Atascadero City Council
Staff Report – Community Development Department

PLN 2009-1328 / GPA 2009-0025
Adoption of 2007 - 2014 Housing Element
General Plan Land Use Element & Land Use Diagram Update
ZCH 2010-0162
Zoning Code & Zoning Map Update
(City of Atascadero)

RECOMMENDATIONS:

Planning Commission recommends Council:

1. Adopt Resolution A, certifying Proposed Negative Declaration 2010-0005; and,

2. Adopt Resolution B, adopting the Atascadero 2007-2014 Housing Element (PLN 2009-1328/ GPA 2009-0025) based on findings; and,

3. Adopt Resolution C, approving a General Plan Land Use Element Update and General Plan Land Use Diagram Update (PLN 2009-1328/ GPA 2009-0025) to allow a minimum density of 20 units per acre in the High Density Residential Land Use Designation; and,

4. Introduce Draft Ordinance A for first reading, by title only, to approve Zoning Code Updates (PLN 2009-1328/ ZCH 2010-0162) to change RMF-16 to RMF-20 and update Zoning Ordinance definitions related to housing, based on findings; and,

5. Introduce Draft Ordinance B for first reading, by title only, to approve Zoning Map Update (PLN 2009-1328/ ZCH 2010-0162) to change RMF-16 to RMF-20, based on findings.

REPORT-IN-BRIEF:

The update to the Housing Element of the General Plan for the 2007 - 2014 planning period has been ongoing for the past two years, with multiple hearings before the City Council and Planning Commission, public workshops, completion of environmental
documents, and review by the State Department of Housing and Community Development (HCD). The draft Housing Element provides implementation strategies to meet RHNA and provide affordable and diverse, high quality housing opportunities to meet the needs of all segments of the community. The City has received notice from HCD that the draft Housing Element meets State requirements, and with official City Council adoption, the Housing Element will be complete for State certification.

Updates are proposed to the General Plan Land Use Element, Land Use Diagram, Zoning Ordinance, and Zoning Map in order to meet the City’s Regional Housing Needs Allocation (RHNA) and to comply with Housing Element Policy 1.1, Programs 1 and 2. The updates must be adopted concurrently with the Housing Element adoption in order to receive certification from the State. The General Plan High Density Residential (HDR) Land Use Designation is proposed to be updated from a maximum of sixteen (16) units per acre to a minimum of twenty (20) units per acre. A corresponding Zoning Ordinance Text Change and Zoning Map update are proposed to change the RMF-16 Zoning District is to RMF-20 (minimum 20 units per acre proposed). All references to the 16 dwelling unit per acre density shall be replaced to allow 20 units per acre.

A second Municipal Code Text update is proposed to clarify definitions which relate to housing. The City’s outdated definition for “family” is proposed to be replaced with language which references a “single housekeeping unit” for describing use of dwellings. This revised description is proposed in order to comply with the law and use only nondiscriminatory occupancy standards to describe an interactive group of persons jointly occupying a single dwelling unit.

**DISCUSSION:**

**Planning Commission Review:**

On December 7, 2010, the Planning Commission reviewed and discussed the proposed draft Housing Element. The Planning Commission voted 5-0 to recommend that the City Council adopt the resolutions and ordinances proposed. Commissioner Sturtevant recused himself from voting on the item as he was elected to City Council and will be voting on this item at the Council meeting.

At the December 7th hearing, the Planning Commission made a modification to the draft Housing Element text to change the timeframe for completion of Policy 1.1 Program 13 from three (3) years to one (1) year. Program 13 states that the City will evaluate the development standards and update the Zoning Ordinance for second units in an effort to encourage the development of second units. The Planning Commission discussed that a fee study or investigation was a priority item that should be completed within the first year of housing element adoption. This change also creates consistency with the one year timeframe for Policy 6.1, Program 8, which is regarding impact fee and capital facility fee review. Other minor adjustments were made by the Planning Commission to clarify that the proposed zoning ordinance text creates a minimum density of 20 units per acre in RMF-20, and a typo in the proposed definition of “family” was corrected.
The City’s Housing Element consultant, Lisa Wise has also recommended an additional clarification in the proposed zone ordinance text regarding the “by right development” requirement. In order to meet HCD requirements, the lots identified to be upzoned to meet RHNA must be allowed for development “by right.” Housing Element Table V-48 identifies approximately 35 acres of vacant RHNA opportunity sites. The Atascadero Municipal Code requirement for a Conditional Use Permit on developments larger than 12 units, and a Specific Plan on developments larger than 100 units, will not apply to the properties listed in table V-48 as RHNA sites. Discretionary permits will still be required for proposed planned development projects, or modifications to other development standards on these RHNA parcels. In order to show “by right development” on these parcels, language has been added to the proposed zone text change shown in attached draft Ordinance A. AMC Section 9-3.176 (i) is proposed: “RMF-20 properties identified in Table V-48 of the Housing Element shall be permitted “by right” and will not be subject to Conditional Use Permit or Specific Plan. Proposed planned development projects or other relief from property development standards on these parcels shall be subject to discretionary review per the requirements of the Municipal Code.”

At the December 7th hearing, the Planning Commission requested that staff and the consultant investigate the possible need for a maximum density with the proposed RMF-20 zoning district. The State requires that the City provide a zoning district with a 20-unit per acre minimum density. A maximum density is also allowed if the City finds it is necessary. The City of Atascadero has additional land use controls and development standards in the multifamily zone, such as the two story maximum height limit and a maximum lot coverage of 50% to ensure that that new development is consistent with the character of existing neighborhoods. If the Council would like to include a maximum density with the RMF-20 zone, a maximum of 30 units per acre would be recommended. This would provide a sufficient range of density (between 20 to 30 units per acre) for developers to design to their projects. It is important that the City maintain a reasonable maximum density which is not overly restrictive and does not stray too far from the previous HCD draft submittal so that the Housing Element will still be qualified for State certification. Language for a maximum density in the RMF-20 zone has not been included in the attached resolutions, but can be added by Council and included for second reading.

Background:

The City of Atascadero’s current Housing Element was updated and adopted as part of the comprehensive General Plan update in 2002. The Housing Element of the General Plan is the only element that requires approval by the State and that must be updated on a five-year cycle. The City submitted the Housing Element to the State for certification, however, the State requested revisions. The current Housing Element remains uncertified. If the City’s Housing Element does not receive State certification, funding opportunities may be lost and the City becomes more vulnerable to lawsuits as the Housing Element will be out of compliance with State requirements.
City staff has been collaborating with the City’s consultant, Lisa Wise Consulting (LWC), to update the City’s Housing Element for the 2007-2014 planning period and to obtain State certification. LWC has worked with staff to assess the City’s progress on the implementation of policies and programs in the previous Housing Element and gather data relevant to the current update. Part of this assessment included gathering current demographic data, performing a vacant land inventory of single-family, multi-family, and commercial/mixed-use sites (future opportunity sites), and evaluating City policies and regulations governing the provision of housing.

