency Services, Fire Marshal, 6005 Lewis Ave., Atascadero, CA 93422.



# ***Atascadero City Council***

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

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

#### **RECOMMENDATION:**

Council adopt Draft Resolution Repealing Resolution No. 2017-003 and Updating the Authorization of Certain City Representatives to Execute State Office of Emergency Services Documents for Certain Financial Assistance.

#### **DISCUSSION:**

A nationwide emergency under the Stafford Act was declared on March 17, 2020, in response to the outbreak of the coronavirus (COVID-19). This declaration made available federal disaster assistance funding through the Federal Emergency Management Agency (FEMA).

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

The City previously adopted Resolution 2017-003 on March 28, 2017. Cal OES keeps resolutions on file for three years, and then requires the City Council to adopt resolution updates.

#### **FISCAL IMPACT:**

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

#### **ATTACHMENT:**

Draft Resolution



## DRAFT RESOLUTION

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_\_\_, 2020.

On motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, 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

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

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

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

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

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

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

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the \_\_\_\_\_, a public entity established under the laws of the State of California,  
(Name of Applicant)  
hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

**Please check the appropriate box below:**

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

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

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

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

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

**CERTIFICATION**

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

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

Resolution passed and approved by the \_\_\_\_\_ of the \_\_\_\_\_  
(Governing Body) (Name of Applicant)

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

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

**Cal OES Form 130 Instructions**

**A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.**

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

**Resolution Section:**

**Governing Body:** This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

**Name of Applicant:** The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

**Authorized Agent:** These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

**Governing Body Representative:** These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

**Certification Section:**

**Name and Title:** This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."



# ***Atascadero City Council***

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

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### **Contract Change Order with Bureau Veritas Company for Contract Plan Check Services**

#### **RECOMMENDATION:**

Council authorize the City Manager to execute a change order for \$46,000 for contract plan check services from \$84,000 to \$130,000 for the 2019/2020 purchasing contract with Bureau Veritas.

#### **DISCUSSION:**

##### Background

The number of construction plan submittals to the City in November and December of 2019 greatly exceeded anticipated volumes and has led to the need for additional plan check services.

Construction plan review is performed both in-house by staff and by an outside plan check service. At this time, the City consults with two plan check service providers, Bureau Veritas (BV), and Four Leaf.

On average, the City processes about 1200 building permit applications annually. Each of these permits must be examined for consistency with the California Building Code and the City's local requirements. The plan check process includes everything from an over the counter zoning clearance for a new business to a review of a multi-story hotel or complex commercial building such as La Plaza. Depending on the complexity of the project, different levels of plan review may be required.

Many building permit applications are relatively minor and are checked in-house by Building and Planning staff, while other plans are reviewed by our plan check consultant services. With each budget, staff estimates the number of plan checks that will need to be sent to consultants for review based on previous year's activity and current economic trends. Over the past several years, estimates have been on track. However, towards the end of Calendar year 2019 the City has experienced a significant volume of permit submittals, including an unexpectedly large number of very complex development projects. This was partly due to a healthy economy with a significant demand for new development, and the fact that a new building code became effective on January 1, 2020. Many developers wanted to submit their plans prior to the enactment of the new building code. Therefore, the month of December, 2019 was a record month for both the number

and significance of construction plan checks leading to a total of more than 1600 construction plan checks for the 2019 calendar year. The significant jump in construction permit submittals along with the complexity of the projects has resulted in a significant jump in plan check review time from both staff and consultants.

The City awarded a professional services contract to Bureau Veritas for up to \$84,000 in plan check services for FY 2019-2020. This contract was awarded in accordance with Section V, 2.0 of the City's purchasing policy which allows contracts under \$100,000 to be awarded through informal solicitation of qualifications and City Manager award of the contract. The current volume of building permit submittals and the need for plan check services is now estimated to exceed \$100,000 for fiscal year 2019-2020. In accordance with the purchasing policy, the City Council must approve any contracts (or changes that will bring contracts) in excess of \$100,000.

Construction plan check consultants play a critical role in the development review process. Working with the appropriate consultant is essential in providing the adequate level of construction plan review while also helping to streamline the review process. In our efforts to improve this service we carefully select consultants from a pool of qualified submittals through a proposal process. A request for proposals was distributed statewide. The City received three proposals from qualified firms. In person interviews were performed in addition to seeking referrals from other local communities. Two of these firms rose to the top in terms of their qualifications, record of accomplishment, and experience in public sector plan review. In the last fiscal year, we chose to select two out of three of these highly qualified consultants in order to expedite our review process and broaden our professional consultant assistance. At that time, we selected both BV and Four Leaf. Over the past year, we have found that BV more closely meets the needs of our plan check services when compared to other consultants. Additionally, BV is located right here in Atascadero, reducing the need to ship out plans for review since Four Leaf is located in the San Francisco Bay area. Therefore at this time, we have chosen to utilize BV for all of our construction plan check services. Continued use of BV's services will continue to help the City meet our construction plan review turn-around times, while also helping to meet our housing and economic development goals.

It is important to keep in mind that this increase does not result in additional fiscal impacts to the City since the fees to cover the construction plan check costs are collected when permit applications are submitted to the City. Due to the high permit volume, the City has collected a similar amount over budgeted projections in plan check revenues.

## **FISCAL IMPACT:**

Authorization of the change order will result in the expenditure of \$46,000 in plan check services revenues.

## **ATTACHMENTS:**

None.



# ***Atascadero City Council***

## ***Staff Report – City Manager’s Office***

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### **Urgency Ordinance Authorizing Delay of Transient Occupancy Tax (TOT) and Tourism Business Improvement District (TBID) Assessment Penalties and Interest**

#### **RECOMMENDATION:**

Council adopt an Urgency Ordinance authorizing the Administrative Services Director to delay penalties and interest for late Transient Occupancy Tax (TOT) and Atascadero Tourism Business Improvement District (ATBID) assessment revenues received for January, February and March 2020 transient lodging services until August 31, 2020.

#### **DISCUSSION:**

On March 17, 2020 the Atascadero City Council declared a State of Emergency in response to the global health crisis and pandemic brought on by Covid-19 (Novel Coronavirus). The impact of the global pandemic and the resulting response to slow the spread of the disease has greatly impacted the business and tourism activities in the City. Lodging businesses within the City are now experiencing severe declines in occupancy while trying to maintain their properties and ongoing fixed operating costs.

In an effort to assist the lodging industry during these difficult times, Council directed staff to bring back an ordinance to delay otherwise applicable late fees and penalties on delinquent Transient Occupancy Tax (TOT) and Atascadero Tourism Business Improvement District (ATBID) remittance for January, February and March 2020, normally due on or before April 30, 2020 until August 31, 2020. August 31<sup>st</sup> is the latest date that these payments can be delayed while still recording the revenues to the applicable fiscal year.

Lodging operators will be required to submit their TOT, ATBID and San Luis Obispo Tourism Marketing District (SLOTMD) assessment forms on time as usual, so that staff can account for those expected revenues for the fiscal year.

The waiver being discussed here would not apply to payments, penalties and interest of SLOTMD fees. Lodging operators will need to pay the regular SLOTMD assessment on time, as scheduled. Those payments will continue to be collected and penalties and fees will be assessed if not received based on the original due dates. The City collects SLOTMD revenues and remits them to the County within 30 days of collecting them. This payment is not under the City’s power to waive or to defer, absent action by others.

Staff recommends that Council adopt the Urgency Ordinance attached which authorizes the Administrative Services Director to delay penalties and interest for late TOT and ATBID assessment revenues for such revenues received for January, February and March, 2020 services until August 31, 2020. This assistance will be a temporary measure that will help the lodging properties get through this difficult time, while still being able to receive these payments during the same fiscal year.

The lodging operators will still be expected to pay the TOT, ATBID funds they have collected on the City's behalf. Penalties and interest for TOT and ATBID payments for January, February and March 2020 would be waived through August 31, 2020, for all eligible lodging establishments unable to remit payment on or before April 30, 2020. Such payments due and not received by August 31, 2020, will begin to accrue interest and penalties on September 1, 2020, per the requirements of the City's ordinance. April, May and June 2020 TOT and ATBID amounts will still be due on July 31, 2020; payment deferral is not proposed for these months.

There are sufficient fund balances in the General Fund and the ATBID to allow for the delayed payments without causing delays in expenditures.

In accordance with Government Code section 36937(b), for the immediate preservation of the public peace, health or safety, an urgency ordinance may be adopted and become effective immediately.

### **FISCAL IMPACT:**

The fiscal impact of approving the attached Urgency Ordinance is a temporary reduction in penalties and interest charges attributable to late TOT/ATBID payments in an unknown amount that is dependent on the number of late payments.

### **ALTERNATIVES:**

1. Do not delay penalties and interest for January, February and March 2020 until August 31, 2020.
2. Delay penalties and interest for a different period.

