



## CITY OF ATASCADERO CITY COUNCIL AGENDA

### **HYBRID MEETING INFORMATION:**

In accordance with City Council Resolution No. 2022-071 and the requirements of AB 361, the City Council Meeting will be available via teleconference for those who wish to participate remotely. The City Council meeting will also be held in the City Council Chambers and in-person attendance will be available at that location.

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

To participate remotely, residents can livestream the meeting on [Zoom](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit [https://us02web.zoom.us/webinar/register/WN\\_ZwJ7a031S3KXauEym9ehaA](https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA).

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

Individuals who wish to provide public comment in-person may attend the meeting in the City Council Chambers. Individuals who wish to participate remotely may call **(669) 900-6833** (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

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

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

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

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

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



# **CITY OF ATASCADERO CITY COUNCIL**

---

## **AGENDA**

**Tuesday, November 8, 2022**

**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>
---	------------------

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

**PLEDGE OF ALLEGIANCE:** Council Member Funk

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

**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:**

#### **1. National Adoption Month Proclamation**

- 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 – October 25, 2022**
  - Recommendation: Council approve the October 25, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]
2. **Virtual Meeting – AB 361 Requirements**
  - Fiscal Impact: None.
  - Recommendation: Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings. [City Manager]
3. **Ordinances Adopting Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units (AMC Title 9)**
  - Fiscal Impact: The addition of ADUs and JADUs in accordance with State law, without fees or other mechanisms in place to ensure that services and infrastructure can be provided to serve the residents of the new units, will have a significant long-term negative fiscal impact to the City, its infrastructure, and its capacity to serve its citizens.
  - Recommendation: Council:
    1. Adopt, on second reading, by title only, Draft Ordinance A, repealing and replacing Chapter 5 (accessory dwelling units) of Title 9 of the Atascadero Municipal Code.
    2. Adopt, on second reading, by title only, Draft Ordinance B, amending Title 9 for consistency with updated Chapters 5 and 18 related to accessory dwelling units and urban dwelling units. [Community Development]
4. **MOU with City of Paso Robles Regarding Shared Board Seats for Central Coast Community Energy**
  - Fiscal Impact: None.
  - Recommendation: Council authorize the City Manager to execute a Memorandum of Understanding (MOU), in a form substantially similar to the Draft MOU presented with this report, with the City of Paso Robles for a shared governance seat on the Policy Board and Operations Board and for the selection of a Community Advisory Council appointment for Central Coast Community Energy. [City Manager]

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

1. **North County Broadband Strategy Project**
2. **Information on Upcoming Building Code Changes**

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30 minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30 minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was

commenced. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org).)

**B. PUBLIC HEARINGS: None.**

**C. MANAGEMENT REPORTS: None.**

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

Mayor Moreno

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

Mayor Pro Tem Newsom

1. City / Schools Committee
2. Design Review Committee
3. League of California Cities – Council Liaison
4. Visit SLO CAL Advisory Committee

Council Member Bourbeau

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

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. City of Atascadero Finance Committee
4. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Funk

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

**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. ADJOURNMENT**



# CITY OF ATASCADERO CITY COUNCIL

---

## DRAFT MINUTES

Tuesday, October 25, 2022

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

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 6:00 p.m. and Council Member Dariz led the Pledge of Allegiance.

### ROLL CALL:

Present: Council Members Bourbeau, Dariz, and Funk, and Mayor Moreno

Absent: Mayor Pro Tem Newsom

Others Present: None

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Interim Police Chief Jerel Haley, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager – IT Luke Knight, and Senior Planner Kelly Gleason

### APPROVAL OF AGENDA:

- MOTION:** By Council Member 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 4:0 by a roll-call vote. Newsom absent.*

**PRESENTATIONS:**

**1. California Park & Recreation Society District 8 Awards**

- a. 2022 Champion of the Community – Mark Capozzoli
- b. Excellence in Design: Facility & Park Planning – Pickleball Courts

The City Council recognized Mark Capozzoli for being selected the 2022 CPRS District 8 Champion of the Community and the Atascadero Pickleball Courts for receiving the 2022 CPRS District 8 Excellence in Design: Facility & Park Planning award.

**A. CONSENT CALENDAR:**

**1. City Council Draft Action Minutes – October 11, 2022**

- Recommendation: Council approve the October 11, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

**2. September 2022 Accounts Payable and Payroll**

- Fiscal Impact: \$4,939,932.66.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for September 2022. [Administrative Services]

**3. Pine Mountain Backup Power Replacement**

- Fiscal Impact: \$16,500.
- Recommendation: Council authorize the Director of Administrative Services to appropriate \$13,700 in Vehicle and Equipment Replacement Fund reserves and \$2,800 in General Fund reserves for the purchase and installation of a backup generator and related equipment for the Pine Mountain radio repeater facility. [Information Technology]

**4. Parcel Map AT 18-0123 (11885 Halcon Road)**

- Fiscal Impact: None.
- Recommendation: Council:
  - 1. Approve Parcel Map AT 18-0123.
  - 2. Accept the offer of dedications for the Bicycle and Pedestrian Access Easement and the Public Utility Easements on behalf of the public.
  - 3. Reject the offer of dedication for Via Milagro without prejudice to future acceptance on behalf of the public. [Public Works]

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to approve the Consent Calendar.**

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

**UPDATES FROM THE CITY MANAGER:**

City Manager Rickard gave an update on projects and events within the City.

**COMMUNITY FORUM:**

The following persons spoke in-person, by telephone or through the webinar: Zach Jackson, Randy Carminati, and Geoff Auslen.

**B. PUBLIC HEARINGS:**

**1. Accessory Dwelling Unit Text Amendments (AMC Title 9)**

- Fiscal Impact: The addition of ADUs and JADUs in accordance with State law without fees or other mechanisms in place to ensure that services and infrastructure can be provided to serve the residents of the new units will have a significant long-term negative fiscal impact to the City, its infrastructure, and its capacity to serve its citizens.
- Recommendation: Council:
  1. Introduce, for first reading, by title only, Draft Ordinance A, repealing and replacing Chapter 5 (Accessory Dwelling Units) of Title 9 of the Atascadero Municipal Code.
  2. Introduce, for first reading, by title only, Draft Ordinance B, amending Title 9 for consistency with updated Chapters 5 and 18 related to Accessory Dwelling Units and Urban Dwelling Units. [Community Development]

Council Member Dariz noted that he is an architect and he has or may have clients who are building ADUs, JADUs, and/or UDUs, which creates a potential conflict of interest. He stepped down from the dais, recusing himself from the discussion and vote for this item.

Ex Parte Communications:

Since the September 13, 2022 Meeting, Council Member Bourbeau reported speaking with Geoff Auslen, Max Zappas, and management at the manufactured home dealership in Paso Robles.

Council Member Funk and Mayor Moreno had nothing new to report.

Community Development Director Dunsmore and Senior Planner Gleason gave the staff report and answered questions from the Council. City Manager Rickard also answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: Geoff Auslen.

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

***Mayor Moreno recessed the meeting at 8:08 p.m.***

***Mayor Moreno reconvened the meeting at 8:23 p.m. with all present. Dariz recused.***

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

1. Introduce, for first reading, by title only, Draft Ordinance A, repealing and replacing Chapter 5 (Accessory Dwelling Units) of Title 9 of the Atascadero Municipal Code with the following changes:
  - Deleting 9-5.050(a)(2)(b) **The ADU contains at least 3 bedrooms**
  - Updating 9-5.050(e)(1) by removing the words **in a single-family zone**



- Updating 9-5.050(f)(1)(ii) by changing the word **rear** to **side**
  - Updating 9-5.050(f)(1)(iii) by changing the words **up to** to **a minimum of**
  - Updating 9-5.050(f)(5)(iii) by changing the words **up to** to **a minimum of**
2. Introduce, for first reading, by title only, Draft Ordinance B, amending Title 9 for consistency with updated Chapters 5 and 18 related to Accessory Dwelling Units and Urban Dwelling Units with the following changes:
- Updating 9-3.330 Table 3-2 Footnote 1 to read
    - 1 Residential uses allowed only on second and third floors. If a project is required to comply with the Americans with Disabilities Act and does not have an elevator, one accessible unit may be located on the ground floor in conjunction with commercial space and shall not exceed the greater of:
      - 500 sf; or
      - 10% of the size of the ground floor commercial space not to exceed 1,000 sf.
  - Revising the definition of Vacation Rental in 9-9.102 to read “Any habitable structure, or portion thereof, utilized as a short-term rental for stays of 30 days or **less.**”

Deputy City Manager/City Clerk Christensen read the title of the Ordinances:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, AMENDING TITLE 9,  
PLANNING AND ZONING, TO REPEAL AND REPLACE CHAPTER 5,  
ACCESSORY DWELLING UNITS, OF THE ATASCADERO MUNICIPAL CODE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, AMENDING SECTIONS 9-3.330, 9-3.490,  
9-3.500, 9-3.651, 9-3.662, 9-3.679, 9-3.677, 9-4.106, 9-4.107, 9-4.108,  
9-4.116, 9-4.128, 9-6.103, 9-6.106, 9-9.102 OF TITLE 9, PLANNING  
AND ZONING, OF THE ATASCADERO MUNICIPAL CODE FOR  
CONSISTENCY WITH STATE REGULATIONS REGARDING ACCESSORY  
DWELLING UNITS AND URBAN DWELLING UNITS**

*Motion passed 3:0 by a roll-call vote. Dariz recused. Newsom absent.*

*Council Member Dariz returned to the dais at 8:25 p.m.*

**C. MANAGEMENT REPORTS:**

**1. Wrestling Bacchantes Statue Enhancements**

- Fiscal Impact: Reallocation of \$7,000 in 2010 Bond Proceeds Master Agreement Funds.
- Recommendation: Council:
  1. Approve the addition of a viewing sidewalk around the Wrestling Bacchantes statue in the Sunken Gardens Concept Plan.
  2. Authorize the Director of Administrative Services to reallocate \$7,000 in 2010 Bond Proceeds Master Agreement Funds to the Wrestling

Bacchantes Project from the Centennial Bridge and Plaza Project.  
[Public Works]

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

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to:**

- 1. Approve the addition of a viewing sidewalk around the Wrestling Bacchantes statue in the Sunken Gardens Concept Plan.**
- 2. Authorize the Director of Administrative Services to reallocate \$7,000 in 2010 Bond Proceeds Master Agreement Funds to the Wrestling Bacchantes Project from the Centennial Bridge and Plaza Project.**

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

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

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

Mayor Moreno

1. SLO Regional Transit Authority (RTA)

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)
2. County Mayors Round Table

Council Member Dariz

1. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Funk

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

**E. INDIVIDUAL DETERMINATION AND / OR ACTION:**

Council Member Funk noted that ballots are out and encouraged everyone to be sure to return them by November 8.

**F. ADJOURNMENT**

Mayor Moreno adjourned the meeting at 8:36 p.m.

**MINUTES PREPARED BY:**

---

Lara K. Christensen  
City Clerk

**APPROVED:**



# ***Atascadero City Council***

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

---

### **Virtual Meetings – AB 361 Requirements**

#### **RECOMMENDATION:**

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

#### **DISCUSSION:**

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

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

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

September 13, 2022; and Resolution No. 2022-071 on October 11, 2022, making the requisite findings to continue remote teleconferencing. Circumstances have not changed since the Council's adoption of Resolution No. 2022-071.

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

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

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

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

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

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

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

**FISCAL IMPACT:**

None.

**ATTACHMENT:**

Draft Resolution

**DRAFT RESOLUTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_\_\_, 2022.

CITY OF ATASCADERO

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

ATTEST:

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



# ***Atascadero City Council***

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

---

### **Ordinances Adopting Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units (AMC Title 9)**

#### **RECOMMENDATION:**

Council:

1. Adopt, on second reading, by title only, Draft Ordinance A, repealing and replacing Chapter 5 (accessory dwelling units) of Title 9 of the Atascadero Municipal Code.
2. Adopt, on second reading, by title only, Draft Ordinance B, amending Title 9 for consistency with updated Chapters 5 and 18 related to accessory dwelling units and urban dwelling units.

#### **DISCUSSION:**

The State adopted revisions to the Government Code Section governing accessory dwelling units that went into effect January 2020. Based on the revised State law, portions of the City's Municipal Code that conflict with State law are currently invalid. On September 28, 2022, the Governor signed into law two new bills that further amend ADU law. Most of the changes are minor clarifications; however, some changes were adopted that increased height allowances for ADUs, added an additional exception for parking, and specific processing requirements for demolitions related to the construction of an ADU.

At the October 25, 2022 City Council meeting, the attached Draft Ordinances were introduced, approving repealing and replacing Chapter 5 of Title 9, regulating accessory and junior accessory dwelling units (ADUs and JADUs), and amending other portions of Title 9 (Planning and Zoning) for consistency with new ADU standards. Minor changes were made to Draft Ordinance A as follows, and are included in the attached ordinances for adoption:

1. Eliminating the 3-bedroom minimum requirement from the performance standards for larger ADUs; and
2. Amending language related to the allowance of an accessible unit on the ground floor of a mixed-use development.

The attached ordinances will implement State law with a number of provisions that are directly related to unique characteristics of Atascadero and address the health, safety,



and wellbeing of existing and future residents. The proposed code will guide logical, sustainable development within the City that is responsive to local conditions while respecting State policies.

**FISCAL IMPACT:**

The addition of ADUs and JADUs in accordance with State law, without fees or other mechanisms in place to ensure that services and infrastructure can be provided to serve the residents of the new units, will have a significant long-term negative fiscal impact to the City, its infrastructure, and its capacity to serve its citizens.

**ATTACHMENTS:**

1. Draft Ordinance A
2. Draft Ordinance B

**DRAFT ORDINANCE A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, AMENDING TITLE 9, PLANNING AND  
ZONING, TO REPEAL AND REPLACE CHAPTER 5, ACCESSORY  
DWELLING UNITS, OF THE ATASCADERO MUNICIPAL CODE**

**ACCESSORY DWELLING UNITS  
(ZCH21-0006A)**

**WHEREAS**, the City of Atascadero is considering Zoning Text Change Amendments to Title 9 of the Atascadero Municipal Code; and

**WHEREAS**, the State of California has adopted revisions to Government Code Section 65852.2 which mandates that cities update and adopt standards and requirements related to accessory dwelling units (ADUs); and

**WHEREAS**, portions of the City's current regulations regarding ADUs are inconsistent with the state legislation and require amendment to remain consistent; and

**WHEREAS**, Accessory and Junior Accessory Dwelling Units do not count as additional residential density per State law for the purposes of zoning compliance and California Environmental Quality Act (CEQA); and

**WHEREAS**, the City recognizes opportunities to implement policies and programs of the Atascadero General Plan Housing Element providing for, and regulating, expanded housing opportunities for all persons within the community; and

**WHEREAS**, State law allows cities to designate areas within the jurisdiction of the local agency where ADUs may be permitted and those areas may be based on the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety; and

**WHEREAS**, large portions of the City of Atascadero where residential uses are permitted do not have access to City sewer and are served by private individual on-site wastewater treatment systems; and

**WHEREAS**, an overconcentration of nitrogen can occur where the density of on-site wastewater facilities exceeds a density of 1 system per half acre; and

**WHEREAS**, an overconcentration of nitrogen can degrade water quality and impact the natural environment; and

**WHEREAS**, the City has a responsibility to ensure that groundwater quality is not degraded by an overconcentration of nitrogen to ensure safe drinking water for the community

both from the municipal water supplier and private industrial wells; and

**WHEREAS**, portions of the City of Atascadero are within heightened fire severity zones where adequate access is required to ensure the safety of residents and allow for evacuation of neighborhoods; and

**WHEREAS**, the California Code of Regulations sets forth standards for minimum access requirements from residential neighborhoods; and

**WHEREAS**, the City has an obligation to enforce the California Code of Regulations; and

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

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Planning and Zoning Text Change application was held by the Planning Commission of the City of Atascadero on August 2, 2022, at which hearing evidence, oral and documentary, was admitted on behalf of said Planning and Zoning Text Amendments; and

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to enact these amendments to Chapter 5 (Accessory Dwelling Units) of Title 9 (Planning and Zoning) of the Atascadero Municipal Code for consistency with the General Plan and new state law related to ADUs and to maintain a clear and legible set of Zoning Regulations that is easily interpreted by the public and staff; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Zoning Text Change application was held by the City Council of the City of Atascadero on September 13, 2022, continued to October 11, 2022, and continued again to October 25, 2022, at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments; and

**WHEREAS**, the City Council of the City of Atascadero studied the Planning Commission's recommendation and considered the proposed zoning text amendments.