In 2009, LWC conducted a series of interviews with various housing policy stakeholders to determine community needs and ensure that input from all housing groups were represented in the updated Housing Element policies and programs. LWC held interviews with representatives from Habitat for Humanity, the Atascadero Association of Realtors, the Atascadero Chamber of Commerce, Transitional Food and Shelter, People’s Self-Help Housing, ECHO, and the SLO Housing Trust Fund. In June 2009, a joint City Council and Planning Commission study session was held to gather comments from the public, Commission, and Council and incorporate these comments into the draft Housing Element.

Last September (2009) the Planning Commission and City Council reviewed the draft Housing Element update prepared by LWC, and directed staff to submit the draft to the State Department of Housing and Community Development (HCD) for review. In August 2010, after a series of reviews and revisions to meet the statutory requirements addressed by HCD, the City received notice that the draft Housing Element is complete for State certification upon final adoption by the Atascadero City Council.

**ANALYSIS:**

The Housing Element is required to spell out City goals, policies, and programs to address the community’s housing needs. The act of updating the Housing Element addresses the fundamental question, “Where should we grow?” While the State decides how much housing must be planned for, the City Council determines where and how to plan for new housing within Atascadero.

**State Legislation Addressed in Housing Element Update**

The following is a list of new State laws which have been addressed in the 2007-2014 Housing Element. Additional discussion of each law can be found in Attachment 1 (9/22/2009 Draft Housing Element City Council Staff Report):

- **AB 2348:** Requires a more detailed inventory of sites to accommodate projected housing needs and provide greater development certainty.

- **AB 1233:** If prior Element failed to identify or implement adequate sites, the local government must zone or rezone to address this need within one year of update. This is in addition to new projected need.
• **AB 2634**: Requires quantification and analysis of existing and projected housing needs of extremely low-income households. Elements must also identify zoning to encourage and facilitate supportive housing and single-room-occupancy units.

• **AB 2511**: Anti-NIMBY protections and no net loss requirement. Added potential penalties for non-reporting of annual General Plan progress report.

• **SB 1087**: Requires local governments to immediately forward adopted Housing Element to water and sewer providers.

• **SB 575**: Strengthens prohibitions against arbitrary denials of affordable housing projects. Amends findings allowing project denial if inconsistent with zoning and General Plan. This finding may no longer be made if the project identified in the Housing Element is suitable to meet low- or moderate-income need or if the Housing Element did not identify adequate sites.

• **SB 2**: Requires that every jurisdiction identify potential sites or zones where new emergency shelters can be located without discretionary review by the local government. Increases protections for providers seeking to open a new emergency shelter, transitional housing, or supportive housing development, by limiting the instances in which local governments can deny such housing types. The draft Housing Element includes Program 4.1-4, which identifies the Public, Commercial Service, and/or Commercial Park zoning districts as potential zoning updates to include transitional housing “by right” zones.

**RHNA Process**
The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the Housing Element and General Plan Update process. The RHNA quantifies housing needs by income category (Very Low, Low, Moderate, and Above-Moderate). These allocations are determined on a regional basis and then allocated to each jurisdiction within the region. SLOCOG is responsible for coordinating the State RHNA allocation in San Luis Obispo County.

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Required Units Remaining</th>
<th>Income Range (family of 4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low (&lt;50% of Median Household Income)</td>
<td>312</td>
<td>&lt; $25,100</td>
</tr>
<tr>
<td>Low (50% - 80%)</td>
<td>193</td>
<td>$25,101 - $40,160</td>
</tr>
<tr>
<td>Moderate (80% - 120%)</td>
<td>264</td>
<td>$40,161 - $60,200</td>
</tr>
<tr>
<td>Above Moderate (120%&lt;)</td>
<td>0</td>
<td>&gt; $60,201</td>
</tr>
<tr>
<td>Total</td>
<td>788</td>
<td></td>
</tr>
</tbody>
</table>
State/SLOCOG Atascadero Housing Requirement 2007-2014

Median income = $70,800

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Required Units</th>
<th>Income Range (family of 4)</th>
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</thead>
<tbody>
<tr>
<td>Very Low (&lt;50% of Median Household Income)</td>
<td>106</td>
<td>&lt; $35,400</td>
</tr>
<tr>
<td>Low (50% - 80%)</td>
<td>74</td>
<td>$35,401 - $56,650</td>
</tr>
<tr>
<td>Moderate (80% - 120%)</td>
<td>88</td>
<td>$56,651 - $84,950</td>
</tr>
<tr>
<td>Above Moderate (120%&lt;)</td>
<td>194</td>
<td>&gt; $84,950</td>
</tr>
<tr>
<td>Total</td>
<td>462</td>
<td></td>
</tr>
</tbody>
</table>

The table above shows the 2007-2014 housing allocation for the City of Atascadero broken down by income category. A common misconception is that the City must build these new units by the end of the planning period (2014). Rather, the City must show that its policies and zoning can accommodate these units. In addition, because the previous Housing Element was not certified, the City must show that both the past allocation (2001-2006) and new allocation (2007-2014) can be accommodated within the City.

**Housing Element Policies and Programs**

As part of the State mandates for Housing Elements, staff and the City’s consultant have included a number of new policies and programs in the Housing Element and have made modifications to others. Many of these policies and programs will require further action by Planning Commission and City Council in the form of Municipal Code Updates and General Plan Amendments. Of most significance are the following changes:

1. By right development for parcels identified as RHNA opportunity sites and a rezone to a minimum 20 du/ac.
2. Up-zoning high density residential from 16 du/ac to 20 du/ac,
3. Establishing minimum densities for multi-family projects,
4. Creating/identifying a zone for by right development of emergency and transitional housing sites (SB 2),
5. Allowing vertical mixed-use development with a CUP (as opposed to current requirements for Planned Development approval),
6. Update the City’s second unit ordinance to remove governmental constraints and encourage the construction of second units as affordable housing (updates and size increase already completed Summer 2010),
7. Adopt an inclusionary housing ordinance based on current Council policy, but expanded to include all multi-family and mixed-use projects regardless of City approval process,
8. Explore programs to reduce fees for affordable housing units; and,
9. Adopt programs for the use of RDA and affordable housing in-lieu fee funds.

A complete list of the policies and programs is shown on pages 78 through 91 of the Draft Housing Element.
HCD Review of Draft Housing Element
The draft Housing Element which was reviewed by Planning Commission and City Council last year was sent to the State Department of Housing and Community Development (HCD) for review on September 29, 2009. HCD provided written comments in November 2009 to address revisions needed to the draft to bring the Housing Element into compliance with State Housing Element law. In June 2010, a revised draft Housing Element was submitted to HCD for a second complete review.