### **ATTACHMENT:**

Draft Urgency Ordinance

**URGENCY ORDINANCE NO.**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO DELAY LATE FEES AND PENALTIES FOR DELINQUENT TRANSIENT OCCUPANCY TAX (TOT) AND ATASCADERO TOURISM BUSINESS IMPROVEMENT DISTRICT (ATBID) ASSESSMENT REVENUES RECEIVED FOR JANUARY, FEBRUARY AND MARCH 2020 TRANSIENT LODGING SERVICES UNTIL AUGUST 31, 2020**

**WHEREAS**, on Tuesday, March 17, 2020, the City Council declared a State of Emergency in response to the global health crisis and pandemic brought on by COVID-19 (Coronavirus); and

**WHEREAS**, due to the immediate effect of the emergency shelter-at-home directive on the lodging industry, many hoteliers have inquired about the possibility to delay remittance of the collected transient occupancy tax; and

**WHEREAS**, City staff has considered the projected COVID-19 losses and the possibility to assist the City's lodging partners who are directly impacted by State and local shelter-at-home orders; and

**WHEREAS**, the Council wishes to temporarily suspend the imposition of adopted penalties for late payment of currently due payments because the COVID-19 pandemic is acutely and disproportionately impacting the local lodging and hotel industry.

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

**SECTION 1.** Notwithstanding anything to the contrary in Chapter 3.08 of the Atascadero Municipal Code, penalties applicable to late payments are hereby temporarily suspended and the Administrative Services Director is authorized to delay imposition of late fees and penalties for late payment to the City of Transient Occupancy Tax (TOT) and Atascadero Tourism Business Improvement District (ATBID) revenues received by lodging establishments for January 2020, February 2020 and March 2020 transient occupancy lodging services until August 31, 2020.

**SECTION 2.** Nothing herein shall relieve any person or entity of its obligation to pay and to remit to the City amounts otherwise due and any late fees or penalties that otherwise would have become due for failure or refusal to pay amounts due for January, February and March 2020 and shall be assessed and shall become due and payable to the City if the referenced TOT payments due to the City have not been made in full by August 31, 2020.

**SECTION 3.** This Ordinance shall become effective immediately upon passage and adoption thereof, as it is an urgency ordinance intended to immediately protect the public welfare, health and safety.



**SECTION 4. Publication.** The City Clerk shall certify to the adoption of this Urgency Ordinance no later than fifteen (15) days following the passage of this Urgency Ordinance, the Urgency Ordinance, along with the names of the City Council members voting for and against the Urgency Ordinance, shall be published in a newspaper of general circulation in the City of Atascadero.

**PASSED AND ADOPTED** by the City Council of the City of Atascadero, California, held on the 14th day of April 2020, by a vote of at least four-fifths of the City Council.

CITY OF ATASCADERO

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Heather Moreno, Mayor

ATTEST:

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Amanda Muther, Deputy City Clerk

APPROVED AS TO FORM:

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Brian A. Pierik, City Attorney



# ***Atascadero City Council***

## ***Staff Report - City Attorney***

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### **Urgency Ordinance Affirming Orders of the Emergency Services Director and Public Health Officer**

#### **RECOMMENDATION:**

Council adopt an Urgency Ordinance of the City Council of the City of Atascadero, California Affirming Orders of The Emergency Services Director and Public Health Officer.

#### **DISCUSSION:**

##### Background

On June 11, 2019 the City appointed the San Luis Obispo County Health Officer as the City Health Officer and further consented to the enforcement of laws relating to the public health by the San Luis Obispo County Health Officer within the City of Atascadero (Resolution No. 2019-038).

On March 14, 2020 the City Manager, in her capacity as the City's Director of Emergency Services, issued a proclamation declaring a Local Emergency due to COVID-19.

On March 17, 2020, the City Council adopted Resolution 2020-005 declaring the existence of a local emergency within the City due to COVID 19.

On March 18, 2020, the San Luis Obispo County Emergency Services Director issued a Local Emergency Order and Regulation No. 3, providing for suspension of commencement of evictions related to COVID-19.

On March 18, 2020, the San Luis Obispo County Emergency Services Director further issued a Countywide Shelter at Home Order and Regulation No. 4 for the County of San Luis Obispo that took effect on Thursday, March 19, 2020 at 5:00 pm., and that was further amended and ratified by the County Health Officer on March 21, 2020 ("Order No. 4").

On March 21, 2020, the San Luis Obispo County Emergency Services Director issued an Amendment to Local Emergency Order and Regulation No. 4 COVID-19 to set forth the definitions of Minimum Basic Operations and Essential Travel for Order No. 4 and make clear the County Health Officer's concurrence with Order No. 4 ratifying said order in full.

##### Urgency Ordinance

Based upon the foregoing, attached for consideration by the City Council is an Urgency Ordinance Affirming Orders of the Emergency Services Director and Public Health Officer. This Urgency Ordinance includes several sections including Section 4 which provides as follows:

Section 4. San Luis Obispo County Emergency Services Director Orders Nos. 3 and 4, establishing regulations for the suspension of commencement of evictions through May 31, 2020 and mandatory shelter at home regulations, respectively, as currently in effect or as subsequently amended by the County Emergency Services Director or County Board of Supervisors, and any and all San Luis Obispo County Emergency Services Director Orders and Public Health Officer Orders which may be issued in the future, are hereby expressly acknowledged and declared to be enforceable within the City of Atascadero and violations of Atascadero Municipal Code (AMC) Section 1-3.02.1 as if directly enacted by the City Council or as otherwise allowed by law.

Urgency ordinances are authorized by Government Code Section 36937 when necessary for the immediate preservation of the public peace, health or safety and must contain a declaration of the facts constituting the urgency and is passed by a four-fifths vote of the city council. This Staff Report, and the attached Urgency Ordinance, confirm that the adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health or safety and contain a declaration of the facts constituting the urgency. The Urgency Ordinance would take effect immediately upon adoption.

While the County of San Luis Obispo has concluded that the County has the authority to enforce the Orders of the County Emergency Services Director both in the unincorporated areas of the County as well as within the cities in the County, this Urgency Ordinance provides further support for the enforceability of those Orders within the City of Atascadero.

### **FISCAL IMPACT:**

The adoption of this Urgency Ordinance would not have a fiscal impact to the City. Enforcement of the Urgency Ordinance would have a financial impact to the City depending upon the extent of enforcement required.

### **ALTERNATIVES:**

Do not adopt the Urgency Ordinance.

### **ATTACHMENT:**

Urgency Ordinance Affirming Orders of the Emergency Services Director and Public Health Officer

**URGENCY ORDINANCE NO.**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF ATASCADERO, CALIFORNIA AFFIRMING ORDERS OF THE  
EMERGENCY SERVICES DIRECTOR AND PUBLIC HEALTH OFFICER  
OF THE COUNTY OF SAN LUIS OBISPO RELATED TO THE COVID-19  
STATE AND LOCAL EMERGENCY, INCLUDING A TEMPORARY  
MORATORIUM ON CERTAIN RESIDENTIAL AND COMMERCIAL  
EVICTIONS AND SHELTER IN PLACE ORDERS, AND EXPRESSLY  
AFFIRMING SUCH ACTIONS AND ORDERS AS APPLICABLE AND  
ENFORCEABLE WITHIN CITY JURISDICTION**

**WHEREAS**, the federal Centers for Disease Control and Prevention (“CDC”) has confirmed thousands of cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and

**WHEREAS**, the World Health Organization declared COVID-19 a pandemic, and the CDC announced that community spread of COVID-19 is likely to occur in the United States; and

**WHEREAS**, the President of the United States has declared a State of National Emergency and, on March 4, 2020, the Governor of the State of California has proclaimed a State of Emergency for the State of California and issued Executive Orders and direction regarding measures to mitigate the spread of cases of COVID-19 within the State of California; and

**WHEREAS**, the increase of reported cases and deaths associated with COVID-19 also prompted the County of San Luis Obispo to proclaim a local public health emergency on March 13, 2020; and

**WHEREAS**, on March 16, 2020, the Governor of the State of California issued an executive order, Executive Order N-28-20, which suspends any state law that would preempt or otherwise restrict a local government’s exercise of its police powers to impose substantive restrictions on residential or commercial evictions based on nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income or substantial out-of-pocket medical expenses caused by the COVID-19 pandemic, or any local, state, or federal government response to COVID-19 that is documented; and

**WHEREAS**, Section 4-4.07 of the Atascadero Municipal Code and the Emergency Service Act (Gov. Code §§ 8550 et seq.) empower the Director of Emergency Services (City Manager) to proclaim a local emergency when the City is affected by extreme peril to the safety of persons and property within the territorial limits of the city caused by such conditions as an epidemic, and on March 14, 2020 the Director issued a proclamation declaring a Local Emergency due to COVID-19; and

**WHEREAS**, on March 17, 2020, the City Council adopted Resolution 2020-005 declaring the existence of a local emergency with the City due to COVID 19

**WHEREAS**, on March 18, 2020, the San Luis Obispo County Emergency Services Director issued Local Emergency Order and Regulation No. 3, providing for suspension of commencement of evictions related to COVID-19 (attached hereto and incorporated by reference as Exhibit A); and

**WHEREAS**, on March 18, 2020, the San Luis Obispo County Emergency Services Director further issued a Countywide Shelter at Home Order and Regulation No. 4 for the County of San Luis Obispo that took effect on Thursday, March 19, 2020 at 5:00 pm., and that was further amended and ratified by the County Health Officer on March 21, 2020 (“Order No. 4”) (attached hereto and incorporated by reference as Exhibit B); and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20, (attached hereto and incorporated by reference as Exhibit C); including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; and