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

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

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on October 25, 2022, resolved to introduce for first reading, by title only, an Ordinance that would repeal and replace Title 9, Chapter 5 (Accessory Dwelling Units), as shown in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 3. Facts and Findings.** The City Council makes the following findings, determinations and approvals with respect to the Zone Text Amendment:

A. Findings for Zone Text Amendment:

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

FACT: The proposed zoning code text updates an existing chapter for consistency with State law. The updates are consistent with the City's recently adopted Housing Element and are intended to implement Government Code Section 65852.2.

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

FACT: The proposed text contains provisions that address the unique characteristics of Atascadero and provide for safe and orderly development of Accessory and Junior Accessory dwelling units consistent with State law.

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

FACT: This particular zoning text amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 and CEQA Section 15282(h) because CEQA does not apply to the adoption of an ordinance designed to adopt amendments consistent with the provisions of Government Code Section 65852.2, which governs both Accessory Dwelling Units and Urban Dwelling Units.

B. Findings related to Accessory Dwelling Units

1. FINDING: The limitations on location of areas appropriate for accessory dwelling units and/or junior accessory dwelling units are based on health and safety concerns related to water quality and the California Code of Regulations Section 1273.08.

FACT: The City conducted a nitrogen loading analysis to determine locations where ADUs could be constructed without degrading water quality and creating unsafe drinking or environmental water conditions. Standards have been included only where necessary to ensure water quality. In addition, standards also include consistency with additional State laws including the California Code of Regulations Section 1273.08.

**SECTION 4. CEQA.** This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code is a statutorily exempt activity.

**SECTION 5. Approval.** Title 9 (Planning and Zoning), Chapter 5 (Accessory Dwelling Units) of the Atascadero Municipal Code is repealed and replaced as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

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

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

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

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

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

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

**INTRODUCED** at a regular meeting of the City Council held on October 25, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_.

CITY OF ATASCADERO  
\_\_\_\_\_  
Heather Moreno, Mayor

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

APPROVED AS TO FORM:  
\_\_\_\_\_  
Brian A. Pierik, City Attorney

## Chapter 5 ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

### Accessory and Junior Accessory Dwelling Units

The following sections establish standards for the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in accordance with Government Code Section 65852.2.

9-5.010 Purpose

9-5.020 Definitions

9-5.030 General Requirements

9-5.040 Applicability

9-5.050 Objective Design Standards for Accessory Dwelling Units

9-5.060 Objective Design Standards for Junior Accessory Dwelling Units

9-5.070 Development Fees

#### **9-5.010 Purpose.**

- (a) The purpose of this chapter is to prescribe objective development and site regulations that apply, except where specifically stated, to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). This chapter is intended to implement Government Code Sections 65852.2, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods while meeting statewide housing goals and responding to wildfire and wastewater constraints.
- (b) The City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community.
- (c) Implementation of this chapter is meant to expand housing opportunities for very-low, low and moderate-income and/or elderly households by increasing the number of affordable by design and rental units available within existing neighborhoods.
- (d) As mandated in Section 65852.2 of the Government Code, units that comply with this chapter are considered not to exceed the density limits prescribed by the General Plan and/or this title for residential zoning districts.

#### **9-5.020 Definitions.**

As used in this chapter:

**Accessory Dwelling Unit (ADU).** ADUs are defined by Government Code Section 65852.2 to mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single-family or multifamily dwelling per the standards set forth in this section. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.

**Existing Structure.** For the purposes of this chapter and implementation of Gov't Code Section 65852.2, an existing accessory structure or existing primary structure is defined as a structure, or the confines of a structure, that has received a passed final inspection prior to January 1, 2020.

**Guesthouse.** Guesthouses are defined as residential occupancy construction (R) structures permitted prior to 2004 with a full bathroom, partial kitchen, and are the same as a residential dwelling unit for the purposes of defining use and calculating fees.

**Junior Accessory Dwelling Unit (JADU).** JADUs are defined by Government Code Section 65852.2 to mean a residential dwelling unit internal to an existing or new primary dwelling unit that provides complete independent living facilities for one or more persons. JADUs shall include permanent provisions for living and shall be located on the same parcel and within the same structure as the single-family dwelling. A Junior Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

**Primary Dwelling Unit.** A primary dwelling unit (primary unit) is a principal or urban dwelling unit.

**Principal Dwelling Unit.** An existing or new proposed dwelling unit on a residential zoned legal lot of record permitted as allowed by the City's zoning and allowed density of the parcel and not constructed under the provisions for Chapter 5 or Chapter 18 of this title. Any additional existing units above the base residential density shall be considered an ADU or UDU. New units built as part of an SB9 lot split shall not be considered a principal dwelling unit if a principal unit already exists on the parent parcel or new parcel that is created from the lot split.

**Residential Multi-Family Development.** A Residential Multi-family property zoned for multiple principal dwelling units that has been developed to the maximum allowed density and which shares access, parking, and/or amenities regardless of the number of underlying parcels. This may include, but is not limited to, attached or detached residential units, common interest subdivisions, and related residential development on a single or multiple lots developed as a single development project with a developable density of at least 10 units per acre.

**Residential Single-Family Property.** A property zoned for single-family development with a base density of one dwelling unit per parcel.

**Short-Term Rental:** Short term rentals (vacation rental) shall be defined as rental units with stays of 30 consecutive calendar days or less per individual or party.

**Small-lot Single-Family Subdivision.** A subdivision with private side and rear yard areas built to a density of less than or equal to 9 dwelling units per acre.

**Urban Dwelling Unit (UDU).** A primary dwelling unit established or proposed to be developed in accordance with the standards, procedures, and requirements set forth under Government Code section 65852.21 and Chapter 18 of Title 9, either as a primary or secondary primary unit on a parcel.

### 9-5.030: General Requirements

- (a) **Building Permit Required.** A building permit application shall be required for the construction, occupancy, or conversion of any ADU or JADU.
- (b) **Ministerial Review Process.** An application for development of an ADU or JADU, will be reviewed as a ministerial permit, without discretionary review or a hearing if it meets all the requirements set forth in this section, does not impact environmental (including historic) resources, and after payment of all applicable submittal fees.
- (c) A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.
- (d) **Water Service.** All habitable dwelling units shall be served by a public water system
- (e) **Wastewater Service.** To avoid health and safety impacts to ground water quality and nitrogen loading, ADUs shall be served by the City sanitary sewer system when located on lots with a gross area less than one (1) acre, except when:
  - 1. The parcel is 0.75 gross acres or greater and all of the following criteria can be met:
    - i. It can be demonstrated that all properties within a 1/4 mile radius are of sufficient size, considering possible future lot splits and full development potential, to provide a minimum density of at least 0.5 acres per unit within the 1/4 mile radius.
    - ii. It shall be demonstrated that a new or expanded onsite wastewater disposal system can accommodate the additional unit while meeting requirements of the City's Local Area Management Plan (LAMP).
  - 2. ADUs that do not meet the above requirements and do not have the ability to connect to City sewer must be served by an on-site wastewater system that includes pre-treatment and shall be subject to the approval of the City Engineer and must be approved and constructed in accordance with the City's LAMP standards.



- (f) The maximum amount of paving for parking and access for any Principal Dwelling Unit, ADU, JADU and UDU in a front setback area is limited to fifty percent (50%) of the front yard setback area.
- (g) Design. The design of an ADU and/or JADU shall be consistent with any objective design standards listed in this chapter.
- (h) Short-Term Rental prohibited. ADUs and JADUs developed in accordance with Govt Code 65852.2 shall not be rented for terms of 30 days or less.
- (i) Illegal Unit. The construction, establishment, or occupancy of an ADU and/or JADU that has not received a valid construction permit and is contrary to the provisions of this chapter is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.
- (j) Deed Notification Required. Prior to issuance of a building permit for the ADU, the property owner shall submit to the City a deed covenant for recordation with the County Recorder in a form approved by the Community Development Director, which shall run with the land and include at a minimum the following provisions:
  - 1. A prohibition on the sale of the ADU separate from the sale of the principal dwelling unit, unless specifically authorized by State law or a subsequent lot split is approved and recorded.
  - 2. A restriction on the size and attributes of the ADU that conforms with this Section.
  - 3. A prohibition on using the ADU as a Short-Term Rental.
  - 4. Owner occupancy requirements for properties constructing or containing a JADU, as applicable.
  - 5. A statement that the restrictions shall be binding upon any successor owner of the property and that failure to comply with the restrictions shall result in legal action against the owner.

**9-5.040 Applicability.**

- (a) Permitted Zoning Districts. Accessory and Junior Accessory Dwelling Units shall be allowed in all areas zoned to allow single-family or multi-family dwellings consistent with the standards of this section. ADUs shall not be allowed within the following locations:
  - 1. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted on any lot in a single-family zoning district if: 1) an Urban Lot Split has been approved pursuant to Title 11; and 2) two units (Primary Dwelling Unit, UDU, ADU, or JADU) already exist or are approved for construction.

2. No ADUs shall be allowed inconsistent with the California Code of Regulations Section 1273.08
3. No ADU may be established in a commercial district unless all of the following conditions have been met:
  - a. The ADU is part of an approved Mixed-Use Development; and
  - b. The ADU is built above the ground floor; and
  - c. The ADU is within a Mixed-Use Development that has reached its maximum allowable residential density.

**9-5.050 Objective Design Standards for Accessory Dwelling Units.** Standards for the development of ADUs shall be governed by this Chapter. Each ADU shall be subject to compliance with the California Building Code and the following standards:

- (a) Maximum Floor Area: ADUs shall have a maximum floor area of 1,000 square-feet, except as follows:
  1. A garage or other unconditioned space may be attached to an ADU providing any attached space with a non-R occupancy shall be limited to 300 square-feet, or 500 square-feet on lots 1-acre or greater. Any non-R occupancy space may be up to 500 square feet if it is on a different level than the ADU and used for vehicle parking and the entirety of the ADU is located on a different floor with the exception of an entry and stairs. If an existing accessory structure is converted to an ADU and the size of the unconditioned space exceeds the maximum limit, the existing space may remain but shall not be expanded.
  2. Properties may have a detached ADU up to 1,200 square-feet when all of the following are met:
    - a. The property is a minimum of 1 gross acre; and
    - b. The ADU has a setback of at least at least 10 feet from side and rear property lines; and
    - c. The ADU height is limited to 18 feet; and
    - d. All other property development standards applicable to zoning district shall apply.
  3. Any dwelling unit other than the principal dwelling unit, that was established on the lot prior to the submittal of a complete application for a development pursuant to this chapter may not be altered or expanded to a size greater than allowed by this chapter. No additional unconditioned space can be added if greater than the maximum allowances described in section (8) below. If existing units exceed the maximum size thresholds, no expansion or additions shall occur.
- (b) Parking. One off-street parking space (standard or tandem within a driveway) shall be required for each ADU, with the following exceptions;

1. No parking shall be required if the ADU is within one-half mile walking distance of public transit.
  2. No parking shall be required when the ADU is within a designated historic district or on the site of a designated historic property within a one-mile walking distance to public transit.
  3. No parking shall be required when the ADU is part of a proposed or existing primary residence or a converted existing accessory structure.
  4. No parking shall be required when there is a car-share vehicle available to the tenant of the ADU and located within one block of the ADU.
  5. No parking shall be required when a permit application for an accessory dwelling unit is submitted concurrently with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this chapter.
- (c) Garage Conversions. Garages may be converted to ADUs provided that one parking space is reserved for the ADU on the site. A parking space that is lost as part of the garage conversion need not be replaced other than the parking required for the new ADU.
- (d) Accessory Structure Conversion. ADUs may be constructed within existing accessory structures subject to the following:
1. The size of the ADU shall comply with the size limitations set forth in 9-5.050(a) above.
  2. Any portions of the accessory structure not utilized for the ADU shall remain as non-habitable storage space and shall be separated with a permanent wall from the interior space of the ADU. Any openings (doors) between the ADU and non-habitable space shall comply with building and fire code standards.
  3. Conversions of existing legal Accessory structures built prior to January 1, 2020, may be subject to different standards, consistent with Government Code Section 65852.2(e)
- (e) Height. The maximum height of an ADU shall be as follows:
1. 16-feet for any detached ADU where the setback is less than the minimum required setbacks for the underlying zoning district.
  2. 18-feet in a multi-family zone for any detached ADU where the setback is less than the required minimum setbacks for the zoning district if the multi-family dwelling on the same site is multi-story.
  3. 20-feet for any detached ADU that complies with the setbacks of the underlying zoning district.

4. 25-foot height limit if setbacks are increased to 15-feet from the side and rear property lines.
  5. 25-foot height limit for an ADU that is attached to a primary dwelling.
  6. No ADU shall exceed 2 stories.
- (f) Setbacks. An ADU shall maintain the following setbacks:
1. Side Setback: A minimum of 5-feet except for the following:
    - i. ADUs that are 16-feet or less in height located on a lot with a proposed or existing primary residence may be setback a minimum of 4-feet from the side property line
    - ii. ADUs that exceed 20-feet in height shall increase the side setback to 15-feet
    - iii. ADUs that are 18-feet or less in height located on a lot with a proposed or existing multi-story multi-family building may be setback a minimum of 4-feet from the side property line
  2. Primary Street Frontage: 25-feet for single-family properties, 15-feet for multi-family properties
  3. Corner Street Frontage: 10-feet
  4. Secondary Street Frontage: ½ the front setback
  5. Rear: A minimum of 10-feet except for the following:
    - i. ADUs that are 16-feet or less in height located on a lot with a proposed or existing single-story primary residence may be setback a minimum of 4-feet from the rear property line.
    - ii. ADUs that exceed 20-feet in height shall increase the rear setback to 15-feet.
    - iii. ADUs that are 18-feet or less in height located on a lot with a proposed or existing multi-story multi-family building may be setback a minimum of 4-feet from the rear property line.
  6. Access way (flag or easement): 10-feet.
  7. No setback is required for an existing permitted structure or a structure constructed in the same location and to the same dimensions as an existing permitted structure.
- (g) Building Separations. A minimum separation of five (5) feet shall be maintained between a Primary Dwelling Unit and a detached Accessory Dwelling Unit.
- (h) Fire Sprinklers.
1. An ADU shall comply with all applicable fire safety provisions of state law, as well as locally adopted building and fire codes under Chapter 15.04.

2. A detached ADU shall be required to be equipped with fire sprinklers unless the primary dwelling unit is not sprinklered.
  3. An attached ADU shall provide fire sprinklers per the standards for residential additions.
- (i) Number of ADUs permitted.
1. Single-Family Zoned Parcels and Small-Lot Single Family Subdivisions: One ADU per parcel shall be permitted. If a lot contains the maximum number of allowed dwelling units no additional ADU or JADU shall be allowed.
  2. Residential Multi-Family / Mixed-Use Developments: ADUs shall be permitted in multi-family and mixed-use developments subject to the following:
    - i. Existing non-habitable space within a multi-family building may be converted to one or more ADUs at a maximum ratio of 25% of the existing on-site units above the permitted site density.
    - ii. In addition to the units authorized by subsection (i) above, one additional Accessory Dwelling Unit above the permitted site density shall be permitted within a multi-family or mixed-use development
    - iii. All residential units in a mixed-use development must meet the provisions of the underlying zoning district, except as provided for by Government Code Section 65852.2, and must be consistent with all land use definitions for such development.
  3. If multiple units exist on a site that were constructed prior to designation as an ADU, JADU or UDU, those units must be designated as one of the permitted housing unit types prior to further development of the property
- (j) Nothing in this section shall prohibit the construction of an ADU in accordance with Government Code Section 65852.2(c)(2)(C) and Government Code Sections 65852.2(e) and 65852.2(c)(2)(D)(ii) and (iii).

**9-5.060 Objective Design Standards for Junior Accessory Dwelling Units.** Each Junior Accessory Dwelling Unit (JADU) shall be subject to compliance with the building permit requirements and the following standards:

- (a) Maximum Floor Area: Each JADU shall be constructed within the walls of an existing or proposed primary dwelling unit and shall be a maximum of 500 square-feet.
- (b) Septic Systems. JADUs may be served by the system serving an existing or proposed primary unit or a secondary septic system, subject to the approval of the City Engineer and provisions of the City's LAMP.

- (c) Number of JADUs permitted: One JADU is permitted per single-family residential property or small-lot single-family residential subdivision parcel. If a lot contains the maximum number of allowed dwelling units no additional ADU or JADU shall be allowed.
- (d) Design Standards:
  - 1. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit.
  - 2. Each JADU shall include a separate entrance from the main entrance to the existing or proposed principal dwelling unit and may include an interior entry to the main living area.
  - 3. Each JADU shall, at a minimum, include an efficiency kitchen as defined by the building code.
- (e) Owner Occupancy: The property owner shall reside onsite and maintain primary residency in either a primary dwelling unit, ADU, or the JADU.
- (f) Nothing in the section shall prohibit the construction of an JADU in accordance with Government Code Section 65852.2(e)

**9-5.070 Development Fees**

- (a) Accessory units, whether attached or detached, shall be exempt from Development Impact Fees when the gross floor area is less than 750 square feet. Units 750 square feet and larger shall be subject to the City's adopted development impact fee schedule.