Many of HCD’s comments required only minor modifications to the draft Housing Element text, or further explanation of the data collection, housing site analyses, or existing City policies. Full correspondence with HCD, including the HCD requested revisions, modified Housing Element text, and additional memos with explanation and clarification are included as Attachment 2 of this report. Text has been added to the 2009 draft Housing Element for clarification and to further explain the following City policies and ordinances:

- Additional analysis of housing constructed and permitted to date
- Explanation of multifamily height limit (can be modified with CUP)
- Second unit ordinance analysis
- Explanation of fire sprinkler requirements
- Explanation of City’s Inclusionary Policy
- Explanation of Affordable Housing Funds Policy
- Explanation of Design Review process
- Analysis of at-risk units (affordable units with expiring deed restrictions)
- Explanation of public participation and incorporation of comments in the development of draft Housing Element
- Timeframes for completion of Housing Element Programs modified to comply with State requirements

In August 2010, the City received a letter from HCD confirming that with the incorporated changes, the draft Housing Element can be deemed in compliance with State housing element law. In the letter, HCD stated that the City is required to complete the rezoning to accommodate RHNA sites from the previous planning period (as identified in Programs 1.1-1 & 1.1-2) concurrently with the Housing Element adoption. With the completion of this rezoning and the adoption of the Housing Element by City Council, the Housing Element can be submitted to HCD for final certification.

General Plan Land Use Element & Land Use Map Updates
In order to receive Housing Element certification, the City must comply AB 1233, which requires that all rezones to accommodate the shortfalls from the previous planning
period be completed within one year of the beginning of the planning period (within one year of August 30, 2009). Therefore, in order for HCD to certify the Housing Element, the City must provide zoning which can accommodate the remaining 505 units from the 2001-2006 planning period. Housing Element Policy 1.1, Programs 1 and 2 are designed to address this requirement by amending the General Plan and the Zoning Ordinance for increased density. All High Density Residential / RMF-16 zoned sites are proposed to be changed to RMF-20 to allow a minimum of 20 dwelling units per acre. Sites identified in the Housing Element as RNHA sites would be allowed to develop to this density “by right” (without a Conditional Use Permit or other discretionary action).

By increasing density in the urban core, the City can meet the housing needs while maintaining “elbow room” in rural areas. City services, sewer, transit, and shopping opportunities are readily available in the urban core, and therefore the increased densities in these areas will promote smart growth and be consistent with the existing policies of the General Plan.

A General Plan Amendment is proposed in conjunction with the adoption of the Housing Element to modify the maximum density of the High Density Residential (HDR) Land Use Designation. The density in HDR would be changed from a maximum of 16 units per acre to a minimum of 20 units per acre, as shown in the following text changes:

D. Land Use Designations

1. Residential Land Use Designations

High-Density Residential (HDR)

These areas are intended for up to 16 attached, multi-family residences per acre, including mobile homes parks. The minimum lot area is 0.5 acres net, although smaller lot sizes may be allowed through a planned development overlay process. Zoning standards require adequate parking, setbacks, landscaping, on-site recreation areas, individual storage, and building and parking area screening from abutting lower density single-family areas. Maximum densities shall be reduced based on lot slopes. All development within this district is subject to appearance review.

The corresponding zoning districts are RMF-16, RMF-20, P and L with appearance review required.

All HDR (including the sites specifically identified for RHNA compliance and “by right” development) will be up-zoned at the same time to avoid unnecessary confusion and the temporary creation of a third multi-family zone. In addition, Mixed Use Land Use Designations would also be updated to allow 20 residential units per acre for consistency purposes. Mixed use districts are primarily commercial districts where multi-family residential uses may be appropriate on a conditional basis. These Land Use
designations include: Downtown (D), General Commercial (GC), Mixed Use (MU), and Commercial Recreation (CREC).

In order to calculate how many additional units would be accommodated by the proposed upzoning, City staff completed a site-specific review and analysis to identify which lots have the potential for increased density based on the proposed new density of 20-units per acre. The draft Housing Element proposes “upzoning” approximately 302 acres from a maximum of 16 dwelling units an acre (RMF-16) to a minimum of 20 units an acre. Of that 302 acres, 165 acres were ruled out for additional development due to existing entitlements for planned developments and specific plans (such as Dove Creek and Las Lomas) which are designed for complete project buildout. Staff identified an additional 95 acres of upzoned parcels as “unlikely” to develop beyond the 16 units per acre currently permitted. Factors such as current build-out status, lot size, slope calculations, access, buildable area, and biological resources such as large native trees and creeks were used to determine the possibility of additional units.

Based on this site specific analysis, staff estimates that there approximately 42 acres which are “likely” to develop under the proposed upzoning to 20 units per acre. Those lots would accommodate approximately 784 additional units than what is existing today (calculated by subtracting the existing units on identified parcels from the maximum possible under the increased zoning density of 20 units per acre). Therefore, the 651 very low- to low-income housing units necessary to account for the RHNA figures for the 2001-2006 and 2007-2014 Housing Element planning periods are provided.

Table II-3 (General Plan Land Use – Projected Potential Development) is proposed to be updated to reflect the amended density in each Land Use Designation, as well as the revised projected dwelling units and projected population based on the increased density allowance. Based on the site specific analysis completed by staff, the upzone to RMF-20 provides a net increase of approximately 170 dwelling units when compared to what is currently entitled under RMF-16 zoning. This net increase was found by calculating the difference between the total number of units allowed under RMF-16 zoning and the potential number of units which are likely to develop under RMF-20 zoning. 170 units is less than a 5% increase in the existing number of residential units within the City.

The General Plan Land Use Diagram (Figure II-2) would be updated to show the updated density. The map key would be changed to show “HDR: High density Residential (\(1620\) units /ac)”. The full text of the proposed changes is included in the attached draft Resolution C.

**Zoning Ordinance & Zoning Map Updates (RMF-16 to RMF-20)**

A Zoning Ordinance Text Change and Official Zoning Map Change are proposed for consistency with the General Plan Land Use Element Amendment. The General Plan High Density Residential (HDR) Land Use Definition corresponds with the Residential Multifamily-16 (RMF-16) Zoning District identified in the Municipal Code. In order to provide consistency, all references to the RMF-16 Zoning District will be changed to
RMF-20. The current maximum density of 16 units per acre on these lots will be changed to a minimum density of 20 units per acre.

