Atascadero City Council
Staff Report – Community Development Department

Second Reading
PLN 2009-1328 / ZCH 2010-0162
Zoning Code & Zoning Map Update: RMF-20
(City of Atascadero)

RECOMMENDATIONS:

Council:

1. Introduce Draft Ordinance A, for second 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,

2. Introduce Draft Ordinance B, for second 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:

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.

On January 25, 2011, the City Council approved a General Plan update to modify the High Density Residential (HDR) Land Use Designation 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 were proposed and approved for first reading 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.
At the January 25, 2011 hearing, the City Council included a maximum density with the HDR / RMF-20 updates. The High Density Residential land use designation and RMF-20 zoning district will be allowed a minimum of 20 units per acre, and a maximum of 24 units per acre. The attached second reading zone text change includes this modification for maximum density.

The Municipal Code Text update also includes updates to 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 The City’s outdated definition for “family” is proposed to be replaced with language which references a “single housekeeping unit” for describing use of dwellings.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.

**Situation and Facts:**

1. Applicant: City of Atascadero
2. General Plan Designation: Citywide
3. Zoning District: Citywide
4. Environmental Status: Negative Declaration 2010-0005 certified January 25, 2011

**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.

**ATTACHMENTS:**

- Attachment 1: Draft Ordinance A (Zoning Text Updates)
- Attachment 2: Draft Ordinance B (Zoning Map Update)
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING ZONE TEXT CHANGE ZCH 2010-0162, AMENDING THE ATASCADERO MUNICIPAL CODE TO CHANGE ALL RMF-16 SITES TO RMF-20 AND AMEND DEFINITIONS RELATED TO HOUSING (Citywide/City)

The City Council hereby finds and declares as follows:

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 OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

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

1. The Planning and Zoning Text 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).
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/1620 (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)

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 maximum 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:
### 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></td>
<td>DO</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></td>
<td>As required by Section 9-4.106 when adjacent to a residential zone, none required otherwise.</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></td>
<td>Thirty-five (35) feet</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></td>
<td>As required by Sections 9-4.114 et seq.</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 maximum</td>
</tr>
<tr>
<td></td>
<td>Sixteen (16) Twenty (20) dwelling units/acre maximum</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-16/20.

   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.

Title 9 PLANNING AND ZONING
Chapter 3 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. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public. This ordinance shall be effective a 12:01 a.m. on the 31st day after its final passage.

INTRODUCED at a regular meeting of the City Council held on ____________, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ____________, by 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

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
APPROVING ZONE CHANGE 2010-0162 AMENDING THE OFFICIAL
ZONING MAP TO CHANGE ALL THE RMF-16 SITES TO RMF-20
(Citywide/City of Atascadero)

The City Council hereby finds and declares as follows:

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 OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

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

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

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

3. 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. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and;
before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public. This ordinance shall be effective a 12:01 a.m. on the 31st day after its final passage.

INTRODUCED at a regular meeting of the City Council held on ____________, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ____________, by 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 (10 units / ac) (minimum 20 units / ac, maximum 24 units / ac)

City of Atascadero

Zoning Diagram
Amended - 4/25/2002
Effective - 7/30/2001

TABLE OF GENERAL PLAN LAYOUT USE AREA AMENDMENTS

This diagram is a representation of the official General Plan Land Use Diagram. For more information, please contact Planning Services at 461-5000 or visit City of Atascadero - GIS Division.