**WHEREAS**, on March 21, 2020, the San Luis Obispo County Emergency Services Director issued an Amendment to Local Emergency Order and Regulation No. 4 COVID-19 to set forth the definitions of Minimum Basic Operations and Essential Travel for Order No. 4 and make clear the County Health Officer’s concurrence with Order No. 4 ratifying said order in full; and

**WHEREAS**, on June 11, 2019 the City appointed the San Luis Obispo County Health Officer as the City Health Officer and further consented to the enforcement of laws relating to the public health by the San Luis Obispo County Health Officer within the City of Atascadero (Resolution No. 2019-038); and

**WHEREAS**, the City of Atascadero will be required to help enforce all restrictions imposed by the State of California and by the County of San Luis Obispo acting as the health agency and, to the extent there are conflicts in the State and County home shelter orders, the City intends to adhere to the most restrictive standard, unless otherwise directed by the County Emergency Services Director or Public Health Officer; and

**WHEREAS**, Health & Safety Code Sections 101029 and 120155 authorize the City’s peace officers to enforce orders of the State and County Public Health Officers issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City’s Chief of Police to enforce local health orders to prevent the spread of disease; and

**WHEREAS**, in accordance with the Governor’s Executive Order N-28-20 and San Luis Obispo County’s Local Emergency Order and Regulation No. 3 COVID-19, there is an urgent need to issue limitations on the authority of landlords to commence evictions of tenants within the jurisdiction of the City in order to protect the health, safety and welfare citizens within the jurisdiction of the City in light of the proclaimed State and local emergency and the declared local public health emergency regarding the COVID-19 pandemic; and

**WHEREAS**, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions; and

**WHEREAS**, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of San Luis Obispo, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

**WHEREAS**, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity.

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

**SECTION 1.** All recitals set forth above, and all recitals included in support of Federal, State and County actions referenced herein (including County Order No. 3 and Order. 4, as amended, and Executive Orders N-28-20 and N-33-20), are adopted as though fully set forth herein as findings in support of this Urgency Ordinance; and

**SECTION 2.** A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution 2020-005 declaring the existence of a local emergency with the City due to COVID 19; the County Emergency Services Director's Proclamation of Local Emergency and the County Public Health Director's Declaration of a Public Health Emergency and related orders and directions, including Order No. 3 and Order No. 4; and the Governor's Executive Order No. N-33-20; and

**SECTION 3.** During the existence of said local emergency, the powers, functions, and duties of the Emergency Services Director and the Emergency Organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City and by the Atascadero Emergency Operations Plan, notwithstanding otherwise applicable procedures, timelines or methods of action and the Emergency Services Director is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

**SECTION 4.** San Luis Obispo County Emergency Services Director Orders Nos. 3 and 4, establishing regulations for the suspension of commencement of evictions through May 31, 2020 and mandatory shelter at home regulations, respectively, as currently in effect or as subsequently amended by the County Emergency Services Director or County Board of Supervisors, and any and all San Luis Obispo County Emergency Services Director Orders and Public Health Officer Orders which may be issued in the future, are hereby expressly acknowledged and declared to be enforceable

within the City of Atascadero and violations of Atascadero Municipal Code (AMC) Section 1-3.02.1 as if directly enacted by the City Council or as otherwise allowed by law.

**SECTION 5.** The Emergency Services Director and Administrative Services Director or their designees are hereby directed and authorized to pursue recovery from all available State and Federal agencies for reimbursement for COVID-19 related City costs and expenses from and after the Determination that a Public Health Emergency Exists since January 27, 2020.

**SECTION 6.** In accordance with the Governor of the State of California's Executive Order N-2820, this ordinance shall remain in effect until August 31, 2020, unless extended or repealed by the City Council. In order to prevent inconsistencies, the Director of Emergency Services may suspend the effectiveness of any provision in this ordinance in the event that the President of the United States, Congress, Governor of the State of California or California State Legislature or other body with jurisdiction adopts an order or legislation that similarly prohibits evictions and foreclosures for failure to pay rent by individuals impacted by the COVID-19 crisis.

**SECTION 7. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Urgency Ordinance.

**SECTION 8. Urgency Declaration; Effective Date.** The City Council finds and declares that the adoption and implementation of this ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of commercial and residential tenants resulting from evictions and foreclosure for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness, especially given state and county directives to stay at home. Promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close and allowing employees to avoid public contact during times of a public health crisis without fear of imminent eviction or foreclosure. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent and mortgages. Enforcement of State and County State at Home Orders, as stated in the Public Health Officer orders incorporated herein by reference, is further necessary to protect the spread of COVID-19. Under Government Code Section 8634 and PRMC Chapter 2.64, this ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

**SECTION 9. Publication.** The City Clerk shall certify to the adoption of this Urgency Ordinance no later than fifteen (15) days following the passage of this Urgency Ordinance, the Urgency Ordinance, along with the names of the City Council members voting for and against the Urgency Ordinance, shall be published in a newspaper of general circulation in the City of Atascadero.

ITEM NUMBER: B-2  
DATE: 04/14/20  
ATTACHMENT: 1

**PASSED AND ADOPTED** by the City Council of the City of Atascadero, California, held on the 14th day of April 2020, by a vote of at least four-fifths of the City Council.

CITY OF ATASCADERO

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Heather Moreno, Mayor

ATTEST:

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Amanda Muther, Deputy City Clerk

APPROVED AS TO FORM:

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Brian A. Pierik, City Attorney



**LOCAL EMERGENCY ORDER AND REGULATION NO. 13  
COVID-19**

**SUSPENSION OF COMMENCEMENT OF EVICTIONS BY LANDLORDS  
RELATED TO ANY RENTAL PROPERTY FOR FAILURE TO PAY RENT,  
FORECLOSURE OR DECREASE IN HOUSEHOLD OR BUSINESS INCOME DUE  
TO COVID-19**

**Please read this order carefully. Violation of or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (County Code § 2.80.130.)**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, at 10:00 a.m. on March 13, 2020, a Proclamation of Local Emergency was issued by the Emergency Services Director of the County of San Luis Obispo; and

WHEREAS, in light of the COVID-19 pandemic and the Governor's March 4, 2020 Proclamation of a State of Emergency, on March 16, 2020, the Governor issued an executive order suspending any provision of state law prohibiting a local government from exercising its police power to impose substantive limitations on residential or commercial evictions; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health have issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in San Luis Obispo have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during the local emergency proclaimed by the Emergency Services Director on March 13, 2020, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the County's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, a copy of the Governor's executive order is attached hereto; and

WHEREAS, pursuant to Government Code Section 8634 and Title 2, Chapter 2.80, Section 2.80.080 of the San Luis Obispo County Code, the Chairman of the Board of Supervisors or in the event he is unavailable the Emergency Services Director, is empowered to make and issue orders and regulations on matters reasonably related to the protection of life and property; and

WHEREAS, there is an urgent need to issue limitations on landlords authority to commence evictions in order to protect the health, safety and welfare of its citizens in light of the proclaimed local emergency and the declared local health emergency regarding the COVID-19 pandemic;

NOW, THEREFORE, it is hereby ordered that:

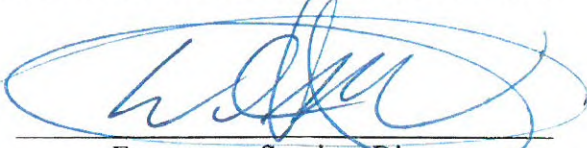
1. The provisions of the Governor's executive order, including its recitals, are incorporated herein as if fully set forth.
2. The above recitals, and the recitals in the Governor's declaration, are true and correct.
3. In order to protect the health, safety and welfare of the residents of the County, the authority of any landlord to commence evictions on any residential or commercial property for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended:
4. Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property for the following reasons is hereby suspended through May 31, 2020, unless otherwise terminated or extended:
  - a. The basis of the eviction is non-payment of rent, or a foreclosure, due to financial impacts related to the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19; and
  - b. The financial impacts related to COVID-19, as defined in this order, are documented.
5. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to Code of Civil Procedure section 1161, paragraph 2, file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent.

6. A landlord knows of a tenant's inability to pay rent within the meaning of this order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim.
7. For purposes of this order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text.
8. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim. Nothing in this order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency.
9. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this order; nor may a landlord seek rent that is delayed or the reasons stated in this order through the eviction process.
10. For purposes of this order, "financial impacts related to COVID-19" include, but are not limited to, lost household income as a result of any of the following:
  - a. Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
  - b. Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;
  - c. Compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
  - d. Extraordinary out-of-pocket medical expenses related to COVID-19; or
  - e. Child-care needs arising from school closures related to COVID-19.
11. For purposes of this order, "no-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161, paragraphs 1 and 5.
12. This order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed.

13. All public housing authorities in the County are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
14. Financial institutions in the County holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
15. This order shall be liberally construed to provide the broadest possible protection for the citizens of the County.
16. The County Administrative Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this order.
17. This order shall remain in effect until May 31, 2020, unless otherwise terminated or extended.