This density increase would be identified with a Code text Change to Title 9 (Planning and Zoning) Chapter 3 (Zoning Districts). Code text section regarding density within the RMF-16 (Section 9-3.175) and the Downtown Zoning District (Section 9-3.263) would be modified as shown below. Hillside density standards would be increased accordingly so that the RMF-20 zone would be double the density of the RMF-10 zone on sloped lots.

### Title 9 PLANNING AND ZONING

#### Chapter 3 ZONING DISTRICTS

#### Article 6, RMF (Residential Multiple Family) Zone

#### 9-3.175 Density.

The maximum allowable density in the Residential Multiple Family Zone shall be designated on the Official Zoning Maps as provided by Section 9-3.104(c) and be established in accordance with the general plan as follows:

(a) Areas Designated Low Density Multiple Family Residential. The maximum number of dwelling units per net acre is ten (10).

(b) Areas Designated High Density Multiple Family Residential. The minimum number of dwelling units per net acre is sixteen (16) twenty (20).

(c) Hillside Density Standards. The maximum densities permitted by subsections (a) and (b) of this section shall be modified to the following maximum densities based on-site topography, as follows:

<table>
<thead>
<tr>
<th>Average Slope</th>
<th>Low Density Multiple Family units/acre</th>
<th>High Density Multiple Family units/acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—10.99%</td>
<td>10</td>
<td>16—20</td>
</tr>
<tr>
<td>11—15.99%</td>
<td>7</td>
<td>12—14</td>
</tr>
<tr>
<td>16—20.99%</td>
<td>5</td>
<td>8—10</td>
</tr>
<tr>
<td>21—25.99%</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>26—30.0%</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>&gt; 30%</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

In order to show “by right development” for the parcels identified to meet the regional Housing Needs Allocation (RHNA) per the Housing Element, the following text is proposed to be added to the Zoning Ordinance Section 9-3.176:

(i) **RMF-20 properties identified in Table V-48 of the Housing Element shall be permitted “by right” and will not be subject to Conditional Use Permit or Specific Plan. Proposed planned development projects or other relief from property development standards on these parcels shall be subject to discretionary review per the requirements of the Municipal Code.**
Section 9-3.263 (Downtown district general development standards) would also be updated to allow 20 dwelling units per acre for consistency. There are additional minor references to RMF-16 and the maximum 16 unit density in Section 9-3.104 (Zoning Districts, Symbols used), Section 9-4.128 (Fencing and Screening), and Section 9-6.180 (RV Parks). These sections will be updated for consistency with the new RMF-20 zoning district and the 20 unit per acre density allowance. The official Zoning Map will also be updated to include the change from RMF-16 to RMF-20. All areas currently zoned Residential Multifamily-16 (RMF-16) will be changed to Residential Multifamily-20 (RMF-20). The full text of the proposed changes is included in the attached Resolution PC 2010-0028.

Zoning Ordinance Definition Update

A second Municipal Code Text update is proposed to clarify definitions which relate to housing. The City’s Zoning Ordinance currently uses an outdated definition for “family” to define dwelling units. The current definition of family is proposed to be revised to comply with the law and use only nondiscriminatory occupancy standards to describe an interactive group of persons jointly occupying a single dwelling unit. A “family” shall be defined as a “single housekeeping unit” to meet the legal definition:

**Family.** One person living alone or two (2) or more persons related each to all others by blood, marriage or legal adoption, or a group of no more than five (5) unrelated persons living in a single dwelling. 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.

Additional definitions are proposed to be added to Section 9-3.701 (Land Use Descriptions). These land uses definitions are currently not located in this section, and need to be added as they relate to zoning districts.

**Single-family Dwelling.** An attached or detached building not to contain more than one 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.

**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.

**Multiple Family Dwelling.** Two or more dwelling units located on a single lot, 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.
Proposed Environmental Determination:

Staff has prepared an Initial Study for the project in conformance with the California Environmental Quality Act. Based on the findings of the initial study, staff determined that the project does not have the potential to create any significant environmental impacts. A proposed Negative Declaration has been prepared and posted for the project. The Planning Commission recommends the City Council certify Proposed Negative Declaration 2010-0005.

Conclusion:

The update to the Housing Element of the General Plan for the 2007 - 2014 planning period has been ongoing for the past two years, with multiple hearings before the City Council and Planning Commission, public workshops, completion of environmental documents, and review by the State Department of Housing and Community Development (HCD). The draft Housing Element provides implementation strategies to meet RHNA and provide affordable and diverse, high quality housing opportunities to meet the needs of all segments of the community. The City has received notice from HCD that the draft Housing Element meets State requirements, and with official City Council adoption, the Housing Element will be complete for State certification.

The Housing Element update is required by the State to ensure that an adequate housing supply can be accommodated with the City for residents of all income levels. The Housing Element update process has included community, housing policy advocate, Planning Commission, City Council, and HCD input. As part of the draft 2007-2014 Atascadero Housing Element, programs and policies have been included for Planning Commission review and recommendation to City Council. With official City Council adoption, the Housing Element will be complete for State certification.

In conjunction with the Housing Element adoption, amendments are proposed to the General Plan Land Use Element, Land Use Diagram, Zoning Ordinance, and Zoning Map in order to meet the City’s Regional Housing Needs Allocation (RHNA) and to comply with Housing Element Policy 1.1, Programs 1 and 2. The General Plan High Density Residential (HDR) Land Use Designation and the RMF-16 Zoning District are proposed to be updated from a maximum of sixteen (16) units per acre to a minimum of twenty (20) units per acre. The updates must be adopted concurrently with the Housing Element adoption in order to receive certification from the State. Additional Zoning Ordinance updates are proposed to clarify definitions which relate to housing.

FISCAL IMPACT:

There is no fiscal impact in adopting the Housing Element; however, implementation of related programs in the future will result in yet undetermined costs to the City.
ALTERNATIVES

1. The Commission may make modifications to the proposed Housing Element, Zoning Ordinance, and/or General Plan Amendments.

2. The Commission may determine that more information is needed on some aspect of the project and may refer the item back to staff to develop the additional information. The Commission should clearly state the type of information that is required and move to continue the item to a future date.

3. The Commission may deny the project. The Housing Element would not be certified by the State and the City would be out of compliance. The Commission should specify the reasons for denial of the project and make an associated finding with such action.