**DRAFT ORDINANCE B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING SECTIONS 9-3.330, 9-3.490, 9-3.500, 9-3.651, 9-3.662, 9-3.679, 9-3.677, 9-4.106, 9-4.107, 9-4.108, 9-4.116, 9-4.128, 9-6.103, 9-6.106, 9-9.102 OF TITLE 9, PLANNING AND ZONING, OF THE ATASCADERO MUNICIPAL CODE FOR CONSISTENCY WITH STATE REGULATIONS REGARDING ACCESSORY DWELLING UNITS AND URBAN DWELLING UNITS**

**ZONING CODE UPDATE  
(ZCH21-0006A)**

**WHEREAS**, the City of Atascadero is considering Zoning Text Change Amendments to Title 9 of the Atascadero Municipal Code; and

**WHEREAS**, the State of California has adopted Government Code Sections 65852.2 and 65852.21 which mandates that cities update and adopt standards and requirements related to accessory dwelling units (ADUs) and urban dwelling units (UDUs); and

**WHEREAS**, the City recognizes opportunities to implement policies and programs of the Atascadero General Plan Housing Element providing for, and regulating, expanded housing opportunities for all persons within the community; and

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

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Planning and Zoning Text Change application was held by the Planning Commission of the City of Atascadero on August 2, 2022, at which hearing evidence, oral and documentary, was admitted on behalf of said Planning and Zoning Text Amendments; and

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

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Zoning Text Change application was held by the City Council of the City of Atascadero on September 13, 2022, continued to October 11, 2022, and continued again to October 25, 2022, at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments; and

WHEREAS, the City Council of the City of Atascadero studied the Planning Commission’s recommendation and considered the proposed zoning text amendments.

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

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

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on October 25, 2022, resolved to introduce for first reading, by title only, an Ordinance that would amend Title 9 of the Atascadero Municipal Code as shown in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 3. Facts and Findings.** The City Council makes the following findings, determinations and approvals with respect to the Zone Text Amendment:

A. Findings for Zone Text Amendment:

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

FACT: The proposed zoning code text updates an existing chapter for consistency with State law. The updates are consistent with the City’s recently adopted Housing Element and are intended to implement Government Code Sections 65852.2 and 65852.21.

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

FACT: The proposed text contains provisions that address the unique characteristics of Atascadero and provide for safe and orderly development of Urban, Accessory, and Junior Accessory dwelling units consistent with State law.

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

FACT: This particular zoning text amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 and CEQA section 15282(h) because CEQA does not apply to the adoption of an ordinance designed to adopt amendments consistent with the provisions of Government Code Section 65852.2, which governs both Accessory Dwelling Units and Urban Dwelling Units.

**SECTION 4. CEQA.** This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code is a statutorily exempt activity.



**SECTION 5. Approval.** Title 9 (Planning and Zoning) of the Atascadero Municipal Code is amended as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

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

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

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

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

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

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

**ITEM NUMBER:** A-3  
**DATE:** 11/08/22  
**ATTACHMENT:** 2

**INTRODUCED** at a regular meeting of the City Council held on October \_\_th, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_.

CITY OF ATASCADERO:

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

ATTEST:

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

APPROVED AS TO FORM:

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

**9-3.330 Nonresidential district allowable land uses.**

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

**Table 3-2 – Nonresidential Use Table**

**Allowed Land Uses and Permit Requirements**

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required <input type="checkbox"/> Not Permitted										Special Regulation(s)
	Permitted Uses By Zones										
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Accessory Storage		A <sup>4</sup>	CUP <sup>4</sup>	A <sup>4</sup>	CUP <sup>4</sup>	CUP <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.103
Adult Day Care Facility	A	A	A					CUP			
Adult Oriented Business			A	A					A	A	9-16
Age Restricted Housing							CUP				
Agricultural Produce Stands	A	A			A	A					9-6.117
Amusement Services		A	A	A		A	A			A	
Animal Hospitals		CUP <sup>7</sup>	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A <sup>5</sup>		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Brewery – Production				CUP		CUP			A	A	
Broadcast Studios			A	A							
Building Materials and Hardware w/ outdoor sales or storage area 10,000 sf or greater		CUP	CUP	CUP		CUP			CUP	CUP	9-6.165
Building Materials and Hardware w/ outdoor sales or storage area less than 10,000 sf		A	A	A		A			A	A	9-6.165

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Business Support Services		A	A	A		A	A	A	A	A	
Caretaker's Residence/ Employee Unit		CUP	CUP	CUP							
Childcare Center	A	A	A					CUP			9-6.125
Churches and Related Activities		CUP	CUP								9-6.121
Collection Stations	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	9-6.130
Contract Construction Services (Indoor)				A		A			A	A	
Contract Construction Services (Outdoor)				CUP					CUP	CUP	
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Day Care											
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Farm Equipment and Supplies w/ outdoor storage or sales area 10,000 sf or greater			CUP	CUP		CUP			CUP	CUP	
Farm Equipment and Supplies w/ outdoor storage or sales area less than 10,000 sf			A	A		A			A	A	
Farmers' Market	CUP	CUP	CUP		CUP	CUP	A	A			
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Fuel Dealer				A <sup>4</sup>		CUP			A <sup>4</sup>	A <sup>4</sup>	9-6.129
General Retail	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Government Offices and Facilities	A	A	A	A	A	A	CUP <sup>9</sup>	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP <sup>9</sup>	A			
Horticultural Specialties w/ outdoor storage or sales area 10,000 sf or greater		CUP	CUP	CUP	CUP	CUP			CUP	CUP	9-6.116
Horticultural Specialties w/		A	A	A	A	A					9-6.116

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
outdoor sales or storage area less than 10,000 sf											
Hotels, Motels		CUP	A	A	A		CUP				
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Kennels			CUP	A							9-6.111
Large Family Day Care		CUP <sup>8</sup>	CUP <sup>8</sup>								9-6.125
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Laundries and Dry Cleaning Plants				A		A			A	A	
Laundromat/Coin-Operated Laundry	CUP	CUP	CUP	CUP	CUP	CUP			A	A	
Libraries, Museums		A	A	A	A		A	A			
Live/Work Unit							A <sup>1</sup>				
Manufacturing and Processing – High Intensity <sup>4</sup>				CUP		CUP			AUP	AUP	
Manufacturing and Processing - Low Intensity		CUP	CUP	A		A			A	A	
Medical Extended Care Services: 6 Residents or Less	CUP	CUP	CUP	CUP	CUP	CUP					9-6.134
Medical Extended Care Services: 7 Residents or More			CUP								9-6.134
Medical Research		CUP		A		A		CUP	A	A	
Membership Organizations			A	A		CUP	CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Mini-Storage				CUP		CUP			A	A	
Mixed-Use Development	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP <sup>1</sup>			A <sup>1</sup>	A <sup>1</sup>			
Mobile Eating and Drinking Vendors <sup>6</sup>	A	A	A	A		A	A		A	A	
Mortuary Services			A	A					A	A	
Multifamily Dwelling	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>							
Offices	A	A	A	A	A	A	CUP <sup>9</sup>	A			
Outdoor Recreation Services			CUP	CUP	A						9-6.123
Parking Lots	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Parks and Playgrounds							A	A			
Personal Service Restricted				A	CUP	CUP					
Personal Services	A	A	A	A	A	CUP	A				

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Printing and Publishing		CUP	CUP			A <sup>4</sup>			A <sup>4</sup>	A <sup>4</sup>	
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Recreational Vehicle Parks					A						9-6.180
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	
Residential Care: 6 Residents or Less							A <sup>2</sup>	A <sup>2</sup>			9-6.135
Retail Sales— Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Schools		A	A	A			CUP	CUP			9-6.125
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A <sup>1</sup>	A <sup>1</sup>			
Single-Room Occupancy Units			CUP								9-6.184
Small Family Day Care		A <sup>8</sup>	A <sup>8</sup>	A <sup>8</sup>		A <sup>8</sup>	A <sup>8</sup>				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					A	A	9-6.131
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Temporary Events	A/ CUP <sup>3</sup>	CUP	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A/ CUP <sup>3</sup>	A	A	9-6.177
Temporary Offices		A	A	A							9-6.176
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	

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

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

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

**9-4.106 Street setbacks.**

A street setback is measured at right angles from the nearest point on the property line to the building line. Setback landscaping and fencing standards are in Sections 9-4.125(a) and 9-4.128 of this Chapter, respectively.

- (a) A, RS, RSF, and LSF Zones. All residential uses shall have a minimum primary street setback of twenty-five (25) feet, except as follows:
- (1) Shallow Lots. The front setback shall be a minimum of twenty (20) feet for any lot less than ninety (90) feet deep.
  - (2) Flag Lots and Lots without Street Frontage. Determination of that portion of the site to constitute the required front yard within the flag shall be at the discretion of the applicant. The front setback of the flag of the lot shall be a minimum of ten (10) feet. The front setback within the accessway shall be as in subsection (a) of this section.
  - (3) Sloping Lot Adjustment. Where the elevation of the natural grade on a lot at a point fifty (50) feet from the centerline of the adjacent street right-of-way is seven (7) feet above or below the elevation of the centerline, a private garage may be located, at the discretion of the applicant, as close as five (5) feet to the street property line (primary or corner), subject to the approval of an administrative use permit (Section 9-1.112 of this title), provided that portions of the dwelling other than the garage shall be established at the setback otherwise required.
  - (4) Variable Setback Block. Where a residential block is partially developed with single-family dwellings having less than the required primary front setbacks and no uniform front setback is established, the primary street setback may be adjusted by approval of an administrative use permit (Section 9-1.112 of this title) at the option of the applicant, as follows:
    - (i) Prerequisites for Adjustment. Adjustment may be granted only when twenty-five percent (25%) of the lots on the block with the same frontage are developed and the entire block is within a single zone.
    - (ii) Allowed Adjustment. The normally required minimum primary street setback is to be reduced to the average of the primary front setbacks of the existing dwellings, which include attached garages but not detached garages, to a minimum of ten (10) feet.
  - (5) The Design Review Committee (DRC) may grant an exemption to the front setback requirement based on neighborhood compatibility for structures that meet the following criteria:
    - (i) Structures are no greater than ten (10) feet in height;
    - (ii) Structures do not exceed front yard coverage of more than fifty percent (50%);
    - (iii) Structures do not impair sight distances for vehicular traffic as reviewed by the City Engineer.
- (b) RMF Zone and Residential Uses in Commercial and Industrial Zones. All residential units shall have a minimum setback of fifteen (15) feet. All garages shall have a minimum front setback of twenty (20) feet.



(c) CN, CP, CR, CS, CT, CPK, IP and I Zones. No front setbacks are required. Ground floor residential uses are subject to the setback requirements of subsection (a) of this section.

(i) Adjacent to Residential Zone. Where a commercial or industrial zone has a primary or secondary street setback, including a double frontage setback, on a street where more than fifty percent (50%) of the lots in the same block are zoned for residential use, the primary front setback shall be twenty-five (25) feet, except that a one-story building or parking may encroach into one-half (1/2) the required front setback depth.

(d) L, LS and P Zone. A minimum ten (10) foot primary street setback is required, provided that residential uses are subject to the setback requirements of subsection (a) of this section.

(e) Flag Lots. Any accessway adjacent to a public street shall be subject to the front setback requirements of subsections (a), (b), (c), and (d) of this section. Determination of that portion of the site to constitute the required front yard within the flag shall be at the discretion of the applicant. The front setback of the flag of the lot shall be subject to the side setback requirements of Section 9-4.107 of this chapter.

(f) Double Frontage Lots.

(1) Selecting the Setback Location. Where double frontage setback locations are not specified by subdivision requirements or other applicable regulations, the applicant may select the primary front setback street unless fifty percent (50%) of the lots on a double frontage block are developed with the same front yard orientation. In that case, all remaining lots are to orient their primary front setbacks with the majority.

(2) Double Frontage Setback Requirements (Secondary Frontage). A full-front setback is to be provided adjacent to one frontage (primary), and a setback of one-half (1/2) the required front setback depth adjacent to the other frontage (secondary).

(g) Corner street setback (Corner Street Frontage). The primary street setback on the street side of a corner lot is to be a minimum of ten (10) feet from the property line.

(h) Establishment of Front Setback on Zoning Map. The Planning Commission may establish greater front setbacks than those required in this section by delineating the setback on the zoning map. Procedures specified by Section 9-1.115 of this title shall be followed in establishing such setbacks.

#### **9-4.107 Side setbacks.**

The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas, or primary street and secondary front-street setback areas for double frontage lots. The minimum side setback is to be as follows:

(a) A, RS, RSF, LSF and RMF Zones and Residential Uses in Commercial and Industrial Zones. All residential uses except for second story dwellings over commercial and industrial uses shall have a minimum side setback of five (5) feet, except as follows:

(1) Accessory Structures. A side yard may be used for an accessory building no greater than twelve (12) feet in height, provided that it is not used for human habitation or the keeping of animals and is either:

- (i) Located no closer than three (3) feet to any property line;
- (ii) Located on the rear half of the lot; or
- (iii) Established on the property line as a common wall structure pursuant to subsection (a)(4) of this section, or as a zero lot line structure, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall.

(2) Common Wall Development. Any two (2) dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:

- (i) The setback has been eliminated through subdivision map or conditional use permit approval;
- (ii) A common wall or party wall agreement, deed restriction, or other enforceable restriction has been recorded;
- (iii) The side setbacks opposite the common wall property line are not less than two (2) times the minimum width required by this section; and
- (iv) Common wall construction is in compliance with the Uniform Building Code.

(3) Zero Lot Line Development. A group of dwelling units on adjoining lots may be established so that all units abut one (1) side property line, provided that:

- (i) The setback has been eliminated for an entire block through subdivision map or conditional use permit approval;
- (ii) The modified setback requirements for the block are recorded as part of a land division map, deed restriction, or other enforceable restriction;
- (iii) The side setback shall not be eliminated or reduced on the street side of a corner lot; and
- (iv) Side setbacks opposite the zero setback property line are not less than twice the minimum required by this section.

(4) Access Easements. All access easements shall have a minimum setback of five (5) feet, measured from the edge of the easement.

(5) Additional height for buildings in RMF. Multifamily dwellings exceeding twenty-five (25) feet in height shall have a ten (10) foot setback for all portions of the building over twenty-five (25) feet in height.

(b) CN, CP, CR, CS, CT, CPK, IP, I and P Zones. No side setbacks are required. Ground floor residential uses are subject to the setback requirements of subsection (a) of this section.

(b) L and LS Zones. A minimum five (5) foot side setback is required.

#### **9-4.108 Rear setbacks.**

The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line.

(a) A, RS, RSF, LSF, and RMF Zones and Permitted Ground Floor Residential Uses in Commercial and Industrial Zones. All residential uses except for second story dwellings over commercial and industrial uses shall have a minimum rear setback of ten (10) feet, except as follows:

(1) Accessory Structures. A rear setback except for the portion of the rear yard adjacent to the street of a corner lot, may be used for an accessory building no greater than twelve (12) feet in height, provided the accessory building is not used for human habitation or the keeping of animals, and is not closer than three feet to a side or rear property line or alley.

(b) CN, CP, CR, CS, CT, CPK, IP and I Zones. No rear setback is required in commercial or industrial zones, except as follows:

(1) Adjacent to an Alley. The secondary frontage setback shall be a minimum of five (5) feet, except where the alley provides vehicular access to the interior of the building, in which case the setback shall be ten (10) feet.

(2) Adjacent to Residential Use Zone. Where the rear property line abuts a residential zone or use, no rear setback is required for buildings or portions of buildings which do not exceed twelve (12) feet in height within ten (10) feet of the rear property line. The rear setback shall be a minimum of ten (10) feet for buildings or portions of buildings which exceed twelve (12) feet in height.

(c) L, LS and P Zones. A minimum of ten (10) foot rear setback is required.

#### **9-4.116 Location of parking on a site.**

Required parking spaces may be located as needed on a proposed site, subject to the design and construction standards of Sections 9-4.117 and 9-4.119 of this chapter and the following:

(a) Use of Front Setback. Required parking spaces are not to be located within the required front setback.

(b) Use of Side and Rear Setbacks. Side and rear setbacks may be used for vehicle parking except on the street frontage of a corner lot and except where landscaping is required by Section 9-4.125 of this chapter.