A copy of this order and regulation shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

Date: 18 MAR 2020

  
Emergency Services Director

Time: 1600



**LOCAL EMERGENCY ORDER AND REGULATION NO. 4  
COVID-19**

**MANDATORY SHELTER AT HOME -- ALL INDIVIDUALS LIVING IN THE COUNTY; EXCEPT THAT INDIVIDUALS MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS BUT URGING HOMELESS TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND CESSATION OF NON-ESSENTIAL TRAVEL**

**Please read this order carefully. Violation of or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (County Code § 2.80.130.)**

WHEREAS, at 10:00 a.m. on March 13, 2020, a Proclamation of Local Emergency was issued by the Emergency Services Director; and

WHEREAS, pursuant to Government Code Section 8634 and Title 2, Chapter 2.80, Section 2.80.080 of the San Luis Obispo County Code, the Chairman of the Board of Supervisors or in the event he is unavailable the Emergency Services Director, is empowered to make and issue orders and regulations on matters reasonably related to the protection of life and property; and

WHEREAS, COVID-19 presents an imminent and proximate threat to public health, and the residents of San Luis Obispo County; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for the emergence of confirmed cases of COVID-19, and now that cases have been confirmed in the County, immediate action must be taken to prevent the spread of the virus and to limit high risk activities and gatherings in all public places; and

WHEREAS, it is critical that we ensure the safety and health of our County population; and

WHEREAS, the Emergency Services Director, in consultation with the County Health Officer and with the support of the seven cities within San Luis Obispo County, deems the following immediate actions are necessary to mitigate the spread of COVID-19;

NOW, THEREFORE, it is ordered as follows:

1. **This order is effective as of Thursday, March 19, 2020, at 5:00 p.m. and shall continue in effect until April 17, 2020 at 12:01 p.m., unless modified or rescinded. It shall be reviewed every 14 days to determine the need to continue this order.**
2. The intent of this order is to ensure that the greatest number of people remain in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 as much as possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times, as reasonably possible, comply with Social Distancing Requirements as defined in Section 11, below. All provisions of this order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this order constitutes an imminent threat to public health.
3. All individuals currently living within San Luis Obispo County (the "County") are ordered to remain at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. Social Distancing Requirements are waived for all household members . All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 11 of this order. Individuals experiencing homelessness are exempt from this Section 2, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).
4. All businesses with a facility in the County, except Essential Businesses as defined in Section 11 of this order, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 11. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 11 of this order, including, but not limited to, when any customers are standing in line.
5. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 11. Nothing in this order prohibits the gathering of members of a household or living unit.
6. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined in Section 11, is prohibited. People must use public transit only for purposes

of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 11, to the greatest extent feasible. This order allows travel into or out of the County to perform Essential Activities , operate Essential Businesses, or maintain Essential Governmental Functions.

7. This order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the State of California, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have unrecognized infection or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and **to prevent the health care system from being overwhelmed**. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this order helps preserve critical and limited healthcare capacity in the County.
8. This order is also issued in light of the existence of 7 identified cases of COVID-19 within the County, as well as at least 598 confirmed cases and 13 deaths in California, as of March 17, 2020, at 6:00 p.m. P.S.T. In addition, there have been a significant and increasing number of suspected cases of community transmission and this is likely to continue. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This order is necessary to slow the rate of spread and the County Health Officer will re-evaluate it as further data becomes available.
9. This order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 13, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County, the March 13, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus (COVID-19) issued by the Health Officer, the March 17, 2020 Resolution of the Board of Supervisors of the County of San Luis Obispo Ratifying the Declaration of a Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors of the County of San Luis Obispo Ratifying the Declaration of a Local Health Emergency.

10. This order follows the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The County Health Officer will continue to assess the quickly evolving situation and may modify or extend this order, or issue additional orders, related to COVID-19.

11. The following definitions and exemptions apply to this order:

- a. "Social Distancing" means the practice of maintaining a physical distance of six feet or greater from other people or of avoiding direct contact with people or objects in public places during the outbreak of a contagious disease in order to minimize exposure and reduce the transmission of infection.
- b. For purposes of this order, individuals may leave their residence only to perform any of the following "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
  - (1) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
  - (2) To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
  - (3) To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, bicycling, swimming or camping (household members only).
  - (4) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
  - (5) To care for a family member or pet in another household.



c. For purposes of this order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical, biotechnology companies, and blood bank services, other healthcare facilities, healthcare suppliers, home healthcare services providers, behavioral health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

(1) For purposes of this order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, energy production, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

(2) For purposes of this order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, and certain public health personnel, and others who need to perform essential services are categorically exempt from this order. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

(3) For the purposes of this order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

(4) For the purposes of this order, "Essential Businesses" means:

(a) Healthcare Operations and Essential Infrastructure;

(b) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments

engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

- (c) Food cultivation, including farming, livestock, and fishing;
- (d) Businesses that provide food, shelter (including hotels, motels, and similar establishments) social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- (e) Newspapers, television, radio, and other media services;
- (f) Gas stations and auto-supply, auto-repair, and related facilities;
- (g) Banks and related financial institutions;
- (h) Hardware stores;
- (i) Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- (j) Businesses providing mailing and shipping services, including post office boxes;
- (k) Educational institutions- including public and private K-12 schools, colleges, and universities - for purposes of facilitating distance learning or performing essential functions, and governmental continuity, provided that Social Distancing Requirements as defined in this Section, to the extent possible;
- (l) Laundromats, dry cleaners, and laundry service providers;
- (m) Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

- (n) Businesses that supply products needed for people to work from home;
- (o) Businesses that supply other essential businesses with the support or supplies necessary to operate;
- (p) Businesses that ship or deliver groceries, food, goods or services directly to residences;
- (q) Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this order;
- (r) Home-based care for seniors, adults, or children;
- (s) Residential facilities and shelters for seniors, adults, and children;
- (t) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
- (u) Childcare facilities providing services that enable employees exempted in this order to work as permitted;
- (v) Businesses engaged in any form of cultivation of products for personal consumption or use, including farming, ranching, livestock, fishing, dairies, creameries, wineries, breweries, and associated activities, including, but not limited to, activities or businesses associated with planting, growing, harvesting, processing, cooling, storing, packaging, and transporting such products, or the wholesale or retail sale of such products, but prohibiting public consumption on premises and provided that, to the extent possible, such businesses comply with Social Distancing Requirements and otherwise provide for the health and safety of their employees;
- (w) On-going commercial construction (meaning commercial construction that actually commenced, and was not just permitted, prior to the effective date of this order), provided that such activity implements Social Distancing Requirements to the extent feasible and otherwise provides for the health and safety of their employees.

12. For businesses subject to environmental health regulations, inspections of such business facilities will continue to ensure compliance with this order and other applicable regulations.

13. This order shall remain in effect until rescinded or modified in consultation with and at the recommendation of the County Health Officer.

A copy of this order and regulation shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

Date: 18 MAR 2020

  
Emergency Services Director

Time: 1830

**AMENDMENT TO LOCAL EMERGENCY ORDER AND REGULATION NO. 4  
COVID-19**

**MANDATORY SHELTER AT HOME -- ALL INDIVIDUALS LIVING IN THE COUNTY; EXCEPT THAT INDIVIDUALS MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS BUT URGING HOMELESS TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND CESSATION OF NON-ESSENTIAL TRAVEL**

**Please read this amendment to order carefully. Violation of or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (County Code § 2.80.130.)**

WHEREAS, at 6.30 p.m. on March 18, 2020, the San Luis Obispo County Emergency Services Director, in coordination with the County Health Officer and with the support of the seven cities within San Luis Obispo County, issued Local Emergency Order and Regulation No. 4 ("Order No. 4") mandating cessation of certain activities and directing that all residents of the county shelter at home;

WHEREAS, the terms "Minimum Basic Operations" and "Essential Travel" are referenced in the order but not defined;

WHEREAS, the purpose of this Amendment to Local Emergency Order and Regulation No. 4 is to set forth the definitions of Minimum Basic Operations and Essential Travel for Order No. 4. and make clear the County Health Officer's concurrence with Order No. 4 by ratifying said order in full;

NOW, THEREFORE, it is ordered as follows:

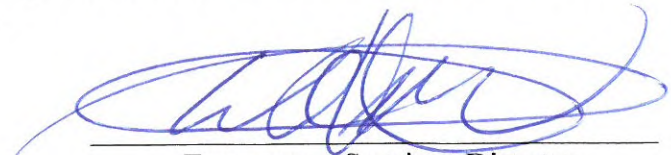
1. The above recitals are true and correct and are incorporated herein by this reference.
2. For purposes of Order No. 4, the term "Minimum Basic Operations" shall mean the necessary activities related to security, maintaining the value of inventory, processing payroll and benefits, processing accounts payable/receivables, and ensuring that employees are working remotely. The term Minimum Basic Operations does not include opening the place of business to members of the public.



3. For the purposes of Order No. 4, "Essential Travel" includes travel within or without the County, or between the various counties, for any of the following purposes:
- (a) Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions or Services, Essential Businesses, or Minimum Basic Operations.
  - (b) Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  - (c) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - (d) Travel to return to a place of residence from outside the jurisdiction.
  - (e) Travel required by law enforcement or court order.
  - (f) Travel necessary to vote in any election or to lodge protests for any new or proposed increase to any tax, assessment or property related fee.
  - (g) Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
4. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this order. The violation of any provision of this Order constitutes an imminent threat to public health.
5. This Amendment to Order No. 4 shall be effective immediately.