ATTACHMENTS:

Attachment 1: 2009 HCD Correspondence (Review & Modifications)
Attachment 2: Draft Resolution A (Neg Dec Certification)
Attachment 3: Draft Resolution B (Housing Element Adoption)
Attachment 4: Draft Resolution C (Land Use Element / Map Updates)
Attachment 5: Draft Resolution Ordinance A (Zoning Text Updates)
Attachment 6: Draft Resolution Ordinance B (Zoning Map Update)
See Following

1) November 9, 2009: LWC memo regarding changes
2) November 17, 2009: LWC memo regarding changes
3) November 19, 2009: HCD 1st review comments
4) June 14, 2010: Second submittal to HCD (Task list & added text)
5) August 4, 2010: LWC memo regarding changes
6) August 11, 2010: HCD letter of completion
WHEREAS, the State requires that City’s Housing Element be updated every five years to analyze housing needs and establish goals, policies, programs, and quantified objectives to meet the identified needs; and,

WHEREAS, the City of Atascadero is listed on the 2009 update schedule as determined by the State of California; and,

WHEREAS, an Initial Study and Proposed Negative Declaration 2010-0005 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission of the City of Atascadero held a public hearing on Tuesday, December 7, 2010 following the close of the review period to consider the Initial Study and Proposed Negative Declaration; and,

WHEREAS, the Planning Commission has determined that the proposed amendments will have no significant impacts; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on January 25, 2011, following the close of the review period, to consider the Initial Study and Proposed Negative Declaration; and,

NOW, THEREFORE, the City Council of the City of Atascadero hereby resolves to certify Proposed Negative Declaration 2010-0005 based on the following Findings and as shown in Exhibit A:

1. The Proposed Negative Declaration has been completed in compliance with CEQA; and,
2. The Proposed Negative Declaration was presented to the Planning Commission, and the information contained therein was considered by the Planning Commission, prior to recommending action on the project for which it was prepared; and,

3. The project does not have the potential to degrade the environment; and,

4. The project will not achieve short-term to the disadvantage of long-term environmental goals; and,

5. The project does not have impacts which are individually limited, but cumulatively considerable; and,

6. The project will not cause substantial adverse effects on human beings either directly or indirectly.

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

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

CITY OF ATASCADERO

By: ______________________________
   Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________
Brian A. Pierik, City Attorney
<table>
<thead>
<tr>
<th>Exhibit A: Proposed Negative Declaration 2010-0005</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan Housing Element, Land Use Element/Map Update, and Zoning Code/Map Update</td>
</tr>
<tr>
<td>PLN 2009-1328 / GPA 2009-0025 / ZCH 2010-0162</td>
</tr>
</tbody>
</table>

See Separate Attachment
DRAFT RESOLUTION B

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO
APPROVING GENERAL PLAN AMENDMENT 2009-0025
(PLN 2009-1328) THE 2007-2014 HOUSING ELEMENT ADOPTION
(Citywide)

WHEREAS, the State requires that City’s Housing Element be updated every five years to analyze housing needs and establish goals, policies, programs, and quantified objectives to meet the identified needs; and,

WHEREAS, the City of Atascadero is listed on the 2009 update schedule as determined by the State of California; and,

WHEREAS, the proposed amendment is in the public interest; and,

WHEREAS, the proposed amendment is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan; and,

WHEREAS, proposed amendment is compatible with existing development, neighborhoods and the environment; and,

WHEREAS, proposed amendment will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts; and

WHEREAS, proposed amendment is consistent with adopted EIR and mitigation monitoring program; 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 General Plan Amendment application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said General Plan amendment; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on Tuesday, December 7, 2010 studied and considered General Plan Amendment 2009-0025 (PLN 2009-1328), after first studying and considering the Proposed Negative Declaration prepared for the project, and,
WHEREAS, the Atascadero City Council, at a Public Hearing held on January 25, 2011, studied and considered General Plan Amendment 2009-0025 (PLN 2009-1328), after first studying and considering the Proposed Negative Declaration prepared for the project, and,

NOW, THEREFORE, the City Council takes the following actions:

SECTION 1. Findings for Approval of a General Plan Amendment for the adoption of the 2007-2014 Housing Element update. The City Council finds as follows:

1. The proposed amendment is in the public interest.

2. The proposed amendment is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

3. The proposed amendment is compatible with existing development, neighborhoods and the environment.

4. The proposed amendment will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.

5. The proposed amendment is consistent with adopted EIR and mitigation monitoring program.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on January 25, 2011, resolved to approve a General Plan Amendment consistent with the following:

1. Exhibit A: Draft 2007-2014 Housing Element
On motion by Council Member ____________ and seconded by Council Member ________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: (   )

NOES: (   )

ABSENT: (   )

ABSTAIN: (   )

ADOPTED: (   )

CITY OF ATASCADERO

By: ____________________________
   Tom O’Malley, Mayor

ATTEST:

_______________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________
Brian A. Pierik, City Attorney
Exhibit A

2007-2014 Housing Element
PLN 2009-1328 / GPA 2009-0025

See Following
DRAFT RESOLUTION C

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO APPROVING GENERAL PLAN
LAND USE ELEMENT AND LAND USE MAP AMENDMENTS
(GPA 2009-0025 / PLN 2009-1328) TO CHANGE THE HIGH DENSITY
LAND USE DESIGNATION TO A MINIMUM DENSITY OF 20 UNITS
PER ACRE
(Citywide)

WHEREAS, Program 1.1 of the 2007-2014 Housing Element identifies a density increase on sites in the High Density Land Use Designation in order to accommodate the shortfall of sites from the previous planning period; and,

WHEREAS, Government Code Section 65584.09 and 65583(c)(1) (AB 1233) requires that the City must demonstrate that the rezones to accommodate the shortfalls of RHNA sites from the previous planning period will be completed within one year of the beginning of the planning period; and,

WHEREAS, The State Department of Housing and Community Development has required that the rezoning for increased density be completed concurrently with the Housing Element adoption in order to find the Housing Element in compliance with State Housing Element Law for certification; and,

WHEREAS, the proposed amendment is in the public interest; and,

WHEREAS, the proposed amendment is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan; and

WHEREAS, proposed amendment is compatible with existing development, neighborhoods and the environment; and,

WHEREAS, proposed amendment will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts; and

WHEREAS, proposed amendment is consistent with adopted EIR and mitigation monitoring program; 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 General Plan Amendment application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said general plan amendment; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on Tuesday, December 7, 2010 studied and considered General Plan Amendment 2009-0025 (PLN 2009-1328), after first studying and considering the Proposed Negative Declaration prepared for the project, and,

WHEREAS, the Atascadero City Council, at a Public Hearing held on January 25, 2011, studied and considered General Plan Amendment 2009-0025 (PLN 2009-1328), after first studying and considering the Proposed Negative Declaration prepared for the project, and,

NOW, THEREFORE, the City Council takes the following actions:

SECTION 1. Findings for Approval of a General Plan Land Use Element and Land Use Map Amendments. The City Council finds as follows:

1. The proposed amendment is in the public interest.

2. The proposed amendment is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

3. The proposed amendment is compatible with existing development, neighborhoods and the environment.

4. The proposed amendment will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.

5. The proposed amendment is consistent with adopted EIR and mitigation monitoring program.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on January 25, 2011, resolved to approve a General Plan Amendment and Land Use Map Amendment consistent with the following:

Exhibit A: General Plan Land Use Map Change; and,
D. Land Use Designations

1. Residential Land Use Designations

High-Density Residential (HDR)

These areas are intended for up to 16 attached, multi-family residences per acre, including mobile homes parks. The minimum lot area is 0.5 acres net, although smaller lot sizes may be allowed through a planned development overlay process. Zoning standards require adequate parking, setbacks, landscaping, on-site recreation areas, individual storage, and building and parking area screening from abutting lower density single-family areas. Maximum densities shall be reduced based on lot slopes. All development within this district is subject to appearance review.