#### **9-4.128 Fencing and screening.**

Standards for fencing and screening are established by this section to protect certain uses from intrusion, to protect the public from uses that may be hazardous, and to increase compatibility between different land uses by visual screening. Fencing is the enclosure of an area by the materials identified in subsection (c) of this section. Screening is the enclosure of an area by a visual barrier, which may include solid fencing or other materials, as specified in subsection (c) of this section.

(a) Fencing and Screening—Where Required. Within the urban services line, the uses and areas listed in this subsection shall be fenced and/or screened, as indicated. Unless otherwise specified, fencing and screening are to be a minimum height of six (6) feet. Fencing and screening materials of a height greater than three (3) feet shall not be located within a required primary, secondary, or corner street setback.

(1) Mechanical Equipment. When located outside of a building, support equipment, including air conditioning and heating devices, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

(i) Roof-Mounted Equipment. To be screened by architectural features from the view of abutting streets.

(ii) Equipment at Grade. When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.

This subsection does not apply to single-family residential uses.

(2) Outdoor Storage. To be screened on all sides by a wall or fencing.

(3) Public Utility Substations. To be screened on all sides in a manner that will provide an effective visual barrier as well as the necessary safety clearances required by order of the California Public Utilities Commission.

(4) Side and Rear Lot Lines. The side and rear property lines of all nonresidential uses are to be screened as follows:

(i) Adjacent to a Residential Use or Zone. A solid wall or fencing shall be located on side and rear property lines of any nonresidential or nonagricultural use abutting a residential use or zone.

(5) Swimming Pools. Yard areas with private swimming pools are to be fenced to discourage unsupervised access and use by small children. Such fencing is to be constructed per building code requirements.

(b) Exceptions to Fencing and Screening Requirements.

(1) Buildings Abutting Property Lines. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

(2) Location Adjustment. Where property fencing or screening is required, the location may be adjusted by approval of an administrative use permit (refer to Section 9-1.112 of this title), so the fencing may be constructed at or within the setback line, provided the areas between the fence and the property lines are landscaped, or in rural areas, retained in their natural vegetative state.

(3) Planning Commission Modification. Any of the requirements of this section may be waived or modified through conditional use permit approval, provided the Planning Commission first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

(c) Standards for Fencing and Screening Materials. All fencing and screening shall be allowed as follows:

(1) Height. Fence and screen height shall be permitted as follows:

(i) RS/RR/RSF-Z/RSF-Y (with one (1) acre net or larger) Zones.

a. Fencing within a required street setback may be up to five (5) feet in height, provided that the top two (2) feet remain a minimum of eighty percent (80%) visibility. The fence shall not impair safe sight distance for vehicular traffic nor result in any other potential adverse impact on human health and safety (refer to engineering standard: Minimum Sight Distance for Driveways and Intersecting Roads with Stop Control).

b. Fencing associated with agriculture type activities including, but not limited to, "deer fencing" and other fencing that is a minimum of eighty percent (80%) visible may be up to seven (7) feet in height. Chain link fencing, wrought iron fencing, and any other decorative type of fencing is not considered "agriculture" type fencing for the purposes of this subsection.

c. Fencing within a required side or rear setback may be a maximum of six (6) feet in height.

(ii) RSF-Y (less than one (1) acre net) /RSF-X/LSF-Z/LSF-Y/LSF-X/RMF-10/RMF-20.

a. Fencing within a required primary, secondary, or corner street setback can be a maximum of four (4) feet in height.

b. Fencing within a required side or rear yard setback shall be a maximum of six (6) feet in height.

(iii) Residential Gates:

a. Gates are permitted in single-family residential zoning districts for private driveways.

b. Gates shall be setback a minimum of twenty (20) feet from the right of way in accordance with engineering standards.

c. Gates shall be a maximum of twelve (12) feet in height and shall remain residential in nature.

d. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height.

e. Gates shall comply with emergency access standards.

f. Gates shall not swing open toward the street unless the maximum swing is not closer than sixteen (16) feet from the edge of the right-of-way.

g. Gates or associated structures shall comply with minimum sight-distance standards.

h. A construction permit shall be required for all gates that exceed six(6) feet in height or contain electrical components.

(iv) Height Measurement. Fence height shall be measured from the adjacent grade of the downhill side of the wall, fence, or hedge.

a. Where fences or walls are located on retaining walls or berms, the height of the retaining wall or berm shall be considered as part of the overall height of the fence or wall if the retaining wall or berm exceeds two (2) feet in height.

b. If a retaining wall is terraced and separated by five (5) feet of horizontal space or greater, they shall be considered individual walls for the purposes of measuring height.

(2) The Design Review Committee (DRC) may grant an exemption to the front setback fencing requirement to a maximum of six (6) feet in height if proposed fence would be consistent with the neighborhood character and does not impair site distance for vehicular traffic, as reviewed by the City Engineer.

(3) Permit to Exceed Height. A minor conditional use permit approval is required where fencing is proposed to be greater than six (6) feet in height within or outside any required setback, with the exception of fencing described in subsection (c)(1)(i)(b) or subsection (c)(1)(a).

(4) Screening Materials Substitution. Where screening is required to be a solid wall or fence, the following materials may be substituted through adjustment (see Section 9-1.112 of this title), except where screening is required adjacent to a residential use or zone:

(i) Landscape Screen. Screening plant materials may be substituted for a wall or fence, where:

a. Proposed plant materials are certified in writing by a registered landscape architect as having the capability of achieving sixty percent (60%) of total view blockage within eighteen (18) months of planting, and one hundred percent (100%) of total view blockage within thirty-six (36) months of planting; and

b. The applicant agrees in writing to install solid fencing after the expiration of thirty-six (36) months, in the event that the landscaping has not totally blocked the view of areas required to be screened.

(ii) Berms. A landscaped berm may be substituted for a wall or fence, provided that the combination of berm and landscaping is no less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of three to one (3:1), with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. The berm shall be planted with shrubs, lawn or groundcover.

(iii) Chain-Link Fencing. Vinyl-coated, chain-link fencing with evergreen landscape screen planting may be substituted for a solid wall or fence in commercial and industrial zones, except where screening fencing is required adjacent to residential uses and zones.

## Article 5. Land Use Definitions

### 9-3.490 Purpose.

This article contains descriptions of the types of land uses which can be established in the various zones. The uses described here are allowed in the various zoning districts established. The descriptions of land uses are intended only to list the various land uses included under each general heading and do not explain what permit requirements or performance standards may be applicable to a given use. If a use here within is not defined in this section, or in other provisions of the City of Atascadero Municipal Code, the Community Development Director shall determine the correct definition.

### 9-3.500 Definitions.

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

#### **A. Definitions “A”**

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

**Adult-Oriented Business.** Any business defined by Chapter 19 of Title 9 in the Atascadero Municipal Code, or subsequent code section, as an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor (excluding State-licensed massage therapy), sexual encounter establishment, or nude model studio is an adult-oriented business.

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

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

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

**Agriculture Employee Housing.** Includes single-family dwellings, or other lodging accommodations provided as a part of farming operations, as regulated under the

California Health and Safety Code, employees on land owned by the owner of the building site on which the lodging is located.

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

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

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

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

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

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

## **B. Definitions “B”**

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



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

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

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

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

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

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

### **C. Definitions “C”**

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

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

**Churches and Related Activities.** Religious organization facilities operated for worship or for promotion of religious activities, including churches and religious Sunday-type schools. Other establishments maintained by religious organizations, such as educational institutions, hospitals and other operations that may be considered

commercial in nature if not run by the religious organization (such as a recreational camp) are classified according to their respective activities.

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

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

**Contract Construction Services (Indoor).** Office uses with or without indoor storage facilities operated by, or on behalf of, a building contractor, exterminator, janitorial service or similar. Can include the indoor storage of materials used for repair and maintenance of contractor’s own equipment and for use by the contractor. All uses must be located within an approved, permitted building. Outdoor storage of construction related vehicles, fleet, or accessory storage (other than an approved parking lot for employees or fleet vehicles) is limited to ten percent (10%) of the floor area of the fully enclosed building utilized for the business.

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

#### **D. Definitions “D”**

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

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

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

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

#### **E. Definitions “E”**

**Eating and Drinking Places.** Restaurants and other establishments selling prepared foods and drinks for consumption on the premises, as well as facilities for dancing and other entertainment which are secondary and subordinate to the principal use of the establishment as an eating and drinking place. Also includes lunch counters and refreshment stands selling prepared goods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators. Does not include establishments with drive-through facilities or uses defined under adult-oriented business.

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

#### **F. Definitions “F”**

**Farm Animal Raising.** The keeping, feeding or grazing of animals as an avocation, hobby, or school project, subordinate to the principal residential use of a property, includes species commonly considered as farm animals as well as exotic species, but

does not include household pets. This includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include uses defined as “livestock specialties.”

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

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

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

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

#### **G. Definitions “G”**

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

- Antique stores, second hand stores, jewelry stores, hobby materials, specialty stores;
- Art galleries, art supplies, collectibles, hobby materials;
- Bicycles, toys, games, sporting goods and equipment;
- Department stores, drug stores, pharmacies, supermarkets, groceries stores, specialty food markets, membership warehouse clubs;
- Florists, house plant stores (indoor sales), small house wares;
- Home furniture stores, consumer electronic/audio visual goods, bookstores, home and/or office appliance stores (excludes wholesale sales not open to the general public);
- New clothing, shoes, and accessory retail stores;
- Stationery, dry goods, fabric stores and sewing supplies, and variety stores;
- Stand-alone convenience markets (excludes fuel sales), warehouse retail stores, building supply hardware stores where outdoor sales are limited to under ten thousand (10,000) square feet.

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

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

#### H. Definitions “H”

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

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

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

**Hotels, Motels.** Commercial transient lodging establishments, including hotels, motor hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight or otherwise temporary lodging for less than 30-days, with or without meals, for the general public. Such establishments shall not provide kitchen facilities in more than twenty-five percent (25%) of the units.

#### I. Definitions “I”

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

#### J. Definitions “J”

#### K. Definitions “K”

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

#### L. Definitions “L”

**Large Scale Ag Manufacturing.** The large scale processing of agriculture products subsequent to their harvest, with the intent of preparing them for market or further processing including: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packaging of fruits and vegetables; tree nut hulling and shelling; cotton ginning; and wineries in excess of one thousand (1,000) square feet in total use area. This does not include the growing, harvesting, and production of medical marijuana, or legally approved uses of marijuana by either the State of California or Federal Government.

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

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

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

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

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

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

**M. Definitions “M”**

**Manufacturing, Repair, and Processing – High Intensity.** A facility or establishment that accommodates manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and other similar manufacturing uses, where the intensity or scale of operations is determined to be greater than those

classified under “manufacturing and processing – low intensity,” but where impacts to surrounding neighborhoods, businesses, and the community may cause a significant impact. Uses may have an indoor setting, however uses may also be conducted outdoors. Examples of manufacturing and processing uses that are considered high-intensity include the following, but are not limited to:

- Machinery manufacturing that makes or process raw materials into products;
- Metal fabrication and welding shops engaged in the production and/or assembly of metal, and other similar metal shops;
- Manufacturing that cuts, shapes, and/or finishes building materials used in home or nonresidential construction;
- Chemical product manufacturing that produces or uses basic chemicals and other establishments creating products predominantly by chemical processes;
- Product manufacturing that produces bulk concrete, asphalt, and other paving materials;
- Paving and roof materials manufacturing of various common paving and petroleum-based roofing materials including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar;
- Plastics, other synthetics and rubber manufacturing;
- Primary metal industries engaged in smelting, refining of ferrous and nonferrous metals;
- Other similar heavy intensive uses.

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

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

- Small product manufacturing not classified in another major manufacturing group.

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

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

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

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

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

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

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

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



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

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

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

**N. Definitions “N”**

**O. Definitions “O”**

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

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

**Outdoor Recreation Services.** Facilities for various outdoor sports and recreation, including: amusement and kiddie parks; golf courses, golf driving ranges and miniature golf courses; skateboard parks; go-cart and miniature auto race tracks; tennis courts, swim and tennis clubs and facilities; play lots, playgrounds and athletic fields; recreation and community centers.

**P. Definitions “P”**

**Parking Lot.** An open area, excluding a street or other public right-of-way, for the exclusive use of parking as a primary use for automobiles and available to either the public or patrons of adjacent buildings or structures. Parking lots can either be free for

use, or may charge a fee for compensation. Long-term parking and storage of inoperable vehicles is classified in “vehicle and equipment storage.”

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

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

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

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

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

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

**Q. Definitions “Q”**

**R. Definitions “R”**

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

**Recycling and Scrap.** Establishments primarily engaged in assembling, breaking up, sorting, temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Does

not include waste disposal sites, which are separately defined. Does not include temporary storage of toxic or radioactive waste materials.

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

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

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

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

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

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

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

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

**Rural Sports and Group Facilities.** Establishments supporting special group activities such as: archery, pistol, rifle, and skeet clubs and facilities; dude ranches; health resorts including outdoor hot spring, spa or hot tub facilities; hunting and fishing clubs; recreational camps; group or organized camps; incidental, seasonal camping areas without facilities; equestrian facilities, including riding academies, schools, stables and exhibition facilities.

#### **S. Definitions “S”**

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

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

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

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

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

**Single-Family Dwelling.** An attached or detached building not to contain more than one (1) kitchen wherein the occupants of the dwelling unit are living and functioning together as a single housekeeping unit, meaning that they have established ties and

familiarity with each other, jointly use common areas, interact with each other, membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit. Also includes factory-built, manufactured housing units and mobile homes constructed in compliance with Title 25 of the California Health and Safety Code, or successor provision as defined in Section 9-9.102 of the Zoning Ordinance; transitional housing and supportive housing serving six (6) or fewer persons as defined in Section 9-9.102 of the Zoning Ordinance.

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

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

**Social and Service Organizations.** Public or quasi-public establishments providing social services and rehabilitation services to such as counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, persons with social or personal problems requiring special services and to the handicapped and the disadvantaged. Also included are organizations soliciting funds to be used directly for these related services. Also includes establishments engaged in community improvement and neighborhood development. Does not include child day care services which are classified under “schools.”

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

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

#### **T. Definitions “T”**

**Tasting Room.** Establishment that allows for beer, wine, or spirit tasting on-site with off-site sales directly to the public. Tasting rooms must meet the requirements of the Alcoholic Beverage Control (ABC) license type (Type 02, Type 23, Type 40, Type 42 or

Type 74 license, or similar). Tasting rooms may operate within a large scale brewing, winery, or distillery facility as an ancillary.

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

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

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

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

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

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

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

#### **U. Definitions "U"**

**Utility Facilities.** A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply, natural gas distribution, wastewater pump station, fiber optics junction box, or other similar facilities that are not exempted from land use permit requirements by California Government Code Section 53091 or successor code.

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

**V. Definitions “V”**

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

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

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

**W. Definitions “W”**

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

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

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

**Winery – Production.** Winery or distillery production of more than three thousand one (3,001) cases of wine per year. Uses include fruit processing, fermentation pressing,

barrel and bottle storage, bottling, wine tasting, and direct retail sale of wine. This also includes uses that produce three thousand one (3,001) cases of beverages or less, but do not meet the requirements for “winery – boutique,” “winery – production,” or “brewery – production.”

- X. Definitions “X”
- Y. Definitions “Y”
- Z. Definitions “Z”

**9-6.103 Accessory storage.**

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

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

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

(b) Building Materials and Equipment. Building materials and equipment being used in a construction project on the same or adjacent site may be stored on or adjacent to the construction site as long as a valid building permit is in effect for construction on the premises. Building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations. When storage is proposed on a lot adjacent to the construction site, the application for the project is to also describe the storage site. Temporary storage of construction materials on a site not adjacent to the construction is subject to Section 9-6.175.

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

(1) Commercial vehicles are to be stored in an enclosed building unless otherwise allowed by the provisions of this code.

(2) The storage of agricultural vehicles in the A Zone is unrestricted.

(3) Commercial vehicles may be allowed in residential zones where the resident of the premises can show that:

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

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



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

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

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

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

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

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

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

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

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

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

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

Type of Storage		
Type of Liquid	Above Ground	Underground
Combustible	1,000 gallons	Unlimited
Flammable	1,000 gallons	20,000 gallons

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

(3) Additional Standards.

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

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

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

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

(1) Location of Storage. Recreational vehicles are not to be stored in the required primary, secondary, or corner street setback area.

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

(g) Scrap and Junk. The outdoor storage of scrap, junk and miscellaneous articles and materials accessory to another use is limited to a maximum area of two hundred (200) square feet, with a maximum height of five (5) feet except that the outdoor storage of scrap, junk, and miscellaneous articles and materials accessory to another use may be allowed up to one thousand (1,000) square feet when completely screened from neighboring properties and from the public right-of-way. Such storage shall be located only where it is within the buildable area of the lot. The storage of scrap and junk as a principal use is subject to the standards of Section 9-6.131.