A copy of this Amendment to Order No. 4 shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

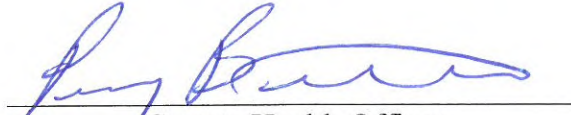
Date: 1130

  
Emergency Services Director

Time: 21 MAR 2020

I, Penny Borenstein, County Health Officer, hereby ratify in full this Amendment and all previously issued local emergency orders and regulations issued by the Emergency Services Director in response to the COVID-19 emergency proclamation issued by the Director on March 13, 2020.

Date: 3/21/2020

  
County Health Officer

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

ITEM NUMBER: B-2  
DATE: 04/14/20  
ATTACHMENT: 1C

EXECUTIVE ORDER N-33-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

**WHEREAS** for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER  
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or



destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused  
the Great Seal of the State of  
California to be affixed this 19th day  
of March 2020.



GAVIN NEWSOM  
Governor of California

**ATTEST:**

ALEX PADILLA  
Secretary of State



# ***Atascadero City Council***

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

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### **6<sup>th</sup> Cycle Housing Element Update (CPP19-0067)**

#### **RECOMMENDATION:**

Council receive an update and provide feedback to staff and the Housing Element Consultant regarding housing opportunity sites and policies for inclusion in the Housing Element Update.

#### **DISCUSSION:**

##### Background

The City started the Housing Element update process in January of 2020. A joint Planning Commission and City Council hearing took place on January 28, 2020. At that time, the Consultant outlined the process and received comments. Since that date, staff and the Consultant have begun the work of identifying the specific number of units that will need to be accommodated in the City over the course of the Housing Cycle that ends in 2028. Additionally, we have begun the work of identifying what inventory is available in the City to accommodate future housing stock.

Although the City's Regional Housing Needs Allocation (RHNA) requires that our General Plan be designed to accommodate 843 during this current cycle, many of these units were already in process as the cycle began in 2019. Most importantly, the RHNA establishes not only the total number of units but also the number of affordable units that the City must accommodate. The updated Housing Element must make accommodations and identify sites to meet the housing allocation across all income categories.

##### Analysis

#### **Regional Housing Needs Allocation (RHNA)**

The 6<sup>th</sup> cycle RHNA for the San Luis Obispo region covers a 10-year planning period (December 31, 2018 through December 31, 2028) and is divided into four income categories: extremely/very low, low, moderate, and above moderate. As determined by San Luis Obispo Council of Governments (SLOCOG), the City of Atascadero's fair share allocation is 843 new housing units during this planning cycle, with the units divided among the four income categories as shown in Table 1.

Table 1: City of Atascadero RHNA Allocation 2018-2028		
Income Group	Total Housing Units	Percentage of Units
Extremely/Very Low Income (0-50% AMI)*	207	25%
Low Income (51-80% AMI)	131	16%
Moderate Income (80-120% AMI)	151	18%
Above Moderate Income (121+% AMI)	354	42%
<i>Total</i>	<i>843</i>	<i>100%</i>
Note: AMI: Area Median Income * Note: Pursuant to AB 2634, local jurisdictions are also required to project the housing needs of extremely low-income households (0-30% AMI). In estimating the number of extremely low-income households, a jurisdiction can use 50% of the very low-income allocation (103 units).		

### Progress towards the RHNA - Credits

Jurisdictions may count any housing units permitted or approved from January 1, 2019 to the start of the Housing Element planning period (December 31, 2020). This is extremely important since 2019 was a very significant year for housing development in Atascadero. More than 600 units (mostly above moderate) were permitted or in process in 2019. Therefore, we have an excellent head start in accomplishing our planning cycle goals and the RHNA numbers will be greatly reduced for the remaining years.

#### *Affordability levels of Units Credited Towards the RHNA*

Since January 1, 2019, 673 housing units have been completed, issued, or approved in Atascadero (Table 2). These units include 36 very low-income units, 25 low-income units, 60 moderate-income units, and 552 above moderate-income units. Therefore, all of the City's required RHNA in the above moderate category has been completed. We will now need to focus our attention on providing policies and land that can accommodate units in the lower income categories. Typically, these units can only be accomplished with deed-restrictions.

Based on current rent trends, 50% of Accessory Dwelling Units (ADU's) will be allocated toward the low-income affordability category with the remaining 50% allocated toward the moderate category. Similarly, some multi-family units can count toward the moderate income category based on unit size. This is extremely important, since these units will fit the category of "Affordable by Design" without being deed restricted and requiring additional oversight.

#### *Remaining RHNA*

Atascadero has a remaining RHNA of **266 units** (171 extremely low/very low-income units and 95 low-income units) that must be achievable within housing opportunity sites identified in the updated Housing Element. **Table 2** below provides the details:

Table 2: RHNA Credits					
	Ex./Very Low Income (0-50% AMI)*	Low Income (51-80% AMI)	Moderate Income (80-120% AMI)	Above Moderate Income (121+% AMI)	Total
<b>Credits</b>					
<b>Building Permits (Finaled/Issued/Applied)</b>					
Single Family Units <sup>2</sup>	0	0	1	110	111
Manufactured Homes <sup>1</sup>	0	0	3	0	3
Multi-Family Units <sup>3</sup>	3	6	73	74	156
Accessory Dwelling Units <sup>4</sup>	0	11	12	0	23
<i>Subtotal</i>	3	17	89	184	293
<b>Planning Approvals</b>					
Emerald Ridge (multi-family units) <sup>3</sup>	0	0	86	86	172
Grand Oaks Micro Homes (SFR) <sup>5</sup>	0	0	30	0	30
Hartberg PD <sup>3</sup> (multi-and single-family units)	3	6	19	47	75
People's Self Help <sup>2</sup>	30	10	0	0	40
Principal Mixed Use (attached/detached single-family units) <sup>2</sup>	0	3	3	46	52
Single-Family Units, miscellaneous	0	0	0	3	3
Multi-Family Units, miscellaneous <sup>3</sup>	0	0	4	4	8
<i>Subtotal</i>	33	19	33	295	380
<b>Total Credits</b>	<b>36</b>	<b>36</b>	<b>231</b>	<b>370</b>	<b>673</b>
2018-2028 RHNA	207	131	151	354	843
<b>Remaining RHNA after Credits Applied</b>	<b>171</b>	<b>95</b>	<b>-80</b>	<b>-16</b>	<b>266</b>

1. Affordability manufactured homes are assumed to be within the affordability range of moderate-income families as these housing types provide more affordable options without the units being subsidized. The average cost for a manufactured unit in Atascadero is \$180,363 for a typical 3 bedroom unit according to the San Luis Obispo County Accessory Dwelling Unit and Mobile/Manufactured Home Market Study Report, January 2020.
2. Identified affordable units have a declaration of restrictions recorded on the property.
3. Affordability for multi-family units in the very low and low income categories is based on a declaration of restrictions recorded on the property. Affordability for non-restricted multi-family units are divided evenly between the moderate and above moderate income categories based on market costs for multifamily rental units. 2018 Census rental cost data by bedroom and 2020 HUD 50<sup>th</sup> Percentile Rents show that market rents for multifamily units in Atascadero are affordable to moderate income households while larger units are affordable to above moderate income households.
4. Affordability for ADUs is divided evenly between the low- and moderate-income categories. In March 2020, Apartments.com estimated that the average rent for a studio apartment in Atascadero (\$893) and the average rent for a one-bedroom apartment in Atascadero (\$1,306) meets the affordability criteria for low-income persons (studio units, one-person households) for moderate-income persons (one-bedroom units, one-person households).
5. Grand Oaks Micro Homes fall within the affordability levels for moderate-income households. Additionally, 3 units within the Grand Oaks development are deed restricted for moderate-income households via a density bonus agreement.

## Sites Inventory Considerations

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate their RHNA. The City has a remaining RHNA of 266 units in the extremely/very low and low-income categories. The City has various residential and mixed use development opportunities with sufficient capacity to meet and exceed the identified housing need.

The State looks at two main considerations when determining whether a jurisdiction's land inventory can adequately provide sufficient opportunity to meet the RHNA. Those factors are:

### 1. Realistic Capacity

Consistent with HCD Guidelines, the methodology for determining realistic capacity on each identified site must account for land use controls and site improvements. A realistic density calculation of 80 percent of the maximum density will be applied to sites allowing multifamily development. The 80 percent buildout factor is based on historical trends and the assumption that development standards, combined with unique site features, may not always lead to 100 percent buildout. In Atascadero specifically, slope can play a major factor in reducing density on multi-family sites. The realistic capacity for mixed-use development is based on typical densities of existing or approved mixed-use developments. The two most recently approved mixed-use projects in Atascadero, La Plaza Development (currently under construction) and the Downtown Colony Lofts (approved in 2019) will be developed at 28.2 and 27.8 units/acre, respectively. A realistic density calculation of 80 percent of the maximum density will be applied to sites allowing mixed-use development. To ensure that the realistic capacity takes into consideration the development of non-residential uses for mixed-use projects, only half the site acreage is used in the capacity calculation. This provides for a conservative estimate of development potential.