The corresponding zoning districts are RMF-16, RMF-20, P and L with appearance review required.
2. Mixed Use Designations

This section provides a description of each of the official mixed use land use designations and the corresponding zoning districts. The mixed use districts are primarily commercial districts where multi-family residential uses may be appropriate on a conditional basis.

General Commercial (GC)

This designation includes office, neighborhood, retail and tourist commercial zoning districts. Office areas allow a range of professional, business, and administrative service uses with smallscale retail uses. Mixed-use development with attached multi-family residential up to 16-20 du/ac maybe conditionally permitted by zoning.

Neighborhood commercial areas accommodate daily shopping and service needs of surrounding residents, with businesses such as small markets, convenience stores, drug stores, salons, and other personal services. Neighborhood convenience centers should be concentrated at intersections of collector or arterial streets.

Retail commercial zoning districts are provided to meet both the comparison and convenience shopping needs of residents in the City and surrounding area. The intended principal tenants of retail commercial areas include specialty and department stores, and supermarkets. Retail nodes should be located at the intersections of arterial streets (including state highways) and major collector streets. A master plan of development is required for prime undeveloped commercial sites to prevent fragmented development from occurring that would comprise the retail potential of these sites. Mixed-use multi-family residential development maybe conditionally allowed up to 16-20 du/ac based on zoning. Exclusive development of multi-family may be allowed along the El Camino Real corridor provided they are located on mid-block infill lots that are not best reserved for commercial development. Along Morro Road, mixed use multi-family and commercial projects are permitted in the GC land use provide a commercial or office use is provided along the street frontage.

The tourist commercial zoning districts provides for uses that serve the traveling public, such as motels, restaurants, automotive services, and other compatible uses. Tourist commercial nodes are appropriately located along Highway 101 interchanges.

Corresponding zoning districts are CP, CN, CR and CT with appearance review required.

Downtown (D)

This designation allows a mix of retail, office, restaurant, personal service, commercial and residential uses. To encourage pedestrian orientation, businesses are encouraged to occupy small lots with sidewalk storefronts, and residences are allowed on upper floors. Mixed-use multi-family residential development is conditionally allowed up to 16-20 du/ac, higher densities may be approved through a planned development process. Design and parking standards are different from other areas to encourage a development pattern consistent with a historic Downtown. Development within the Downtown will be consistent with the Downtown Revitalization Plan and support the Atascadero Main Street Program.

Corresponding zoning districts are DC and DO with appearance review required.
Mixed Use (MU)

This designation is intended to encourage a mix of retail, office and residential uses within individual projects to encourage pedestrian orientation and create a synergy between housing and goods and services needed by surrounding residents. Housing can occur alongside or development overlay that will establish a master plan of development for the site and all mixes of uses. The maximum residential density shall be 16-20 du/ac.

The corresponding zoning district is a MU/PD overlay in a CR or CP district with appearance review required and a Planned Development Overlay.

Commercial Recreation (CREC)

This designation allows private recreational land uses, including private parks for active and passive recreation, playgrounds, playfields, swimming pools, and golf courses as well as tourist recreation such as RV parks. Multi-family uses such as mobile home parks may be conditionally allowed up to a maximum residential density of 16-20 du/ac.

The corresponding zoning district is LS, OS, and P with appearance review required.

Goal LOC 4. Provide for a strong and distinctive Downtown Area.

Policy 4.1: Cooperate with the Atascadero Main Street Organization to promote downtown as the City’s cultural, entertainment, and commercial center, and to concentrate governmental facilities downtown.

Programs:

1. Provide mixed-use/pedestrian scale zoning and development standards for the downtown. Encourage government, arts, entertainment, recreation, business facilities and residential uses to be mixed in multi-story buildings with sidewalk orientation and recessed or off-site parking.
2. Continue to implement the Main Street Program and the Downtown Revitalization Plan.
3. Develop a master plan for the Sunken Garden and surrounding block to establish the area as a vibrant dining, community gathering area and civic destination.
4. Integrate Atascadero Creek and Stadium Park into the function and experience of Downtown.
5. Encourage the relocation of the Junior High School to an area outside of the Downtown.
6. Mixed-use multi-family residential development is allowed up to 16-20 du/ac, higher densities may be approved through a planned development process.
On motion by Council Member ______________ and seconded by Council Member ______________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

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

CITY OF ATASCADERO

By: _________________________
    Tom O’Malley, Mayor

ATTEST:

______________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

______________________________
Brian A. Pierik, City Attorney
Exhibit A: Figure II-2: Official General Plan Land Use Diagram Amendment GPA 2009-0025

**Land Use Designations**

- MDR: Medium Density Residential (10 units / ac)
- HDR: High Density Residential (20 units / ac)
DRAFT ORDINANCE A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO APPROVING ZCH 2010-0162
TO AMEND THE ZONING CODE TEXT TO CHANGE ALL RMF-16 SITES TO RMF-20 AND AMEND DEFINITIONS RELATED TO HOUSING (ZCH 2010-0162)
(Citywide)

WHEREAS, Program 1.1 of the 2007-2014 Housing Element identifies a density increase on sites in the High Density Land Use Designation and Residential Multifamily -16 Zoning District in order to accommodate the shortfall of RHNA sites from the previous planning period; and,

WHEREAS, Government Code Section 65584.09 and 65583(c)(1) (AB 1233) requires that the City must demonstrate that the rezones to accommodate the shortfalls of RHNA sites from the previous planning period will be completed within one year of the beginning of the planning period; and,

WHEREAS, The State Department of Housing and Community Development requires the rezoning for increased density to be completed concurrently with the Housing Element adoption in order to find the housing element in compliance with State Housing Element Law, and certify the 2007-2014 Housing Element; and,

WHEREAS, a General Plan Land Use Element Amendment has been proposed to increase the density in the High Density Land Use Designation to a minimum of 20 units per acre; and,

WHEREAS, the proposed Zone Text and Map Amendments would create consistency between the General Plan and the Zoning Ordinance; and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Zoning Ordinance and Zoning Map to protect the health, safety and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,