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

- (1) Use of Cargo Containers.
  - (i) Cargo containers shall be utilized for accessory storage only. Occupancy shall be limited to a “U” occupancy consistent with the [California Building Code](#) (CBC) or its successor title.
  - (ii) Cargo containers shall not be used for permanent or temporary human occupancies, including, but not limited to, living, sleeping, or other residential uses.
- (2) Number of Cargo Containers Permitted.
  - (i) One (1) cargo container may be permitted on a commercial, industrial or single-family residential lot over one (1) gross acre in size, subject to Design Review Committee (DRC) review for neighborhood compatibility and approval of a building permit.
  - (ii) Two (2) or more cargo containers may be permitted with a minor conditional use permit (CUP) on a commercial, industrial, or single-family residential lot over one (1) gross acre in size, subject to Planning Commission review for neighborhood compatibility and approval of a building permit.
- (3) Standards for Cargo Containers.
  - (i) Building Permit. A building permit is required for cargo containers over one hundred twenty (120) square feet in size. A cargo container which is one hundred twenty (120) square feet or less, is exempt from building permit requirements provided it meets property line and structure setbacks required by this title and does not have any utility connections.
  - (ii) Setbacks. Cargo containers shall be located in the rear half of the property in commercial, industrial and residential zones. Cargo containers shall not be permitted within the primary, secondary, or corner street setback of a residential property. Setbacks shall be consistent with underlying zone setback requirements and is consistent with the preceding subsections (1) and (2).
  - (iii) Foundation. Cargo containers shall be anchored on a foundation system capable of withstanding all imposed vertical and horizontal loads and consistent with all applicable codes. Any alterations to the container shall be designed and detailed by a licensed design professional. All foundations and alterations shall be approved by the Chief Building Official.
  - (iv) The cargo container may not occupy any required parking areas or obstruct any Fire Department access ways.
- (4) Exemptions.
  - (i) Use of cargo containers for temporary on-site storage associated with a construction project is exempt from this section (refer to subsection (b)).
  - (ii) Use of cargo containers for temporary commercial storage may be allowed with the approval of an administrative use permit for a period not to exceed four (4) months.

**9-6.106 Residential accessory uses.**

The standards of this section apply to the specific types of residential accessory uses and structures as listed. Standards for agricultural accessory structures are subject to Section 9-6.109. Agricultural accessory structures for the keeping of animals are subject to Section 9-6.112.

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

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

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

(2) **Floor Area.** The gross floor area of a detached accessory structure is not to exceed one hundred percent (100%) of the gross floor area of the principal structure, up to 2,000 square feet.

(i) The floor area may be increased by approval of an administrative use permit (Section 9-1.112) to allow additional floor area over the specified limits, when consistent with the appearance and design criteria in Section 9-6.106 (3) and when additional findings can be made to support an increased size.

(3) **Appearance and Design.** An accessory structure that exceeds fifty percent (50%) of the gross floor area of the principle structure shall adhere to the following criteria:

(i) Accessory structure shall not be located between the primary structure and the public roadway;

(ii) Accessory structure shall be compatible with the pattern of development in the neighborhood (there are similar structures on adjacent properties, and properties are of a size, nature and topography so as to not create a significant aesthetic impact);

(iii) Accessory structure is compatible or complementary with the architectural style of the primary structure;

(iv) The floor area of the accessory structure is equal or lesser than the floor area of the primary structure;

(v) The accessory structure is located on a conforming lot;

(vi) The accessory structure can be built to avoid substantial grading and the removal of significant native trees;

(vii) The accessory structure does not block sunlight for adjacent properties, alter site distance for roads or driveways, nor substantially alter the visual quality of the property;

(viii) The accessory structure shall be located no closer than ten (10) feet to the side property line as measured from the nearest roof eave; and

(ix) The accessory structure shall be located no closer than forty (40) feet to the nearest residential dwelling on an adjacent property.

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

(i) The structure does not create a nuisance;

(ii) The use of the structure is permitted under its zoning;

(iii) The structure meets the property's rear and side yard minimum setback requirement of three (3) feet if the structure is less than twelve (12) feet in height;

(iv) If the structure is more than twelve (12) feet in height, standard setback shall be required regardless of exemption;

(v) The accessory structure is located outside of the required front yard setback;

(vi) A minimum (5) foot setback is required between structures. If structures are abutting, the aggregate area of the buildings shall be considered one (1) building and shall require a building permit; and

(vii) Hoop structures/greenhouses: Limited to two (2) per residential property.

Additional structures may be approved with DRC approval.

(5) Offices/Art Studio. Offices or Art Studios are defined as any type of residential occupancy construction (R) with no kitchens, no overnight stays, cooking facilities and/or no bathing facilities (one (1) water closet is permitted). Studios shall be limited to four hundred fifty (450) square feet. Studios greater than four hundred fifty (450) square feet shall be considered accessory or urban dwelling units. Deed restrictions shall be required for any proposed office or art studio with plumbing limiting the use of the studio.

(6) Number of Structures. The number of nonexempt accessory structures requiring a building permit shall be limited to two (2) structures.

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

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

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

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

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

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

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

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

(d) Exceptions to Accessory Structure Standards.

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

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

(e) Agricultural accessory uses. This subsection applies to small-scale agricultural uses that are incidental to a primary use in residential zoning districts.

(1) Hobby crop production and processing. Incidental crop production and small-scale processing is permitted subordinate to the residential use of the property. Any accessory structures used for this purpose must comply with accessory structure standards of this section.

(i) Agriculture intended for commercial use must also comply with home occupations standards as listed in Section 9-6.105.

(2) Produce stands are permitted in compliance with Section 9-6.117.

(3) Farm animal raising is permitted in compliance with Section 9-6.112.

**9-3.651 Establishment of Planned Development Overlay Zone No. 7: (PD7).**

A Planned Development Overlay Zone No. 7 may be established in multiple-family residential zones. The following development standards shall be applied to all projects within Planned Development Zone No. 7:

- (a) A Master Plan of Development of the site shall be approved. All construction and development shall be done in conformance with the approved master plan.
- (b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Master Plan of Development.
- (c) A proposed planned development project shall consist of no fewer than four (4) residential units.
- (d) A parent lot or lots shall have frontage on a public street.
- (e) Each dwelling unit shall be subject to review under the City’s Appearance Review Guidelines.
- (f) Building setbacks shall be as follows:

Primary Street yard at residence	15 feet
Side yards (combined)	10 feet
Corner Street yard (corner lot)	12 feet
Rear yard (single-story)	10 feet
Rear yard (two-story)	15 feet

Garages shall be recessed from the front of the residence by at least five (5) feet.

(1) Physically Unique Sites. Sites with one (1) or more mature trees, steep slopes, riparian areas and/or some other unique physical characteristic are not subject to the above setback requirements provided the following findings are made: (i) that flexibility from the above setback standards is necessary to enable the environmentally superior design alternative; (ii) that at least fifty percent (50%) of each individual lot will be landscaped; and (iii) that at least sixty percent (60%) of the net area of the overall site will be landscaped.

(g) Building coverage (residence plus garage footprint) shall not exceed thirty-five percent (35%) of the individual lot area. Landscaping shall constitute a minimum of forty percent (40%) of the lot area. The measurement of landscaped areas shall be exclusive of driveways, patios, decks, etc.

(h) Two (2) story residences shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of the garage.

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

(j) Exterior fencing shall be consistent throughout the project. Design and appearance of fences and/or walls shall be compatible with the design of the dwelling units.

(k) Accessory buildings (sheds, etc.) will be allowed; however, the footprint of such accessory buildings will count toward the maximum percent of allowable building coverage.

- (l) Each proposed lot shall have a minimum frontage of forty-five (45) feet, except that lots at the end of a cul-de-sac may be forty (40) feet.
- (m) Parking for two-resident vehicles shall be provided in a garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet. One guest parking space of at least nine (9) feet by eighteen (18) feet shall be provided on each individual lot. The driveway area may be used to satisfy the guest parking requirement. On-street parking shall not be used to satisfy the parking requirements.
- (n) Private open space shall be provided for each residential unit at a ratio of three hundred (300) square feet for the first two (2) bedrooms. Each bedroom in excess of two (2) shall cause the private open space to be increased by fifty (50) square feet. The required front yard setback area shall not be used to satisfy the open space requirement; however, side and rear setback areas may be utilized. The minimum width of the private open space area shall not be less than ten (10) feet.
- (o) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trash cans within the garage or fenced area.
- (p) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground.
- (q) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.
- (r) All dwelling units shall be equipped with water conservation devices to include low-flow shower heads and toilets, and drip irrigation systems.

**9-3.662 Establishment of Planned Development Overlay Zone No. 17: (PD17).**

A Planned Development Overlay Zone No. 17 may be established in the RSF-X Single Family Residential Zones on lots with a net acreage exceeding one acre. The maximum density within the planned development shall not exceed a gross density of four (4.0) units per acre. The following development standards shall be applied to all projects within Planned Development Zone No. 17:

- (a) A master plan of development of the site shall be approved. All construction and development shall be done in conformance with the approved master plan of development.
- (b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.
- (c) A proposed planned development project shall consist of no fewer than four (4) residential units.
- (d) A parent lot or lots shall have frontage on a public street.
- (e) Each dwelling unit shall be subject to review under the City's Appearance Review Guidelines.
- (f) Building setbacks shall be as follows:

Primary Street yard at porch	15 feet
Primary Street yard at dwelling	20 feet
Primary Street yard at garage	25 feet
Side yards	5 feet



Corner street yard (corner lot)	12 feet
Rear yard	10 feet
Accessory structure side and rear yards	5 feet

Garages shall be recessed from the front of the residence by at least ten (10) feet.

(1) Physically Unique Sites. Sites with one or more mature trees, steep slopes, riparian areas and/or some other unique physical characteristic are not subject to the above setback requirements provided the following findings are made: (i) that flexibility from the above setback standards is necessary to enable the environmentally superior design alternative; (ii) that at least fifty percent (50%) of each individual lot will be landscaped; and (iii) that at least sixty percent (60%) of the net area of the overall site will be landscaped.

(g) Building coverage (residence plus garage footprint) shall not exceed thirty-five percent (35%) of the individual lot area. Landscaping shall constitute a minimum of forty percent (40%) of the lot area. The measurement of landscaped areas shall be exclusive of driveways, patios, decks, etc.

(h) Two- (2) story residences shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of the garage.

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

(j) Exterior fencing shall be consistent throughout the project. Design and appearance of fences and/or walls shall be compatible with the design of the dwelling units.

(k) Accessory buildings (sheds, etc.) will be allowed; however, the footprint of such accessory buildings will count toward the maximum percent of allowable building coverage.

(l) Each proposed lot shall have a minimum frontage of sixty (60) feet measured at the twenty-five- (25) foot setback line. The minimum net lot area shall be six thousand four hundred (6,400) square feet.

(m) Parking for two- (2) resident vehicles shall be provided in a garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet. One guest parking space of at least nine (9) feet by eighteen (18) feet shall be provided on each individual lot. The driveway area may be used to satisfy the guest parking requirement. On-street parking shall not be used to satisfy the parking requirements.

(n) All front yards and street facing side yards shall be landscaped.

(o) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trashcans within the garage or fenced area.

(p) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground.

(q) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(r) No farm animals may be kept on a lot.

**9-3.677 Establishment of Planned Development Overlay Zone No. 32: (PD32).**

A Planned Development Overlay Zone No. 32 shall be established for twelve (12) lots in Subdivision Tract 2625, recorded in Book 31 of Recorded Maps, page 23 through 25, San Luis Obispo County, CA (assessor parcel numbers 049-105-01 through 012). The maximum density within this planned development shall not exceed a gross density of four (4.0) units per acre and shall have an underlying zoning designation of Residential Single Family (RSF-X). The following development standards shall be applied to all properties recorded:

- (a) A master plan of development of the site shall be approved (CUP 2004-0126). All construction and development shall be in conformance with the approved master plan of development.
- (b) No subsequent lot splits or lot line adjustments shall be approved unless found to be consistent with the approved master plan of development.
- (c) All lots shall front on a public street.
- (d) Architectural elevations shall be consistent with approved elevations as shown in the approved master plan of development (CUP 2004-0126).
- (e) Building setbacks shall be consistent with the approved master plan of development (CUP 2004-0126):

Primary street yard at porch (measured from back of sidewalk)	10 feet
Primary street yard at dwelling (measured from back of sidewalk)	20 feet
Primary street yard at garage (measured from back of sidewalk)	25 feet
Side yards (measured from property line)	5 feet
Corner lot street yard (measured from back of sidewalk)	5 feet
Rear yard (measured from property line)	5 feet
Rear yard adjacent to existing lots greater than a one-half (½) gross acre (Lots 1, 2, 3, 6, 7)	12 feet

- (f) Garages placement shall be consistent with the approved master plan of development (CUP 2004-0126).
- (g) Building coverage (residence plus garage footprint) shall not exceed thirty-five percent (35%) of the individual lot area. Landscaping shall constitute a minimum of forty percent (40%) of the lot area. The measurement of landscaped areas shall be exclusive of driveways, patios, decks, etc.
- (h) Two (2) story residential additions are permitted; however, the additions shall be reviewed by the Design Review Committee or referred to a separate committee as directed by the Planning Director.
- (i) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.
- (j) Exterior fencing shall be consistent with the approved master plan of development landscaping plan (CUP 2004-0126).
- (k) The use of residential accessory buildings (sheds, etc.) will be allowed; however, the footprint of such accessory buildings will count toward the maximum percent of allowable building coverage. Residential accessory buildings shall be consistent with the setbacks set forth in subsection (e) of this section. All other

regulations shall be consistent with residential accessory structures contained in both the [California Building Code](#) (CBC) and the Atascadero Municipal Code (AMC).

(l) Each proposed lot shall have a minimum frontage of fifty (50) feet measured at the front setback line. The minimum net lot area shall be six thousand (6,000) square feet.

(m) Parking for two (2) resident vehicles shall be provided within the provided garage. One (1) guest parking space shall be provided on each individual lot. The driveway area may be used to satisfy the guest parking requirement. On-street parking shall not be used to satisfy any of these parking requirements.

(n) All front yards and street facing side yards shall be landscaped with drought tolerant landscaping consistent with the State of California drought tolerant landscaping guidelines.

(o) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trashcans within the garage or fenced area. These shall be identified in the approved landscape plan.

(p) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground.

(q) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(r) No farm animals may be kept on a lot.

(s) Sewer service shall be provided with connection to the City's sewer system. The project Homeowners Association or similar financial mechanism shall be responsible for the cost of abandoning injector pumps on individual lots when sewer service is made available to El Camino Real or Carrizo Road.

(t) All identified roadway improvements shall be completed as shown in the Master Plan of Development (CUP 2004-0126).

(u) Lot 1 of Recorded Map Books 31, pages 23 through 25 (APN 049-105-001) shall have a Historic Site Overlay zone designation. Further development of this lot shall be consistent Atascadero Municipal Code Section 9-3.623 or successor code.

(v) Any native tree removals beyond what is identified in Tree Removal Permit 2015-0193 will require Planning Commission approval prior with appropriate findings made, consistent with the City's Native Tree Ordinance.

### **9-3.679 Establishment of Planned Development Overlay Zone No. 34 (PD34).**

A Planned Development Overlay Zone No. 34 shall be established for a thirty-two (32) lot subdivision know as Tract 3099, located at parent Assessor Parcel Number 045-351-008 with a total net acreage of 3.79 acres. Development shall be permitted as follows:

(a) A master plan of development of the site shall be approved under the form of a Major Conditional Use Permit. All construction and development shall be in conformance with the approved master plan of development.

(b) No subsequent lot splits or lot line adjustments shall be approved unless found to be consistent with the approved Master Plan of Development.

(c) Any deviations from the approved architecture, colors and materials board, and other architectural enhancement or features shall be approved by the Design Review Committee (DRC) or its successor committee or board.

(d) All lots shall front on a public street or dedicated right-of-way.

(e) Architectural elevations shall be consistent with approved elevations as shown in the approved master plan of development.

(f) Building setbacks shall be consistent with the approved master plan of development:

Primary Street Yard Garages (measured from the back of sidewalk)	25 feet
Primary Street Yard Covered Porches/Decks (measured from back of sidewalk)	3 feet
Primary Street Yard Residential Units (measured from back of sidewalk)	15 feet
Primary Street Yard (Lot 31, Senior Apartments, measured from property line)	10 feet
Side Yards (measured from property line)	0 feet
Side Yard (Lot 31, Senior Apartments)	15 feet
Corner Street yard (measured from back of sidewalk)	15 feet
Corner Street Covered Porch/Deck (measured from back of sidewalk)	3 feet
Rear Yard (measured from property line)	5 feet

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

(h) Maximum height of residential structure(s) on lot 31 shall be forty-four (44) feet. All other residential unit heights shall be consistent with heights contained in the Atascadero Municipal Code.