### 2. Density

The capacity of sites that allow development densities of at least 20 units per acre are credited toward the lower-income RHNA based on State law. The California Government Code states that if a local government has adopted density standards consistent with the population based criteria set by State law (at least 20 units per acre for Atascadero), HCD is obligated to accept sites with those density standards (20 units per acre or higher) as appropriate for accommodating the jurisdiction's share of regional housing need for lower-income households. Per Government Code Section 65583.2(c)(3)(B), the City's High Density Residential designation (20-24 du/ac) is consistent with the default density standard (20 units per acre) and is therefore considered appropriate to accommodate housing for lower-income households. The City's Downtown and Commercial Neighborhood designations are an additional area that can accommodate additional density as these locations are close to transit, services, and retail uses. Unlike a residential multi-family zone, the commercial zones are appropriate to accommodate moderate-income housing only when it can be demonstrated the units can preserve ground floor commercial space in a true vertical mixed-use project. The Commercial Professional (CP) and

Commercial Retail (CR) zones can also accommodate a portion of vertical mixed use when residential units are built above commercial spaces.

## Sites Inventory

The Housing Element Sites Inventory consists predominantly of vacant residential and mixed-use sites in addition to projected ADU production, two vacant single-family residential sites with proposed development, and two underutilized high density residential sites with a high probability of development within the planning period. Together, these sites ensure that the remaining RHNA can be more than provided for in the planning period.

Consistent with updated Housing Element law (Assembly Bill 1397) related to the suitability of small and large sites, the lower income sites inventory presented in this section is limited to parcels that are between 0.5 and 10 acres in size, as the State has indicated these size parameters are most adequate to accommodate lower income housing need.

There are no identified constraints on these sites that would prevent development or reuse during the Housing Element period. Table 3 summarizes the sites inventory (see also Figures 1 and 2).

<b>Table 3: Sites Inventory Summary</b>					
	<b>Ex./Very Low Income (0-50% AMI)*</b>	<b>Low Income (51-80% AMI)</b>	<b>Moderate Income (80-120% AMI)</b>	<b>Above Moderate Income (121+% AMI)</b>	<b>Total</b>
<b>Sites</b>					
Accessory Dwelling Units <sup>1</sup>	0	45	45	0	90
Vacant/Proposed Project Single Family Residential (SFR) Sites with ADUs <sup>1</sup>	0	5	5	10	20
Vacant High Density Residential (HDR) Sites <sup>2</sup>	129	0	0	0	129
Vacant Mixed Use Sites <sup>2</sup>	85	0	0	0	85
Underutilized High Density Residential (HDR) Sites <sup>2</sup>	37	0	0	0	37
<b>Total Units</b>	<b>251</b>	<b>50</b>	<b>50</b>	<b>10</b>	<b>361</b>
Remaining RHNA after Credits Applied	171	95	-80	-16	266
Surplus/Shortfall (+/-) after sites applied	-80	45	-130	-26	
Redistributed Surplus/Shortfall (+/-)	-35	0	-130	-26	
Notes:					
1. ADUs are divided evenly between the low- and moderate-income categories. In March 2020, Apartments.com estimated that the average rent for a studio apartment in Atascadero					

(\$893) and the average rent for a one-bedroom apartment in Atascadero (\$1,306) meets the affordability criteria for low-income persons (studio units, one-person households) for moderate-income persons (one-bedroom units, one-person households).

2. The capacity of sites that allow development densities of at least 20 units per acre are credited toward the lower-income RHNA based on State law.

The Sites Inventory has capacity for 361 units, 301 of which are on sites suitable for development of lower-income housing. Overall, the City has the ability to adequately accommodate the remaining RHNA of 266 units without rezoning land, with a surplus of sites to accommodate an additional 35 units beyond the lower income RHNA. However, the inventory does rely on developing some residential above commercial uses within “Mixed Use” projects. It is important to note that these sites and strategies still need to be approved by the State. Should the State request reductions in projected development, or additional sites to accommodate variations in development on identified sites, the City may need to pursue rezoning of sites at that time.

### **Detailed Sites Inventory**

#### **1. Accessory Dwelling Units**

The City projects that during the planning period, approximately 90 accessory dwelling units (ADUs) will be developed (10 per year, consistent with recent ADU development activity in Atascadero). This is a conservative estimate as new State law exempts units less than 750 square-feet from paying development impact fees. We anticipate a greater number of applications for smaller ADUs based on this new law. All ADUs, regardless of size can be included as credits consistent with HCD guidelines. New ADUs are anticipated to be affordable to low- and moderate-income households given their comparable size and rent relative to small rental units in Atascadero (studio and one-bedroom units). The projected 90 ADUs are divided evenly between the low- and moderate-income categories. In March 2020, Apartments.com estimated that the average rent for a studio apartment in Atascadero, CA is \$893 and the average rent for a one-bedroom apartment in Atascadero, CA is \$1,306. The rental cost for studio apartments meets the affordability criteria for low-income, one-person households and the rental costs for studio apartments meets the affordability criteria for moderate-income, one-person households.

#### **2. Vacant Single Family Residential (SFR) Sites**

Two vacant Single Family Residential (SFR) sites are included in this inventory due to proposed projects on the site. The Annex residential subdivision is in the process of being developed with six single family homes and six accessory dwelling units. The Atascadero Ave project is in the process of being developed with four single family homes and four accessory dwelling units. The ADUs are divided evenly between the low- and moderate-income categories based on current rental rates. The single-family units are credited against the above-moderate income RHNA.

### 3. Vacant High Density Residential (HDR) Sites

The sites inventory includes five vacant High Density Residential/RMF-24 (HDR/RMF24) sites totaling 5.9 acres with a realistic capacity of 129 units (See Table 4). The HDR designation allows a density of 20 to 24 units per acre. Because these sites allow development densities of at least 20 units per acre they are credited toward the lower-income RHNA based on State law.

HDR Sites 1, 4, and 5 listed in the table below, are subject to the provisions of AB 1397 which requires that vacant sites identified in the previous two Housing Elements only be deemed adequate to accommodate a portion of the housing need for lower income households if the site is zoned at a minimum density of 20 units per acre and the site allows residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. The sites identified below are proposed for inclusion in the 6<sup>th</sup> Cycle Housing Element to meet the City's RHNA. In the last Housing Element, the City opted to allow development of any identified site "by right" in order to comply with State requirements. It is recommended that this policy be carried over for identified HDR sites to ensure conformance with State requirements.

Table 4: Vacant High Density Residential (HDR) Sites						
HDR Site #	APN	Address	Acres	GP/Zone	Realistic Capacity (units)	NOTE TO STAFF
1 <sup>1</sup>	049-042-025	1055 El Camino Real	1.80	HDR/RMF-20	34	HDR Site 1 is located along El Camino Real south of Santa Cruz Road. South of the Hilltop Mobile Manor. The site was included in the 4 <sup>th</sup> and 5 <sup>th</sup> cycle Housing Element.
2	049-151-005	2405 El Camino Real	2.04	HDR/RMF-20	39	HDR Site 2 is part of the former Walmart site. It is the only parcel designated for HDR within the project site. The site was included in the 5 <sup>th</sup> cycle Housing Element. It is located at the southeastern corner of the site and adjacent to two parcels with property owner upzone requests (from RS to HDR).
3	028-192-060, 061, 062, 063	5266, 5272, 5280 Traffic Way, 5255 Alamo	0.67	HDR/RMF-20	13	HDR Site 3 is located on Traffic Way just north of Honda Avenue. The GIS parcel data shows one APN divided into 4 parts.
4 <sup>1</sup>	030-101-053	8959 Curbaril	0.87	HDR/RMF-20	17	HDR Site 4 is located on Curbaril Avenue north of Santa Ysabel Avenue. The site was included in the 4 <sup>th</sup> and 5 <sup>th</sup> cycle Housing Element.



Table 4: Vacant High Density Residential (HDR) Sites						
HDR Site #	APN	Address	Acres	GP/Zone	Realistic Capacity (units)	NOTE TO STAFF
5 <sup>1</sup>	045-321-024	9355 Avenida maria	0.51	HDR/RMF-20	26	HDR Site 5 is a vacant portion of the Knolls at the Avenida project. The Phase 2 site is approved for 26 affordable farmworker housing units. The site was included in the 4 <sup>th</sup> and 5 <sup>th</sup> cycle Housing Element.
Note: 1. Subject to the provisions of AB1397: Projects with at least 20% affordable units must be permitted "by-right".						

#### 4. Vacant Mixed Use Sites

Four mixed-use sites are included in the sites inventory with a total acreage of 8.8 acres and a total realistic capacity of 85 units (See Table 5). The sites are zoned for Commercial Retail (CR) which allows a density of up to 24 units per acre. The mixed-use sites in this inventory have been chosen based on their size, availability, and appropriateness for residential development. Because these sites allow development densities of at least 20 units per acre they are credited toward the lower-income RHNA based on State law. It is important to understand that these commercial sites also need to accommodate ground floor commercial land uses and that this residential density assumes units that are built above the ground floor consistent with current objective zoning requirements.