WHEREAS, an Initial Study and Draft Negative Declaration 2010-0005 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); 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 Zone Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on December 7, 2010, studied and considered Zone Text update ZCH 2010-0162, after first studying and considering the Draft Negative Declaration prepared for the project, and,

WHEREAS, the Atascadero City Council, at a Public Hearing held on January 25, 2011, studied and considered Zone Text update ZCH 2010-0162, after first studying and considering the Draft Negative Declaration prepared for the project, and,

NOW, THEREFORE, the City Council takes the following actions:

SECTION 1. Findings for Approval of a Zone Text Change. The Planning Commission finds as follows:

1. The zone change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

2. Amendment of the zoning ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

3. The zone change will not, in itself, result in significant environmental impacts.

SECTION 2. Approval. The Atascadero City Council, in a regular session assembled on January 25, 2011 resolved to introduce for first reading an ordinance that would amend the City Zoning ordinance with the following:

Title 9 PLANNING AND ZONING
Chapter 3 ZONING DISTRICTS

9-3.104 Symbols used.

(a) Zoning Districts. The letter symbols listed after each zoning district in Sections 9-3.102(a) through (e) shall be used to designate the location of various zoning districts on the official zoning maps (Section 9-1.102).

(b) Overlay Districts. The letter symbols listed after each overlay district in Section 9-3.103(a) shall be appended to the base zoning district and be placed in parentheses thereafter to designate the location of various overlay districts on the official zoning maps (Section 9-1.102).
Example: Residential Suburban as the base zone within a Flood Hazard and Geologic Hazard overlay area would show on the official zoning maps as RS (FH) (GH).

(c) Density in Residential Multiple Family Zoning District. A number specifying the maximum permitted number of dwelling units per net acre in multiple family residential zoning districts shall be appended to the base zoning district to designate the density on the official zoning maps (Section 9-1.102). Example: Residential Multiple Family allowing sixteen (16) twenty (20) units per net acre within a Historic Site overlay area would show on the official zoning maps as RMF/16/20 (HS).

(d) Minimum Lot Size in Residential and Agricultural Zoning District Areas. A symbol specifying the minimum lot size in acres in certain residential zoning districts shall be appended to the base zoning district and be placed following a hyphen thereafter where necessary to designate the minimum lot size on the official zoning maps (see Section 9-1.102 of this title).

Example: Residential single-family with a half-acre minimum lot size in a Flood Hazard Overlay Zone would show on the official zoning maps as RSF-X(FH). Minimum lot size will not always be shown on the official maps especially in zoning districts where the minimum size is uniform, in circumstances where Chapter 9-6 establishes minimum sizes for some, but not all, uses within a zoning district, and where performance standards identified for certain zoning districts in this chapter are used to establish the minimum lot size. (Ord. 68 § 9-3.104, 1983)

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### 9-3.175 Density.

The maximum allowable density in the Residential Multiple Family Zone shall be designated on the Official Zoning Maps as provided by Section 9-3.104(c) and be established in accordance with the general plan as follows:

(a) Areas Designated Low Density Multiple Family Residential. The maximum number of dwelling units per net acre is ten (10).

(b) Areas Designated High Density Multiple Family Residential. The minimum number of dwelling units per net acre is sixteen (16) twenty (20).

(c) Hillside Density Standards. The maximum densities permitted by subsections (a) and (b) of this section shall be modified to the following maximum densities based on-site topography, as follows:

<table>
<thead>
<tr>
<th>Average Slope</th>
<th>Low Density Multiple Family units/acre</th>
<th>High Density Multiple Family units/acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—10.99%</td>
<td>10</td>
<td>16/20</td>
</tr>
</tbody>
</table>
Average Slope | Low Density Multiple Family units/acre | High Density Multiple Family units/acre
---|---|---
11—15.99% | 7 | 42—14
16—20.99% | 5 | 8—10
21—25.99% | 3 | 6
26—30.0% | 2 | 4
> 30% | 1 | 2

9-3.176 Property development standards.

In addition to the standards specified in Chapter 4 of this title, General Site Design and Development Standards, the following development standards shall apply to mobilehome and multiple family residential projects:

(a) Percent Coverage. The maximum percent of a lot that may be covered by structures (excluding decks less than thirty (30) inches from the ground) shall be forty percent (40%) for low density multiple family projects and fifty percent (50%) for high density multiple family projects.

(b) Enclosed Storage. Each dwelling unit shall be provided a minimum of one hundred (100) cubic feet of enclosed storage space, exclusive of closets, which may be located in either a principal or accessory building.

(c) Outdoor Recreation Areas. For developments of four (4) to seven (7) dwelling units, outdoor recreational open space shall be provided at a ratio of three hundred (300) square feet per unit. This open space may be provided either as (1) a private amenity designed for exclusive use of a dwelling unit, or (2) as common open space provided that no individual open space is less than one thousand (1,000) square feet. For developments of eight (8) or more dwelling units, outdoor recreational open space shall be provided at a ratio of three hundred (300) square feet per unit. This common open space may be provided in more than one location provided that no individual open space area is less than one thousand (1,000) square feet.

(d) Screening Wall. A solid wall or fence not less than six (6) feet in height shall be placed and maintained on interior lot lines abutting property zoned for single family residential use.

(e) Covered Parking. One covered parking space (carport or garage) shall be required per dwelling unit of the total off-street parking required by Section 9-4.118.

(f) Laundry Facilities. Laundry facilities shall be provided in the form of either (1) laundry hook-ups within each individual dwelling unit, or (2) a shared laundry facility equipped with washers and dryers.

(g) Appearance Review. All projects shall be consistent with the multifamily design and landscape requirements of the Appearance Review Manual.
(h) Maintenance Requirement. A maintenance agreement for all landscaping, building exteriors, accessory structures, parking areas and other common facilities shall be approved by the Community Development Director and City Attorney prior to final occupancy. (Ord. 457 § 3 (part), 2004: Ord. 149 § 2 (part), 1987)

(i) RMF-20 properties identified in Table V-48 of the Housing Element shall be permitted “by right” and will not be subject to Conditional Use Permit or Specific Plan. Proposed planned development projects or other relief from property development standards on these parcels shall be subject to discretionary review per the requirements of the Municipal Code.