(i) Exterior fencing and walls design, and location, shall be consistent with the approved master plan of development landscaping plan. "Dog-eared" type fencing is prohibited throughout the development.

(j) The use of residential accessory buildings (sheds, etc.) will be allowed on the designated rear half of a lot, if the structure can meet setback requirements for residential accessory structures contained in both the [California Building Code](#) (CBC) and the Atascadero Municipal Code (AMC).

(k) The minimum lot area shall be two thousand three hundred fifty (2,350) square feet for lots containing residential units. No minimum lot size for lots containing common open spaces or utilities within the subdivision.

(l) Parking for resident vehicles shall be provided within the provided garage on lots containing garages. The driveway area may be used to satisfy the parking requirements.

(m) All front yards and street facing side yards shall be landscaped with drought tolerant landscaping consistent with the State of California drought tolerant landscaping guidelines.

(n) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trashcans within the garage or fenced area. These shall be identified in the approved landscape plan.

(o) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground, unless both the Community Development Director and the Public Works Director determine that relocation of existing utilities underground renders the project infeasible.

(p) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(q) No farm animals may be kept on a lot.

(r) All identified roadway improvements shall be completed as shown in the Master Plan of Development.

(s) Any native tree removals beyond what is identified in the approved Tree Removal will require prior Planning Commission approval with appropriate findings made, consistent with the City's Native Tree Ordinance.

(t) No additional units shall be approved within the development without amending the master plan of development. Density must be consistent with the underlying zoning ordinance.

#### **9-9.102 General definitions.**

**Above grade.** Any elevation higher than the natural ground contour.

**Access.** The safe, adequate, usable means of vehicular or pedestrian entrance or exit to a site.

**Accessory Structure.** A non-habitable structure located on a residential lot occupied by a primary unit, exclusive of Accessory Dwelling Units. Accessory structures may include, but are not limited to, workshops, garages, pool houses, and art studios. A utility bathroom with shower and heating/air conditioning may be installed subject to design limitations and with a deed restriction that limits the building's use to nonresidential purposes and prohibits overnight stays. Attached structures may be permitted consistent with 9-5.060 and 9-6.106.

**Accessory Dwelling Unit (ADU).** ADUs are defined by Government Code Section 65852.2 to mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single-family or multifamily dwelling per the standards set forth in this section. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.

**Agriculture.** The science and art of farming, producing crops, floriculture, horticulture and animal husbandry.

**Agricultural accessory building.** An uninhabited structure, designed and built to store farming animals, implements, supplies, or products (not including commercial greenhouses or buildings for agricultural processing activities), which is not used by the public.

**Agricultural products.** Food and fibre in their raw, unprocessed state (except for such field processing that may occur in conjunction with harvesting) and ornamental plant materials.

**Air contaminant.** Any combination of smoke, charred paper, dust, soot, carbon, noxious acids, fumes, gases, or particulate matter.

**Ambient noise level.** The composite of all noises from all sources near and far. In this context, the ambient noise level is the normal or existing level of environmental noise at a given location.

**Apartment.** A room or flat occupied or designed to be occupied by one (1) family for living or sleeping purposes with cooking facilities.

**Apartment house or multiple dwelling unit.** A building or portion of a building designed or used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

**Appeal, scope of.** The matters to be heard on appeals filed pursuant to this title shall be confined to the project as proposed to the original or first decision maker, without change. However, the applicant, or person appearing on appeal, shall not be prevented from submitting information concerning the unchanged proposal which had not been submitted with the original proposal.

**Arcade.** Any site or business providing in part or as a whole, an amusement service consisting of coin-operated games or devices, where more than five (5) coin-operated games or devices are present or where more than twenty-five (25) percent of the public area is used for the placement or operation of such games or devices.

**Archeological resource.** Any Native American or pre-Columbian artifact or human remains.

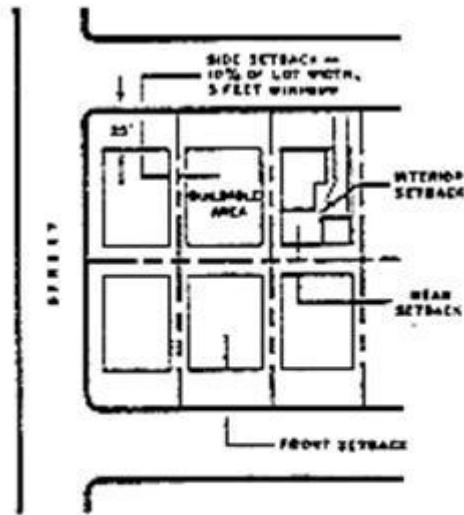
**A-weighted sound level.** The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated “db(A)” or “dbA.”

**Basement.** That portion of a building between the floor and ceiling that is partly below and partly above grade so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

**Billboard.** See “Sign, off-premises.”

**Boardinghouse.** A boardinghouse is a structure where lodging and meals are furnished for compensation to at least five (5) persons.

**Buildable area (developable area).** The area of the site in which structures may be located, not including required yard areas (see Figure 9-A).



**FIGURE 9-A: BUILDABLE AREA**

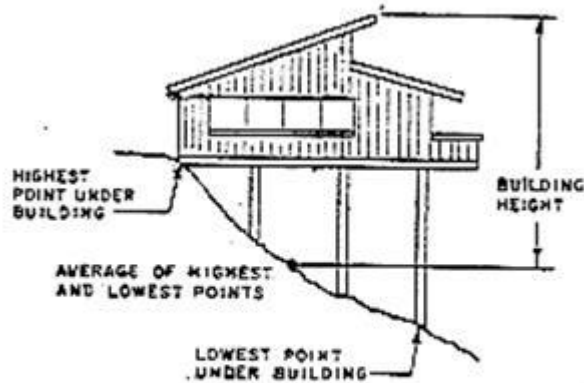
**Building.** Any structure having a roof supported by columns and/or walls and intended for shelter, housing, and/or enclosure of any person, animal or chattel, but not including tents or mobile homes.

**Building, accessory.** A detached subordinate building the use of which is incidental to that of a main building on the same lot.

**Building and construction ordinance.** Title 8 of this Code.

**Building face.** The exterior walls of a building extending vertically from the building line.

**Building height.** The vertical distance from the average level of the highest and lowest point of that portion of the lot or building site covered by the building to the topmost point of the structure, excluding chimneys or vents (see Figure 9-B).



**FIGURE 9-B: BUILDING HEIGHT**

**Building, main or principal.** A building where the principal use of its lot and or building site is conducted.

**Building site.** The area within a lot of record (or contiguous lots under single ownership) actually proposed for development with buildings or structures, including areas immediately adjacent to the buildings or structures to an extent equivalent to any required setback areas.

**Carport.** A permanent roofed structure with not more than two (2) enclosed sides, which is used or intended to be used for automobile shelter or storage.

**Channel.** The area occupied by the normal flow of an intermittent or perennial stream during non-flood conditions.

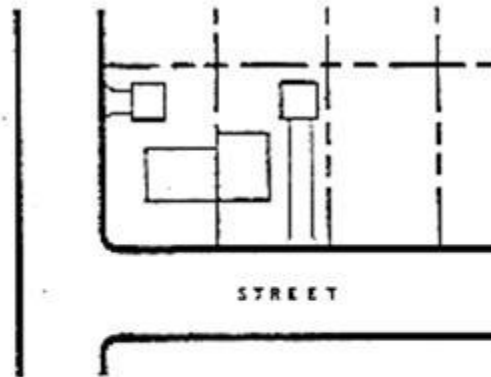
**Combustible liquid.** Any liquid having a flash point at or above one hundred (100) degrees Fahrenheit and below two hundred (200) degrees Fahrenheit, including, but not limited to, diesel fuel, kerosene and Jet A.

**Commercial coach.** A vehicle, with or without motive power, including any mobile home or recreational vehicle, designed and equipped for human occupancy.

**Commission.** The Planning Commission of the City.

**Common wall development.** Two (2) residences on adjoining lots, constructed so that they abut each other at their common property line (see Figure 9-C).





**FIGURE 9-C: COMMON WALL DEVELOPMENT**

**Communication towers.** Any tower or other structure erected for the purpose of radio, television or microwave transmission or line-of-sight relay devices.

**Community sewer system.** A sewage effluent collection network, treatment and disposal facilities provided within a prescribed service boundary, which results in the primary, secondary, or tertiary treatment of such effluent.

**Community water system.** A water storage and distribution network for the provision of potable water to the public for human consumption within a prescribed service boundary, operated and maintained by the Atascadero Mutual Water Company.

**Construction.** Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of rights-of-way, structures, utilities or similar property.

**Construction permit.** Any or all of the various entitlements established by Title 8 of this code that authorize commencement of construction activities, including but not limited to building permits, grading permits, electrical and plumbing permits, demolition permits and moving permits.

**Convalescent hospital.** A place or institution which provides for bed care or for chronic convalescent care for two (2) or more persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care for themselves.

**Council.** The City Council of the City.

**County.** The County of San Luis Obispo.

**Coverage.** Site or lot coverage means the extent of a lot of record occupied by structures and paving.

**Crop production.** Includes the following crop types and activities and further defined as indicated:

(a) Specialty Crops. Strawberries, herb crops, flower seed and cut flower crops (open field), kiwi vines, edible pod peas, bushberry crops, Christmas trees and other outdoor ornamentals, intensive horticulture, sod farms, clover seed, hops, and wholesale nurseries (see separate definition).

(b) Row Crops. All vegetable truck crops except edible pod peas. Includes lima and snap beans.

(c) Orchards. All fruit and nut tree crops. Does not include kiwi, berry, or other vine crops.

(d) Field Crops. Beans other than snap or lima beans, barley, oats, safflower, wheat, grain and hay including alfalfa, silage and grain corn, sugar beets, melons, cotton.

(e) Rangeland. Grazing of livestock on grasses without irrigation.

(f) Pasture (Irrigated). Grazing of livestock on irrigated grasses.

(g) Vineyards. Grapevines.

(h) Preparation for Cultivation. Land-contouring, clearing, irrigation construction and other preparation of soil for crops.

(i) Field Processing. Mechanical processing of crops in the field at harvest, when such activities do not involve a permanent structure. Such activities include, but are not limited to, hay baling and field crushing of grapes.

**Dance club or nightclub.** Establishment providing for live or recorded music and an area for dancing, including disco.

**Dance studio or school.** An establishment where instruction in the dance arts (ballet, modern dance or any other dance form) is provided students for a fee, except where instruction in predominantly social dance is provided on the premises of a dance club as defined by this title.

**Density.** The measure of the ratio of population to the area of land occupied by that population, which may be expressed as dwelling units per acre, families per acre, persons per acre, or conversely as acres per dwelling unit or square feet per dwelling unit. "Gross density" is the number of lots derived from dividing the area of a site by the area required for each lot or dwelling unit. "Net density" is the number of lots resulting from subtracting the area required for streets from the total area of the undivided site, and then dividing the remaining area by the area required for each lot.

**Density bonus.** A density increase over the otherwise maximum allowable residential density under the applicable Municipal Code ordinance and Land Use, Open Space, and Conservation Element of the General Plan as of the date of application by the developer to the City (Government Code Section 65915(f)). Density bonuses shall either be in the form of a "State Density Bonus" as defined by Article 30 in Chapter 3, Zoning Districts, or as specified in the Land Use, Open Space, and Conservation Element of the General Plan for exceptionally high design quality.

**Development.** Any activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of buildings or structures. New

development is any construction, or alteration of an existing structure or land use, or establishment of a land use after the effective date of this title.

**Discretionary permit.** An entitlement that may be issued under the provisions of this title, but requires the exercise of judgment and the resolution of factual issues to determine if the application and requested entitlement conform with the provisions of this title. Generally, a discretionary permit consists of any entitlement that requires a decision to approve, approve subject to conditions or disapprove, based on the judgment of the Planning Commission after a hearing (see “Ministerial permit”).

**Drainage facilities.** Constructed improvements for the storage or conveyance of storm runoff in drainage channels, including channels, culverts, ponds, storm drains, drop-inlets, outfalls, basins, pumps, gutter inlets, manholes, and conduits.

**Dredging.** Mechanical alteration of the grade of bottom sediments in any body of water.

**Drive-in restaurant.** Any building or structure in which food or drink are prepared for service to customers outside such buildings or structure or to customers occupying vehicles outside such structure, even though food and drink are served to customers inside such building or structure. Shall include self-service restaurants for food take-out.

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

**Dude ranch.** Transient guest occupancy facilities incidental to a working ranch, which may include other accessory recreational facilities and common eating facilities open to overnight guests only.

**Dwelling unit.** An independent, attached or detached residential building designed to house and provide living space, including kitchen and bathroom facilities, for an individual family.

**Entitlement.** Authority acquired by an applicant after receiving approval of an application. For the purposes of this title, land use entitlements are the plot plan, precise plan and conditional use permit (see “Zoning Approval”).

**Exploration.** The search for minerals by geological, geophysical, geochemical or other techniques including, but not limited to, sampling, assaying, drilling, or any surface or underground works used to determine the type, extent, or quantity of minerals present (includes prospecting).

**Extraction.** The removal from the earth of oil, gas or geothermal resources by drilling, pumping or other means, whether for exploration or production purposes.

**Family.** A “family” is a “single housekeeping unit” defined as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

**Family, immediate.** Relatives of an applicant or spouse of applicant, limited to grandparents, parents, children, and siblings.

**Flammable liquid.** Liquids with flash points below one hundred (100) degrees Fahrenheit, including, but not limited to, gasoline, acetone, benzene, ethyl ether and ethyl alcohol.

**Flash point.** The minimum temperature of a liquid at which sufficient vapor is given off to form an ignitable mixture with the air near the surface of the liquid.

**Flood, 100-year.** A flood inundation event, the extent of which has a statistical probability of occurring once every one hundred (100) years.

**Flood fringe.** That portion of the floodplain outside the floodway.

**Floodplain.** Land that has been or may be hereafter covered by flood water, including, but not limited to, the one hundred (100) year flood.

**Flood profile, storm.** A graph or longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

**Floodproofing.** Any combination of structural provisions or adjustments in areas subject to flooding primarily to reduce or eliminate flood damage to properties, water and sanitary facilities, structures, and the contents of buildings in a flood hazard area.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floor area.** Includes the total floor area of each floor of all buildings on a site, including internal circulation, storage and equipment space, as measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies.

**Frontage.** A property line of a lot that abuts a street, as follows:

(1) Primary street frontage. The primary side of the property that abuts a street that typically provides property access, addressing, a front yard space, and is parallel to the secondary frontage and perpendicular to the corner frontage.

(2) Secondary street frontage. A second side of the property that abuts a street and is parallel to the primary street frontage designed as a double frontage lot.

(3) Corner street frontage. A second side of the property that abuts a street and is perpendicular, or at a discernable angle, to the primary frontage.

**Garage, private.** A building for storing self-propelled vehicles that is not open to the public, which may include an accessory workshop.

**Garage, public.** Any premises (except a private garage) used for the storage and/or care of self-propelled vehicles, or where such vehicles are equipped for sale or lease.

**General Plan.** The City of Atascadero General Plan, including all elements thereof and all amendments thereto.

**Government Code.** The Government Code of the State of California.

**Grazing.** For the purposes of this title, grazing means the keeping for commercial purposes of cattle, horses or sheep using feed produced on the site.

**Greenhouse.** See “Nursery.”

**Guesthouse.** Sleeping facilities detached from a principal residence and occupied for the sole use of members of the family, temporary guests or persons temporarily employed on the premises; which may include a bathroom and other living space, but not kitchen facilities.

**Health Department.** The County of San Luis Obispo Health Department under contract to the City of Atascadero.

**Home occupation.** Any use customarily conducted entirely within a dwelling or building accessory thereto and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the structure for dwelling purposes and which use does not change the character thereof and does not adversely affect the uses permitted in the zone of which it is a part.

**Hospital.** An institution providing physical or mental health services inpatient or overnight accommodations and medical or surgical care of the sick or injured.

**Hotel.** A building containing six (6) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests.

**Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, hammering, and discharge of firearms.

**Inoperative vehicle.** Any vehicle which is not currently registered or which is not capable of self-propulsion.

**Irrigated.** A lot having existing wells, water storage, and/or drip irrigation system adequate to support any crop suited to the soil type and climate of a site.