Table 5: Vacant Mixed Use Sites						
Mixed Use Site #	APN	Address	Acres	GP/Zone	Realistic Capacity (units)	NOTE TO STAFF
1	049-163-044	3745 El Camino Real	1.86	GC/CR	18	MU Site 1 is located on the east side of El Camino Real just south of Campbell Lane. The site is the only vacant property in a group of 4 Commercial properties.
2	030-511-001	8725 Arcade Rd	0.65	GC/CR	6	MU Site 2 is located on Arcade Road. It is one parcel removed from El Camino Real. The size and relatively low capacity would likely accommodate a development with 25% residential.
3	030-512-002, 011, 012	8580 El Centro, 8805 & 8705 Cascada	1.10	GC/CR	11	MU Site 3 is located on Cascada Road and is made up of 3 parcels. It is one parcel removed from El Camino Real. The size and relatively low

Table 5: Vacant Mixed Use Sites						
Mixed Use Site #	APN	Address	Acres	GP/Zone	Realistic Capacity (units)	NOTE TO STAFF
						capacity would likely accommodate a development with 25% residential.
4	045-331-014	11600 El Camino Real	5.19	MU-PD/CR	50	MU Site 4 (Dove Creek commercial parcel) is located on the west side of El Camino Real north of Santa Barbara Road and one block from the City's southern boundary. This site has the potential to become a mixed use node at the south end of the City.

#### 5. Underutilized High Density Residential (HDR) Sites

The sites inventory includes two partially vacant, underutilized High Density Residential/RMF-24 (HDR/RMF24) sites (See Table 6). The City has additional underutilized RMF-24 zoned sites but the included two sites were chosen for their size, location, and high potential for redevelopment. The HDR designation allows a density of 20 to 24 units per acre and are therefore credited towards the lower-income RHNA based on State law.

Table 6: Underutilized High-Density Residential Sites						
Undrutzd. Site #	APN	Address	Acres	GP/Zone	Realistic Capacity (units)	NOTES
1	049-151-020	2453 El Camino Real	1.4	HDR/RMF-24	27	Underutilized Site 1 is located in an area transforming from lower density to high density residential uses. On the north side, the site is adjacent to a high density, affordable housing project that is approved and under development. On the south side, the site is one parcel removed from a permitted 208-unit apartment development. On the east side, the site is adjacent to two parcels with property owners that have requested that the City upzone their properties to HDR/RMF-24. It is also located just south of a large vacant property that is zoned for a commercial/ mixed-use development. The size and

**Table 6: Underutilized High-Density Residential Sites**

Undrutzd. Site #	APN	Address	Acres	GP/Zone	Realistic Capacity (units)	NOTES
						location in an area that is transforming to higher density residential and mixed use make this property very likely to redevelop in the planning period. The 1.93 acre site is currently developed with one single-family unit at the rear of the property. Only the vacant portion of the property is used to calculate realistic capacity. The vacant portion of the property (1.4 acres) has a realistic capacity of 27 units.
2	030-121-003	7298 Santa Ysabel	0.51	HDR/RMF-24	10	<p>Underutilized Site 2 is located on Santa Ysabel Avenue one parcel removed from the east side of El Camino Real. The site is located adjacent to an area that is intended to transform to mixed and residential uses along El Camino Real. The property backs up to a commercial center (Adobe Plaza) and is next to an apartment complex. The 0.51 acre is currently developed with one single-family unit but the remainder of the property is unimproved. The property has a realistic capacity of 10 units.</p> <p><i>* An applicant has recently submitted plans for this site and is moving through the process. If approved for construction, this site will move to a credit site prior to submittal to the State.</i></p>

## Potential Site Rezoning

The City has received several requests from property owners to rezone their properties to higher residential densities (up-zone). The sites previously presented in the analysis demonstrate that the City has adequate sites to meet the RHNA without the need for rezoning. Nonetheless, the up-zone requests can provide the City with surplus sites that can be used in the event that identified sites are developed with no residential uses (in the case of mixed use sites) or lower densities than what has been identified.

The newest version of the State's no net loss provision (Government Code Section 65863) stipulates that a jurisdiction must ensure that its Housing Element inventory can accommodate its share of the RHNA *by income level* throughout the planning period. If a jurisdiction approves a housing project at a lower density or with fewer units by income category than identified in the housing element, it must quantify at the time of approval the remaining unmet housing need at each income level and determine whether there is sufficient capacity to meet that need. If not, the city must "identify and make available" additional adequate sites to accommodate the jurisdiction's share of housing need by income level within 180 days of approving the reduced-density project. While the identified sites currently show an excess of housing units that count toward the City's RHNA, it is important to note the State law assumes that the sites will develop with affordable units as the majority, which is contrary to past development trends.

While the City has the option of rezoning as part of the Housing Element update effort Staff and our consultant are not recommending rezoning at this time. Instead, these sites should be considered at a later date as part of the Citywide General Plan update. This strategy not only creates a list of sites that can be considered should development of identified sites not meet income projections, but also eliminates the need for a more intensive CEQA process as part of the Housing Element process.

In the event that a site is removed, by the City or per HCD suggestion, and the City can no longer show that it has adequate sites to meet the RHNA, these rezone requests can be reexamined and one or several of the properties can be rezoned as part of the Housing Element update. (The City has 3 years to rezone if it includes a rezoning program in the Element).

It is important to note that, in the event that the City does not have adequate sites and promises to rezone, Government Code 65583.2(h) requires that the rezoned sites must permit owner-occupied and rental multifamily residential use "by right" for developments in which at least 20 percent of the units are affordable to lower income households. These sites must also be zoned with minimum density (20 units per acre) and development standards that permit at least 16 units per site.

Not including a rezoning program in the Housing Element update also allows the City to pursue rezoning on its own timeframe and avoid any of the legal requirements that come with including a rezoning program in the Housing Element. Table 7 summarizes the rezone requests received by the City. The properties in the rezone requests are also shown on Figures 1 and 2.

Table 7: Rezone Requests Received by the City						
Rezone Request (name of requestor)	Address	APN	Size (acres)	Current GP/Zone	Requested Rezone	Notes
1. Athey	7255 and 7275 Portola Road	054-081 - 041, 045	0.25, 0.33, and 4.19 acres (total 4.78 acres)	SFR-Z/ RSF-Z	MDR/RMF-10 (request is for "4-10 units per acre")	The most reasonable rezone based on location of the lot would be to SFR-X which would allow up to 4 units per acre.
2. Frederick	2425 and 2435 El Camino Real	049-151-057, -059	2.64 and 2.49 acres (total 5.13 acres)	SE/RS	request is for "higher density"	Suggest future rezoning to HDR/RMF-24 as these properties are next to a vacant HDR property and adjacent to the Peoples' Self Help and Emerald Ridge projects. If rezoned these two parcels have a capacity of 98 units that can be used to address the low and moderate income RHNA
3. Schmidt	8455 Santa Rosa Rd	056-301-039	14.86	SFR-Y/ RSF-Y	MDR/RMF-10 (request is for "triplex style units")	This parcel is developed with Atascadero Christian Home. Owner/operators interested in higher density for senior housing with "triplex style units"
4. Manier	8910 Curbaril Ave	030-141-022	0.48	SFR-X/ RSF-X	MDR/RMF-10 (request is for "RMF-10")	This property is located across the street from RMF-24 neighborhood.
5. Mohammed / Zappas	8005, 8011, 8017, 8021, 8031, 8041, 8045, 8055 Curbaril	031-161-044 through -051 (8 parcels)	1.46 acres total	GC/CP	RMF (request is for "housing with commercial on Morro")	The property is at the corner of Morro Rd and Curbaril Ave and is developed with a parking lot. A commercial center was approved but never constructed.
6. Newton	11505 El Camino Real & 11450 Viejo Camino	045-342-009, 010	1.86, 2.35	P/P	HDR/RMF-24 (request is for "high density residential")	These properties are located between El Camino Real and Camino Viejo near the City's southern boundary. On this block are located the Atascadero United Methodist Church and

Table 7: Rezone Requests Received by the City						
Rezone Request (name of requestor)	Address	APN	Size (acres)	Current GP/Zone	Requested Rezone	Notes
						Atascadero Children's Center (mid block) and the Dove Creek Church. There are three large vacant parcels and four large parcels with 1 SFR unit each. The area is located just south of the Bordeaux Apartments complex and across the street from RMF-10 neighborhoods (Dove Creek). Rezoning of this block to HDR may be a potential strategy to increasing residential opportunities in the City but would be best pursued for the whole block or parts of the block as opposed to a single property rezone. If this site was rezoned to RMF-24 it would have a realistic capacity of 80 units that can be used to address the low and moderate income RHNA
7. Cleveland	10080 Atascadero Ave	056-271-011	4.7 acres	RE/RS	SFR-Y/RSF-Y	Request for higher density from 2.5 to 10 acre minimum to 1 acre minimum
8. Knoph	5655 Capistrano	029-105-014	0.56 acres	MDR/RMF-10	HDR/RMF-24	Site has some significant slope and drainage challenges. Request to change from Medium Density Residential to High density residential.
9. Knoph	3105 El Camino Real	049-152-039	1.6 acres	SE/RS	Commercial or HDR/RMF-24	Request to change from low density residential to commercial or high density residential.
10. Lochhead	3755 El Camino Real	049-163-045	2 acres	GC/CR	HDR/RMF-24	Request to change from commercial to high density residential (lot is currently vacant) within a block of Commercial properties. Adjacent to identified mixed-use site #2.