Title 9 PLANNING AND ZONING
Chapter 3 ZONING DISTRICTS
Article 13. Downtown Zone 1—PC (Pedestrian Commercial) Zone

9-3.263 Downtown district general development standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in the following table, in addition to the other applicable development standards of this article.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DC</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>No minimum</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Minimum and maximum setbacks required. See Section 9-4.103 for setback requirement, allowed projections into setbacks, and exceptions to setbacks.</td>
</tr>
<tr>
<td>Front</td>
<td>None allowed, except for building insets designed to accommodate outdoor eating and seating areas, and except for East and West Mall between El Camino Real and Palma Avenue, where a minimum of twenty (20) feet is required.</td>
</tr>
<tr>
<td>Sides (each)</td>
<td>None required</td>
</tr>
<tr>
<td>Rear</td>
<td>None required</td>
</tr>
<tr>
<td>Creek</td>
<td>To be determined through Design Review</td>
</tr>
<tr>
<td>Height limit</td>
<td>Forty-five (45) feet not to exceed three (3) stories; eighteen (18) feet on the west side of El Camino Real between Atascadero Creek and the lot line common to Lots 19 and 20, Block H-B, Atascadero Colony Map.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>As required by Sections 9-4.124 et seq. (Landscaping, screening and fencing)</td>
</tr>
<tr>
<td>Off-street parking</td>
<td>None required, except as required by Section 9-4.114 for hotels, motels, and residential uses, and for all development east of Atascadero Creek.</td>
</tr>
<tr>
<td>Signs</td>
<td>See Section 9-15.005(b)</td>
</tr>
<tr>
<td>Density</td>
<td>Sixteen (16) Twenty (20) dwelling units/acre</td>
</tr>
</tbody>
</table>
9-4.128 Fencing and screening.

(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 acre net or larger) Zones.

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

(ii) RSF-Y (less than one acre net) /RSF-X/LSF-Z/LSF-Y/LSF-X/RMF-10/RMF-1620.

a. Fencing within a required front or corner yard setback can be a maximum of three (3) feet in height.

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

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

(iv) Height Measurement. Fencing and screening materials shall be measured from the finished grade of the uphill lot.

9-6.180 Recreational vehicle (RV) parks.

This section applies to all recreational vehicle parks and commercial campgrounds including any separately designated section of a mobilehome park. These standards apply in addition to all applicable provisions of Title 25 of the California Administrative Code.
(a) Location Criteria. Approval of a conditional use permit application by the Planning Commission shall include a finding that the recreational vehicle park will not be excessively visible from a public road or residential zone or that such visibility will be acceptably mitigated.

(b) Minimum Site Area.

(1) RV Park Site. Ten (10) acres when located outside the urban services line and five (5) acres when located within the urban services line.

(2) Individual RV Spaces.

(i) Pull-in or Back-in Spaces. Twenty (20) foot width; seven hundred fifty (750) square foot area.

(ii) Pull-Thru Spaces. Twenty (20) foot width, one thousand one hundred (1,100) square foot area.

(c) Density. The maximum density shall be sixteen (16) twenty (20) units per gross acre, not including any exterior public street right-of-way.

(d) Site Design Standards.

---

**Title 9 PLANNING AND ZONING**  
**Chapter 9 GENERAL DEFINITIONS**

9-9.102 General definitions.

**Family.** One person living alone or two (2) or more persons related each to all others by blood, marriage or legal adoption, or a group of no more than five (5) unrelated persons living in a single dwelling. 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.

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**Title 9 PLANNING AND ZONING**  
**Chapter 9 ZONING DISTRICTS**

Article 29. Land Use Descriptions

9-3.701 Purpose.

Single-family Dwelling. An attached or detached building not to contain more than one 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.

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.

Multiple Family Dwelling. Two or more dwelling units located on a single lot, 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.

SECTION 3. Effective Date.

This ordinance shall be effective a 12:01 a.m. on the 31st day after its final passage.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ADOPTED: CITY OF ATASCADERO

By:______________________________
Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________
Brian A. Pierik, City Attorney
DRAFT ORDINANCE B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO APPROVING ZCH 2010-0162 TO AMEND THE OFFICAL ZONING MAP TO CHANGE ALL THE RMF-16 SITES TO RMF-20 AND AMEND DEFINITIONS RELATED TO HOUSING (ZCH 2010-0162)
(Citywide)

WHEREAS, Program 1.1 of the 2007-2014 Housing Element identifies a density increase on sites in the High Density Land Use Designation and Residential Multifamily -16 Zoning District in order to accommodate the shortfall of RHNA sites from the previous planning period; and,

WHEREAS, Government Code Section 65584.09 and 65583(c)(1) (AB 1233) requires that the City must demonstrate that the rezones to accommodate the shortfalls of RHNA sites from the previous planning period will be completed within one year of the beginning of the planning period; and,

WHEREAS, The State Department of Housing and Community Development requires the rezoning for increased density to be completed concurrently with the Housing Element adoption in order to find the housing element in compliance with State Housing Element Law, and certify the 2007-2014 Housing Element; and,

WHEREAS, a General Plan Land Use Element Amendment has been proposed to increase the density in the High Density Land Use Designation to a minimum of 20 units per acre; and,

WHEREAS, the proposed Zone Text and Map Amendments would create consistency between the General Plan and the Zoning Ordinance; and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Zoning Ordinance and Zoning Map to protect the health, safety and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,

WHEREAS, an Initial Study and Draft Negative Declaration 2010-0005 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); 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 Zone Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on December 7, 2010, studied and considered Zone Text and Map updates ZCH 2010-0162, after first studying and considering the Draft Negative Declaration prepared for the project, and,

WHEREAS, the Atascadero City Council, at a Public Hearing held on January 25, 2011, studied and considered Zone Text and Map updates ZCH 2010-0162, after first studying and considering the Draft Negative Declaration prepared for the project, and,

NOW, THEREFORE, the City Council takes the following actions:

SECTION 1. Findings for Approval of a Zone Text Change. The City Council finds as follows:

4. The zone map change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

5. Amendment of the zoning map will provide for the orderly and efficient use of lands where such development standards are applicable.

6. The zone map change will not, in itself, result in significant environmental impacts.

SECTION 2. Approval. The Atascadero City Council, in a regular session assembled on January 25, 2011 resolved to introduce for first reading an ordinance that would amend the City Zoning Map consistent with the following:

Exhibit A: Zoning Map Change

SECTION 3. Effective Date.

This ordinance shall be effective a 12:01 a.m. on the 31st day after its final passage.
On motion by Council Member ____________ and seconded by Council Member ____________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: ( )

NOES: ( )

ABSENT: ( )

ABSTAIN: ( )

ADOPTED:

CITY OF ATASCADERO

By: _______________________

Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________

Brian A. Pierik, City Attorney
Exhibit A: Official Zoning Map Amendment
ZCH 2010-0162

Zoning Designations

- RMF-10: Residential Multiple Family (10 units / ac)
- RMF-20: Residential Multiple Family (20 units / ac)

City of Atascadero

Zoning Diagram
Revised: 7/26/2008

NOTE: Some properties may be subject to additional development standards for a PDU or Conditional Use Permit (CUP). Contact Planning Services for additional information.