**Junior Accessory Dwelling Unit (JADU).** JADUs are defined by Government Code Section 65852.2 to mean a residential accessory dwelling unit internal to an existing or new primary dwelling unit that provides complete independent living facilities for one or more persons. JADUs shall include permanent provisions for living and shall be located on the same parcel and within the same structure as the single-family dwelling. A Junior Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

**Junk yard.** An area improved or unimproved in excess of two hundred (200) square feet:

(a) Upon or in which is stored or kept junk salvage materials, scrap metals, inoperative vehicles and equipment or any combination thereof; or

(b) Upon or in which vehicles, equipment or other property is dismantled or wrecked; or

(c) Upon or in which salvage materials, inoperative vehicles or equipment, or parts therefrom, or scrap metals, or any combination thereof, is kept for resale.

Materials or equipment kept on any premises for use in the construction of any building on such premises, and any materials or equipment customarily used on a farm or ranch, and so situated, shall not be deemed “junk” or “salvage material” within the meaning of this section.

**Light source.** A device that produces illumination, including incandescent light bulbs, fluorescent and neon tubes, halogen and other vapor lights and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source is considered to be part of the light source.

**Loading space.** A space used exclusively for loading or unloading of other than passengers from vehicles into the floor area, use area, or storage area of a building.

**Lot, corner:** A corner lot is located immediately adjacent to the intersection of two (2) vehicular rights-of-way, including railroads.

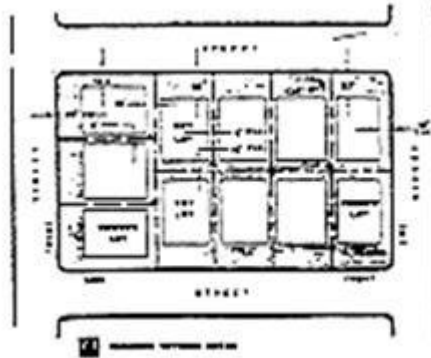


FIGURE 9-D: CORNER LOT AND KEY LOT

**Lot depth.** The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

**Lot, double-frontage.** A lot extending between two (2) streets, so that two non-contiguous sides of a property abut a street with one frontage being the primary street frontage and the other being the secondary street frontage (see Figure 9-E).

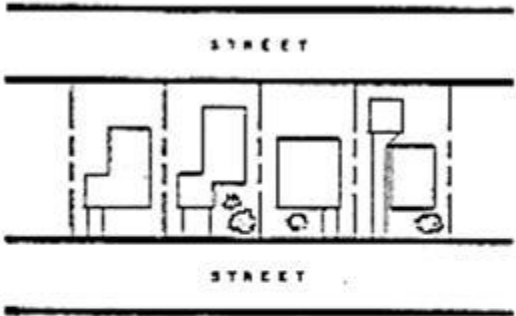


FIGURE 9-E: DOUBLE FRONTAGE LOT

**Lot, flag.** A lot which lies substantially behind another lot and is served by an accessway or access easement (refer to Figure 9-F).

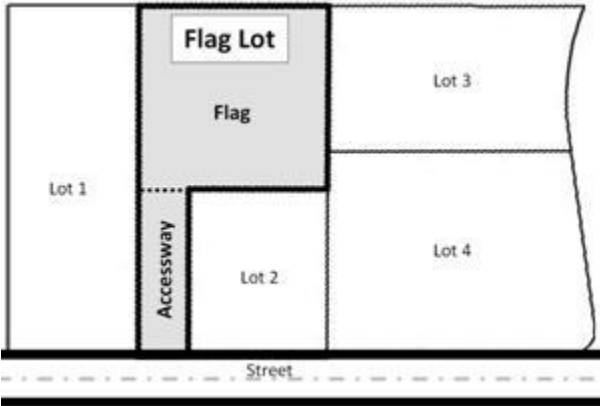


FIGURE 9-F: FLAG LOT

**Lot width.** Distance between interior property lines measured along the front setback line.

**Manufactured housing.** Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the Federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

**Mined lands.** Includes the surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted, including all accessory access roads, land excavations, workings, mining waste, and areas where structures, facilities, and surface mining equipment, machines, tools or other material or property are located.

**Minerals.** Any naturally occurring chemical element, compound or groups of elements and compounds, formed from inorganic processes or organic substances, including, but not limited to, coal, granite, limestone, metals, peat, “redrock” sand and gravel, tar sand and bituminous sandstone, but excluding geothermal resources, natural gas, and petroleum.

**Mining waste.** Includes residual soil, minerals, liquid, vegetation, tailings, abandoned equipment, tools, other materials or physical conditions directly resulting from or displaced by mining.

**Ministerial permit.** Any permit that may be issued under the provisions of this title without review by the Planning Commission or City Council. A ministerial decision involves only the evaluation of a proposal with respect to fixed standards or objective measurements, without the use of subjective criteria.

**Mobile home.** A trailer, transportable in one (1) or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight (8) feet in width and forty (40) feet in length, is tied down: (a) to a permanent foundation on a lot either owned or leased by the homeowner; or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of “single-family dwellings.”

**Residential Multi-family Development:** A Residential Multi-family property zoned for multiple primary dwelling units that has been developed to the maximum allowed density and which shares access, parking, and/or amenities regardless of the number of underlying parcels. This may include, but is not limited to, attached or detached residential units, common interest subdivisions, and related residential development on a single or multiple lots developed as a single development project with a developable density of at least 10 units per acre.

**Nonresidential use.** All uses of land including agricultural, communication, cultural, educational, recreation, manufacturing, processing, resource extraction, retail trade, services, transient lodging, transportation and wholesale trade uses.

**Nursery school.** See “Preschool.”

**Obstruction in floodway.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or flood hazard areas that may impede, retard or change direction of flow, either in itself, or by catching or collecting debris carried by such water, or that is placed where it might be carried downstream and damage life or property.

**Occupant.** The person occupying, or otherwise in real or apparent charge and control of, a premises.

**Official plan line.** A line adopted by the City Council to indicate the area proposed to be acquired for an enlarged right-of-way.



**Open area.** All areas of a lot not included within the definition of floor area: parking, recreation spaces, passive open areas landscaped areas and other open, unpaved areas of the site.

**Outdoor activity area.** Any part of a site where commercial, industrial, recreation or storage activities related to the principal use of a site are conducted outdoors, except for parking.

**Owner.** The person or persons, firm, corporation or partnership that is the owner of record of a premises identified on the last equalized assessment roll.

**Ownership.** Ownership of one (1) or more parcels of land (or possession under a contract to purchase or under a lease the term of which is not less than ten (10) years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control.

**Parcel.**

(a) A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act or local ordinance adopted pursuant thereto, to be recorded before sale of parcels shown on the map or plot, at the time the map was recorded;

(b) A parcel of real property that has been issued a certificate of compliance pursuant to Government Code Section 66499.35; or

(c) A parcel of real property not described in subsection (a) or (b) of this definition, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was recorded before the requirement of the filing of the subdivision map by the Subdivision Map Act or local ordinance adopted pursuant thereto.

**Person.** Any individual, firm, co-partnership, corporation, company, association, joint stock association, City, County, State or district; and includes any trustee, receiver, assignee, or other similar representatives thereof.

**Planning Department.** The City of Atascadero Planning Department, including the Planning Director and all subordinate employees.

**Planning Director.** The Planning Director of the City of Atascadero. As used in this title, Planning Director may include designated staff of the Planning Department when acting in an official capacity.

**Porch.** Outdoor steps, stairs, and/or a raised platform less than one hundred (100) square feet in area, located immediately adjacent to the entry of a building for the purpose of providing pedestrian access from the outdoor ground elevation to a building interior. If the platform portion of a porch, not including steps, is more than one hundred (100) feet, it is considered a deck.

**Preschool.** Any type of group child day care programs including nurseries for children of working mothers, nursery schools for children under the minimum age for education in public schools, parent cooperative nursery schools and programs covering afterschool care for school children provided such establishments are institutional in character and are licensed by the State or County and conducted in accordance with State requirements.

**Primary Street.** The street side of a property that typically provides property access, addressing, a front yard space, and is parallel to the secondary street and generally perpendicular to a corner street.

**Project.** Any land use, activity, construction or development which is required to be authorized by a zoning approval pursuant to this title before beginning construction or establishment of the use.

**Property line.** The recorded boundary of a lot of record.

**Property line, front.** The recorded boundary between the yard of a lot of record and any abutting public or private street right-of-way.

**Property line, interior.** The recorded boundary between two (2) or more lots of record.

**Property line, street frontage.** The recorded boundary between a lot of record and a street right-of-way.

**Public Resources Code.** The Public Resources Code of the State of California.

**Public utility.** A company regulated by the California Public Utilities Commission.

**Reader board.** A sign that accommodates changeable copy and which displays information on activities and events on the premises, but not including a marquee.

**Reclamation.** The process of land treatment that minimizes and mitigates otherwise unavoidable or existing water degradation, air pollution, damage to aquatic or wildlife habitat flooding, erosion, and other adverse effects from surface or underground mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed and restored to a usable condition readily adaptable for alternate land uses and that will constitute no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

**Reclamation plan.** A mine operator's completed and approved plan for reclaiming the lands affected by mining operations conducted after January 1, 1976, as called for in Section 2772 of the Public Resources Code.

**Recreational Vehicle.** Recreational vehicles are defined as any vehicle, coach, camper, travel trailer, boat, or similar movable recreational facility regulated by the vehicle code that does not have a permanent foundation. Recreational vehicles are not permitted to be used as any type of residential unit or residential accessory use.

**Recycling facility.** Any lot or portion of a lot used for the purpose of outdoor storage, sorting, handling, processing, dismantling, wrecking, keeping or sale of inoperative, discarded, wrecked, or abandoned appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including but not limited to scrap materials, wood, lumber, plastic, fiber, or other tangible materials that cannot, without further reconditioning, be used for their original purposes. Includes wrecking yards for vehicles.

**Residential Additions.** Residential additions (additions) are defined as an increase of floor area to a residential unit. Habitable residential additions shall have a continuous, logical internal connection of conditioned space that provides for access to all portions of the unit and addition. Doors or other partitions may not be used to create two (2) separate living spaces.

The addition shall not have a secondary kitchen; however, a wet bar is permissible as defined by Section 9-5.020(j). Additions must have a minimum ten (10) feet of shared common wall and a logical internal connection of conditioned space that provides access to all portions of the unit and addition. A breezeway or similar roof connection of unenclosed or unconditioned space, regardless of length, shall not be considered a residential addition.

**Residential care facility.** Any facility, place, or building that is maintained and operated to provide nonmedical residential care or day care, services for children or adults (except for preschools which are separately defined) who are physically handicapped or mentally retarded.

**Resource extraction well.** Any facility constructed or installed for the purpose of extracting minerals from the earth that occur in a fluid or gaseous state, or minerals converted to a gaseous or semifluid state through extraction processes, which involve the penetration of subterranean regions by means of drilling apparatus. For the purposes of this definition only, mineral resources include oil, gas, geothermal steam, or other subterranean deposits, except water. Extraction wells as defined herein may be for purposes of exploration or production.

**Rest home.** See “Residential care facility.”

**Revegetation.** Any combination of mechanical or other means by which a graded surface is returned to a condition where it supports significant natural vegetation.

**Right-of-way.** A road, alley, pedestrian or other access right-of-way with width described in recorded documents.

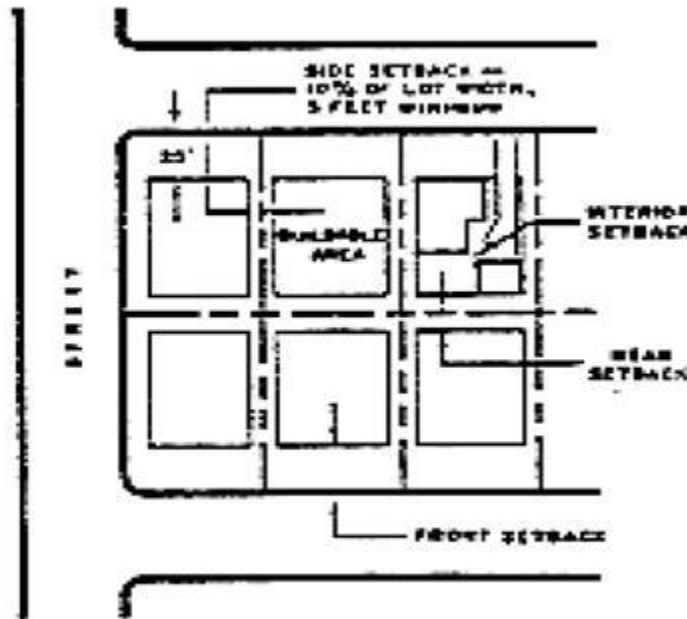
**Road, private.** A road providing vehicular access to five (5) or more lots of record that is not in the City-maintained road system.

**Road, public.** A road providing vehicular access that is in the City-maintained road system.

**Scrap.** Used metal including appliances and machine parts, which can be recycled or reused only with repair, refurbishing, or attachment to other such materials.

**Sedimentation.** The addition of soil materials through erosion to a stream or water body that increases the turbidity of the water.

**Setback.** An open area on a lot between a building and a property line unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 9-4.103 (refer to Figure 9-G).



**FIGURE 9-F: SETBACKS AND BUILDABLE AREA**

**Setback, Street (primary, secondary, or corner).** An open area without structures, extending across the frontage of a lot abutting a private or public right-of-way.

**Setback, interior.** Any open area of a site not within a required street, rear, or side setback area (see Figure 9-F).

**Setback line.** The line formed by the measurement of required front, side, or rear yard areas required by this title. All setback lines together define the buildable area.

**Setback, rear.** A primarily open area without principal structures, extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building (see Figure 9-F).

**Setback, side.** A primarily open area without principal structures, between the side line of the lot and the nearest line of the building and extending between the required street and rear setbacks (see Figure 9-F).

**Sign.** Any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premises, product, service, person, organization, business or event, not including such devices visible only from within a building.

**Sign area.** The area of the smallest rectangle within which a single sign face can be enclosed.

**Sign copy.** The information content of a sign, including text, illustrations, logos, and trademarks.

**Sign, directory.** A sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices, studios or shops.

**Sign, exterior-illuminated.** Any sign, any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

**Sign face.** The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.

**Sign, freestanding.** A sign not attached to any buildings and having its own support structure.

**Sign, freeway identification.** An on-site sign permitted for a highway-oriented use.

**Sign height.** The vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

**Sign, identification.** Any sign identifying an occupant, apartment, residence, school, church, or certain business uses and not advertising any product or service.

**Sign, interior-illuminated.** A sign with any portion of the sign face or outline illuminated by an interior light source.

**Sign, monument.** A self-supported sign with its base on the ground, not exceeding six (6) feet in height.

**Sign, nonilluminated.** A sign illuminated only incidentally by ambient light conditions.

**Sign, off-premises.** A sign directing attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located.

**Sign, political.** A sign drawing attention to or communicating a position on any issue, candidate, or measure in any national, State, local or school campus election.

**Sign, price.** A sign on the premises of a gasoline service station, identifying the cost and type or grade of motor fuel only.

**Sign, roof.** Any sign located on, or attached to the roof of a building.

**Sign, suspended.** A sign attached to and located below any permanent eave, roof, or canopy.

**Sign, temporary.** A sign used not more than sixty (60) days, or other period limited by the duration of a temporary use.

**Sign, wall.** A single-faced sign painted on or attached to a building or wall, no part of which extends out from or above a wall more than six (6) inches.

**Sign, window.** A sign displayed within a building or attached to a window but visible through a window or similar opening for the primary purpose of exterior visibility.

**Single room occupancy unit (SRO).** A structure that provides separate, single room, residential living units with no on-premises residential medical care. Units within the structure may have individual bathroom facilities, shared bath or toilet facilities for the residents, or any combination thereof. SRO may include structures commonly called

rooming houses or boarding houses. SRO facilities shall not be age restricted. Age restricted SRO facilities shall be considered a residential care facility for the elderly (RCFE).

**Site area, gross.** The total area of a legally created parcel (or contiguous parcels of land in single or joint ownership when used in combination for a building or permitted group of buildings), including any ultimate street right-of-way, existing rights-of-way deeded to the parcel, and all easements, except open space easements, across the site.

**Site area, net.** The gross site area minus any ultimate street rights-of-way and all easements, except open easements, that limit the surface use of the site for building construction.

**Site area, usable.** Net site area minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation.

**Slope, average.** The characteristic slope over an area of land, expressed in percent as the ratio of vertical rise to horizontal distance. Average slope is to be determined based on the most accurate available topographic information for each proposed new lot. One of the following methods for determining average slope is to be used:

(a) Basic Method. Where a line drawn between highest and lowest points on a parcel is adequate to represent direction and extent of slope for the entire parcel, the difference in elevation between the high and low points, divided by the distance between the points, will determine the average slope.