### Other Policy Areas in the Housing Element

In addition to site selection, the Housing Element will need to focus on several State mandated policy areas. For example, a chapter of the Housing Element will need to focus on housing constraints, whether governmental or non-governmental. These include addressing policies that are catered towards streamlined housing production and the removal of local barriers to the permitting and review process. Consistent with SB2 grant funding and/or policy direction from the State, the following policies are being considered:

- ***Mixed-Use development standards and potential density increases for residential above commercial space in commercial zones.*** The Housing Accountability Act (SB 167, AB 678, AB 1515 [2017] – GC Section 65589.5) dictates that development projects within commercial zoning districts that include at least two-thirds of the project as residential floor space, cannot be denied if all applicable zoning standards are met (residential on second floor or above, height, parking, landscape coverage, etc.). However, the City can adopt objective development standards to ensure that the design goals and City goals are met for these mixed-use projects. These standards can also require preservation of floor space for viable commercial land uses.
- ***Objective design standards that incorporate specific design requirements for “by right” development instead of a conditional use permit process.*** The State has passed legislation that makes it increasingly difficult for Cities to exercise discretionary approval of housing projects (Housing Accountability Act). While some projects may still be subject to design review, others are exempt and only “objective design standards” can be applied. Developing such standards will ensure quality development and compliance with State objectives. The City may adopt a set of objective design standards that create minimum design objectives including architectural design features, adequate private open space, adequate parking, and related features.
- ***Small lot subdivision standards that incorporate specific site and building development standards (such as parking, height, yard space, architecture) in exchange for flexible minimum lot sizes.*** This would alleviate multi-family planned developments from going through a rezoning process if the development met City required standards. At this time, the minimum lot size for multi-family development is one half acre. Eliminating that minimum lot size, and instead establishing a set of quality standards for each small lot subdivision, will save substantial staff time and applicant costs. This could allow for increased creativity with site design while increasing ownership opportunities for all income segments of the community (affordable by design).
- ***Inclusionary housing ordinance updates / affordable housing impact fees that help the City meet very low and low RHNA numbers.*** In order to continue to meet state mandates to supply housing in all categories, an inclusionary ordinance that mandates fees or affordable housing dedications is a viable option and will be carried forward as a program in the updated Housing Element. While the current policy has resulted in the construction of a number of affordable housing units since 2003, updates to the State density bonus law and changes in economic feasibility need to be addressed in an updated ordinance.

- ***Permit Streamlining:*** The state encourages permit streamlining for projects that include certain levels of affordable housing. This includes maximum review timeframes for permits and limitations on triggers for discretionary review processes. The Housing Element update will include an analysis of current code requirements and identify programs to modify code sections for compliance. The Council may suggest items for consideration in this category. The state views ADUs, Junior ADUs, as well as mixed-use and multi-family developments that propose affordable housing units to fit within the category of streamlined eligible projects.
- ***Pre- Approved Stock plans for Accessory Dwelling Units:*** The State's main objective is to increase housing opportunities by making the process to construct housing as easy as possible with a focus on ensuring adequate construction of affordable housing units. With this in mind, the City can support this goal by developing pre-approved stock plans that further implements streamlined review for small accessory dwelling units. Small accessory dwelling units are considered affordable by design. Promoting these units will contribute to housing in the low-income category. Under this scenario, the City could maintain several models of pre-approved construction plans for ADUs that could be used on private properties in the City. The pre-approved "stock plan" will save plan review costs for applicants and the City.

The City Council may comment on these draft ideas or suggest policy ideas that can assist with housing constraints.

### Next Steps

At this time, there is no indication that the State will be adjusting the due dates for the Housing Element process. However, they are publishing alternative public outreach standards given the COVID-19 crisis. The current schedule for the project suggests that a draft of the complete Housing Element be reviewed by the City Council in late May or early June. Following the Council's review, a draft will need to be sent to HCD for their review. It is typical for their review to recommend edits to the document. At that time, additional City review will be required and if substantial changes are suggested by the state an additional City Council hearing will be required. Final adoption and certification by HCD needs to take place by December 31.

### Conclusion

The Housing Element update is a State mandated process that aims to provide a regulatory and land-use framework aimed at addressing housing needs and providing opportunities for the construction of housing that meets the needs of current and future residents. One required goal of the Housing Element is to identify adequate sites for potential development that will meet the City's Regional Housing Needs Allocation.

Staff is looking for direction from the Council on identified sites and is recommending that suggestions to rezone land (other than slight increases in density in existing zones) be postponed to the future Citywide General Plan update process which is slated to begin in 2021.



**FISCAL IMPACT:**


None. The Housing Element is a state mandated activity. While review of potential Housing Element policies does not have a direct fiscal impact, changes in land-use policies will generally produce an overall positive or negative fiscal impact for the City depending on the policy. Creation of housing units generally has a negative fiscal impact upon City resources.

**ATTACHMENT:**

Identified Sites Map

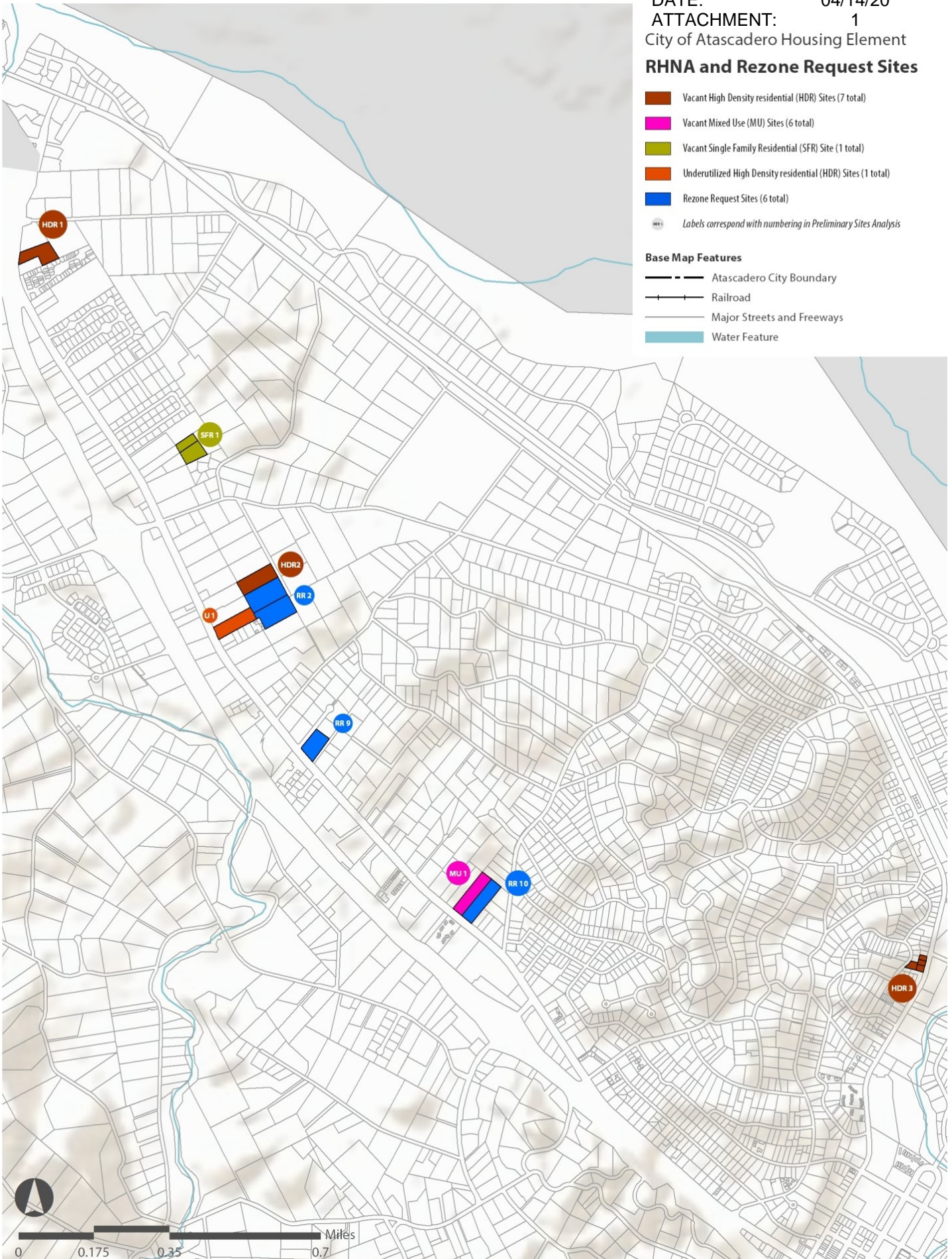
### RHNA and Rezone Request Sites

- Vacant High Density residential (HDR) Sites (7 total)
- Vacant Mixed Use (MU) Sites (6 total)
- Vacant Single Family Residential (SFR) Site (1 total)
- Underutilized High Density residential (HDR) Sites (1 total)
- Rezone Request Sites (6 total)

 Labels correspond with numbering in Preliminary Sites Analysis

#### Base Map Features

- Atascadero City Boundary
- Railroad
- Major Streets and Freeways
- Water Feature





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