(b) Sectional Method. Where the parcel contains distinct sections of differing slope, the average slope of each section may be determined according to either the basic method in subsection (a) of this definition or the contour measurement method in subsection (c) of this definition. The average slope of each section is then used in proportion of the section's area to the total area to determine the average slope of the entire parcel.

(c) Contour Measurement Method. Where precise measurement of the average slope is required due to varied slope conditions or complex topography, the following formula will be used:

$$S = \frac{(2.29 \times 10^{-3}) \sum L}{A}$$

- Where S = Average slope of parcel in percent  
A = Total number of acres in the parcel (or section of parcel)  
L = Length of contour lines in scaled feet

I = Vertical distance of contour interval in feet

**Sound level meter.** Any instrument including a microphone, amplifier, output meter and frequency weighing networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in ANSI specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

**State Board.** The State Mining and Geology Board, in the Department of Conservation, State of California.

**State Geologist.** The individual holding office as structured in Section 677 of the Public Resources Code.

**Storage area.** An area proposed or used for the outdoor storage of supplies or equipment, or goods for sale, lease, or incidental use.

**Story.** Usable floors of a building, except that where this ordinance uses stories as a measurement of a building height. Basements or building floors six (6) feet or more below street level are not included.

**Structural alteration.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Structure.** Any artifact constructed or erected, the use of which requires attachment to the ground, including any building, but not including fences or walls six (6) feet or less in height.

**Structure, accessory.** A structure, the use of which is incidental to that of a principal structure on the same lot. May be either detached or attached if part of the principal structure.

**Subject site.** A parcel or parcels of land which are the intended or actual location of a land use or land development project which is the subject of an application for zoning approval, construction permit, variance or adjustment, or an amendment to the land use element.

**Substation.** Any public utility electrical substation, pumping station, pressure regulating station, or similar facility.

**Supportive housing.** Housing with no limit on length of stay, that is occupied by the clients of social services, such as persons with medical or mental health conditions, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live in and, when possible, work in the community, where no on-site medical care is provided. This definition excludes housing for halfway houses intended for occupancy by parolees or convicted persons, children's homes, halfway houses, rehabilitation centers, and self-help group homes.

**Surface mining operations.** All or any part of the process involved in the mining of minerals or construction materials on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed,

mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. In addition, surface mining operations include, but are not limited to:

- (a) In place distillation, retorting, or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.
- (d) Extractions of natural materials for building, construction, etc.

**Temporarily deactivated operation.** A surface mine that has been closed down and which the operator has maintained in the expectation of reopening it when conditions justify.

**Terrace.**

(a) In the case of a grading or surface mining operation, a terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

(b) A terrace is also an outdoor living or activity area constructed with tile, asphalt, concrete or other paving laid upon continuous base material or fill, placed directly on grade.

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

**Use.** The purpose for which a parcel of land, a premises or building is designed, arranged or intended, or for which it is or may be occupied or maintained.

**Use, accessory.** A use accessory to any permitted use and customarily a part thereof, which is clearly incidental and secondary to the permitted use and does not change the character of the main use.

**Use, allowable.** A use of land identified in Chapter 9-3 being appropriate in a given zoning district subject to the standards of this title.

**Use, approved.** A use of land authorized to be constructed and/or established through issuance of an approved plot plan, precise plan or conditional use permit.

**Use, area.** The area of a site used for buildings (main or accessory) and storage area or other incidental use, but not including parking or landscaping.

**Use area, active.** All portions of a site and buildings included in the use area, except storage, parking and landscaping.

**Use, new.** A use of land which is proposed to be established or constructed after the adoption of this title.



**Use, principal or main.** The primary purpose for which a building, structure, or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this title.

**Use, structural.** A use of land accompanied by a building or structure (not including fences), on the same lot of record.

**Vacation rental.** Any habitable structure, or portion thereof, utilized as a short-term rental for stays of 30 days or less.

**Wall, building.** The length of a building wall is the horizontal distance from corner to corner measured from a plan parallel to the appropriate side, rear or front lot lines.

**Watercourse.** The normal channel or limits of an intermittent or perennial stream, or other body of water, during non-flood conditions.

**Wet Bar.** A wet bar is defined as a small counter equipped with a sink for running water consistent with the following:

- (1) A wet bar does not include a stove, built-in microwave, dishwasher, or garbage disposal.
- (2) A gas line shall not be installed in proximity to a wet bar.
- (3) A wet bar sink shall have a single trap drain size limited to one and one-half (1½) inches maximum.
- (4) A wet bar shall include a counter with a maximum four (4) foot length and not to exceed twelve (12) square feet of total counter space.

**Yard.** An open space, other than a court, on a lot which space is unoccupied and unobstructed from the ground upward.

**Zero lot line development.** A residential project where dwelling units on individual lots of record are located so they all abut one side property line, without a setback (refer to Figure 9-H).



FIGURE 9-G: ZERO LOT LINE DEVELOPMENT

**Zoning approval.** Same as entitlement.



# ***Atascadero City Council***

---

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

### **MOU with City of Paso Robles Regarding Shared Board Seats for Central Coast Community Energy**

#### **RECOMMENDATION:**

Council authorize the City Manager to execute a Memorandum of Understanding (MOU), in a form substantially similar to the Draft MOU presented with this report, with the City of Paso Robles for a shared governance seat on the Policy Board and Operations Board and for the selection of a Community Advisory Council appointment for Central Coast Community Energy (CCCE).

#### **DISCUSSION:**

In February 2022, the City Council voted to join Central Coast Community Energy (CCCE), with service beginning in January 2024. On September 22, 2022, the CCCE Board voted to amend its Joint Powers Authority Agreement, adding the City of Atascadero as a member. The City of Paso Robles has been a member of CCCE since 2019.

CCCE was founded in 2017 and serves 34 communities throughout the Central Coast, sourcing clean and renewable electricity for Monterey, San Benito, Santa Cruz, San Luis Obispo, and Santa Barbara counties. CCCE’s governance structure is comprised of a Policy Board, Operations Board, and Community Advisory Council.

The Policy Board is seated by elected officials from participating local member agencies and provides guidance/approval in the areas of strategic planning and goal setting, passage of the Authority’s budget, customer rates, and large capital expenditures outside the typical power procurement required to provide electrical generation service. The Policy Board meets four times a year inclusive of the annual joint board/council meeting.

The Operations Board is seated with senior executive/County Administrative Officers and senior executive/City Managers. The Operations Board provides oversight and support to the Chief Executive Officer on matters pertaining to the provision of electrical service to customers in the region and other routine operational matters of the Authority. The Operations Board meets eight times a year in addition to the annual joint board/council meeting.

The Community Advisory Council (CAC) is appointed at large by the Policy Board and is comprised of up to 15 members appointed from each constituent county (Santa Cruz, San Benito, Monterey, San Luis Obispo, and Santa Barbara), and is representative of the

broad diversity of stakeholder interests and customer classes in CCCE's service area. The CAC is formed to ensure that all parties, including private citizens, organizations, government agencies, and industry have a local community group to provide in-depth review and feedback on CCCE proposals and policies and provide recommendations to the Boards. The CAC assists with legislative advocacy and is tasked to assist with community engagement to ensure that CCCE's programs and outreach align with CCCE's core mission. The CAC meets seven times a year including the annual meeting.

Of the 34 jurisdictions in CCCE's service area, all participating county jurisdictions receive a full seat on both the Policy Board and Operations Board. City jurisdictions with populations over 50,000 also receive a full seat on both boards. Cities with populations under 50,000 are allocated shared seats by groupings of multiple jurisdictions based on geography. The current board seating is comprised of eight full seats and ten shared seats. Shared seats rotate every two years within the representatives of those shared communities. Jurisdictions who share a seat have a Memorandum of Understanding (MOU) that outlines their roles, responsibilities, and common interests in JPA participation.

Upon approval of the amended JPA, the City of Atascadero now shares a Board seat on both the Policy Board and Operations Board with the City of Paso Robles, who formerly shared a seat with the Cities of San Luis Obispo and Morro Bay. Staff from both cities worked on the attached draft MOU, modeled after MOUs currently in place amongst the other jurisdictions in the County, to ensure equitable and adequate representation of the interests of both communities.

Pursuant to the draft MOU, the Paso Robles City Council will appoint its respective Board Members for the two-year term no later than December 2022. Following the initial term, all subsequent terms shall run for two years starting in January of odd-number years and conclude as of the last day of December in even-number years. Future term appointees shall be made by alternating City Councils, according to the appointment policies/procedures of each respective City Council, in January of the year that the term concludes. Thereafter, the rotation shall continue in two-year periods until the draft MOU or JPA bylaws are amended.

The City of Paso Robles is expected to review the MOU on November 15, 2022. Should there be any substantive changes following that meeting, although staff does not anticipate any, the MOU will be brought back to the Council for further consideration and approval.

**ALTERNATIVES:**

Council may take no action or provide alternative direction to staff.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

Draft MOU

**MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF EL PASO DE ROBLES AND CITY OF ATASCADERO  
REGARDING PARTICIPATION WITH  
CENTRAL COAST COMMUNITY ENERGY**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the City of El Paso de Robles, a California municipal corporation, hereinafter referred to as PASO ROBLES and the City of Atascadero, a California municipal corporation, hereinafter referred to as Atascadero (PASO ROBLES and ATASCADERO, hereinafter individually referred to as “party” and hereinafter collectively referred to as the “parties”).

A. INTRODUCTION

In June 2019, the PASO ROBLES City Council voted to formally join Monterey Bay Community Power, which has since changed its name to Central Coast Community Energy (CCCE). PASO ROBLES began receiving service on January 1, 2021. In February 2022, the ATASCADERO City Council voted to formally join CCCE and will begin to receive service on January 1, 2024. The CCCE Joint Powers Agreement (JPA) amendment to add ATASCADERO was approved on September 22, 2022, and became effective immediately.

CCCE is a Community Choice Aggregation (CCA) program — also known as municipal aggregation — which allows local governments to procure power on behalf of their residents, businesses, and municipal accounts from an alternative supplier while still receiving transmission and distribution service from their existing utility provider. CCAs provide choice in the electricity market, reduce greenhouse gas emissions, provide potential rate savings, support energy efficiency, promote regional collaboration, and contribute to economic development.

As outlined in the CCCE JPA, the agency is governed by two decision making bodies and one advisory body:

- The Policy Board is comprised of elected officials and meets quarterly to make high level policy decisions.
- The Operations Board is comprised of City Managers or their designees and meets approximately eight times per year to make operational decisions.
- The Community Advisory Council is comprised of community members and serves in an advisory role to the Policy Board and Operations Board.

CCCE is a large agency and to ensure manageable meetings, smaller jurisdictions share seats on the Policy Board and Operations Board. Jurisdictions with 50,000 or more residents have permanent seats, while smaller jurisdictions share seats based on geographic proximity. Since the populations of PASO ROBLES and ATASCADERO are smaller than 50,000 each, the two cities will share a Policy Board and Operations Board seat. Prior to ATASCADERO joining CCCE, PASO ROBLES shared board seats with the Cities of Morro Bay and San Luis Obispo, which was governed by a MOU. PASO ROBLES has since rescinded its CCCE board appointment MOU with Morro Bay and San Luis Obispo in anticipation of ATASCADERO joining CCCE and a new MOU being executed.

B. PURPOSE

The purpose of this MOU is to identify a clear framework between PASO ROBLES and ATASCADERO to share governance seats on CCCE’s Policy Board and Operations Board.

City of El Paso de Robles and City of Atascadero  
Central Coast Community Energy Participation Memorandum of Understanding

Community collaboration and regionalism was a key value of the effort to create a local community choice energy program. This MOU seeks to encourage further regional collaboration.

C. SHARED SEATS

1. Policy Board – The Policy Board representative shall serve for a term of two years, representing the interests of both cities, and shall rotate between cities. PASO ROBLES shall serve as the Policy Board representative from the date of execution of this agreement through December 2024. Thereafter, the seat shall transition biennially, beginning January of odd numbered years, between PASO ROBLES and ATASCADERO.
  - a. The city with the currently serving Policy Board representative shall distribute via email to both City Councils and City Managers the meeting minutes and any additional narrative deemed necessary after each Policy Board meeting to stay informed of policy, business, or other related matters.
  - b. The Policy Board Director alternate appointment shall be identified by the City currently holding the seat.
2. Operations Board – The Operations Board representative shall serve for a term of two years, representing the interests of both cities, concurrent with the Policy Board appointment term and will consist of the City Manager or designee for the City of the Policy Board representative:
  - a. The city with the currently serving Operations Board representative shall distribute via email to the other City Manager the meeting minutes and any additional narrative deemed necessary after each Operations Board meeting to stay informed of policy, business, or other related matters.
3. In all cases, the elected officials, staff, or public representing the joint interests of PASO ROBLES and ATASCADERO, for purposes of the CCCE, shall consider the program purposes outlined in the Central Coast Community Energy Joint Exercise of Powers Agreement:
  - a. Reducing greenhouse gas emissions;
  - b. Providing electric power to customers at a competitive cost;
  - c. Carrying our programs to increase energy efficiency;
  - d. Stimulating and sustaining the local economy by developing local jobs in renewable energy and energy efficiency; and
  - e. Promoting long-term rate stability and energy security and reliability for residents through local control of electric generation resources.
4. If a party fails to attend or otherwise comply with the CCCE JPA and bylaws, and if the seat becomes vacated because of such conduct, the next party shall serve in that seat.

D. PROCESS

PASO ROBLES City Council will appoint its respective Board Members for the two-year term no later than December 2022. Following the initial term, all subsequent terms shall run for two years starting in January of odd-number years and conclude as of the last day of December in even-numbered years.

Future term appointees shall be made by alternating City Councils, according to the appointment policies/procedures of each respective City Council, in January of the year that the term concludes.

City of El Paso de Robles and City of Atascadero  
Central Coast Community Energy Participation Memorandum of Understanding

Thereafter, the rotation shall continue in two-year periods until this MOU is amended or JPA bylaws are amended in such a manner that renders this MOU obsolete.

To ensure representation for both cities, appointees may continue to serve after expiration of the stated term until such time as a successor is selected according to the procedures set forth above.

E. NOTICE

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY OF PASO ROBLES:  
1000 Spring St  
Paso Robles, CA 93446  
Attn: City Manager's Office

CITY OF ATASCADERO:  
6500 Palma Ave  
Atascadero, CA 93422  
Attn: City Manager's Office

F. COST OBLIGATION

Each party to this MOU shall be financially responsible for absorbing costs incurred for their own participation on the Policy Board and Operations Board.

G. COMMENCEMENT AND TERM OF MOU

This MOU is executed as of the date of last signature and is effective until the CCCE governance model changes, or PASO ROBLES and/or ATASCADERO withdraw from CCCE, or either party fails in good faith to resolve with the other party a conflict over a substantial issue concerning the CCCE or the parties' performance of this MOU.

H. TERMINATION

The party desiring to terminate this MOU shall provide the non-terminating party with written notice of its desire to terminate and the reasons therefore. Both parties agree to engage in a meet and confer process, and, in the case of termination based on a conflict over a substantial issue concerning the CCCE or the parties' performance of this MOU, the parties shall engage with one another in good faith to resolve the conflict. If a conflict still exists after such good faith negotiations, this MOU shall terminate upon thirty (30) days final written notice.

I. LIABILITIES

It is understood that none of the parties to this MOU is the agent of any of the other parties and none of the parties is liable for the wrongful acts, omissions or negligence of any other party to this MOU. Each party shall be responsible for its wrongful or negligent acts or omissions and those of its officials, officers, employees, and agents, howsoever caused, to the extent allowed by law, and shall be responsible for their own Commercial General Liability, Auto, Worker's Compensation and Errors and Omissions insurance and adherence to their respective City's policies. Each party to this MOU agrees to indemnify, defend and hold the other, and their officials, officers, employees, and agents, against any liability, claim, personal injury, including death, or property damage caused by that party's negligence or willful misconduct in their performance under this MOU.

City of El Paso de Robles and City of Atascadero  
Central Coast Community Energy Participation Memorandum of Understanding

J. NO ASSIGNMENT

The rights and obligations of the parties to this MOU may not be assigned or delegated.

K. AMENDMENT

This MOU may not be amended or modified in any manner whatsoever except by written agreement between the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

FOR PASO ROBES

Date: \_\_\_\_\_

\_\_\_\_\_  
Ty Lewis, City Manager – City of El Paso de Robles

FOR ATASCADERO

Date: \_\_\_\_\_

\_\_\_\_\_  
Rachelle Rickard, City Manager – City of Atascadero