



CITY OF ATASCADERO CITY COUNCIL AGENDA

HYBRID MEETING INFORMATION:

In accordance with City Council Resolution No. 2022-066 and the requirements of AB 361, the City Council Meeting will be available via teleconference for those who wish to participate remotely. The City Council meeting will also be held in the City Council Chambers and in-person attendance will be available at that location.

HOW TO OBSERVE THE MEETING REMOTELY:

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

HOW TO SUBMIT PUBLIC COMMENT:

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

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

AMERICAN DISABILITY ACT ACCOMMODATIONS:

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

City Council agendas and minutes may be viewed on the City's website: www.atascadero.org/agendas.

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



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, September 13, 2022

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

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

COUNCIL CLOSED SESSION – CALL TO ORDER: 5:00 P.M.

- 1. ROLL CALL**
- 2. CLOSED SESSION -- PUBLIC COMMENT**
- 3. COUNCIL RECESS INTO CLOSED SESSION**
- 4. CLOSED SESSION**
 - a. Conference with Real Property Negotiators**
Pursuant to Government Code §54956.8
Real Property: 5970 El Camino Real (APN 030181031)
Agency Negotiator: Rachele Rickard, City Manager
Negotiating Parties: Fred C. Pflum Revocable Trust
Subject of Negotiations: Purchase price and/or terms of payment
 - b. Public Employee Release/Dismissal/Discipline**
Pursuant to Government Code §54957(b)
- 5. CLOSED SESSION – ADJOURNMENT**
- 6. COUNCIL RETURNS**

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

PLEDGE OF ALLEGIANCE: Council Member Funk

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

APPROVAL OF AGENDA: Roll Call

Recommendation: Council:

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

PRESENTATIONS:

1. Proclamation proclaiming September 15 to October 15 as National Hispanic Heritage Month.

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

1. City Council Draft Action Minutes – August 9, 2022

- Recommendation: Council approve the August 9, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

2. July 2022 Accounts Payable and Payroll

- Fiscal Impact: \$6,676,406.09.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for July 2022. [Administrative Services]

3. Virtual Meetings – AB 361 Requirements

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings. [City Manager]

4. Formation of New Positions and Reclassification of Existing Positions Throughout the City

- Fiscal Impact: An estimated \$27,000 to \$70,900 per year of budget funds; a portion of these costs may be offset by other personnel changes that have occurred.
- Recommendation:
 1. Authorize the City Manager to establish new positions, including Zoo Supervisor, Human Resources Manager, and Senior Building Inspector.
 2. Authorize the City Manager to establish the new titles of Network Analyst, Lead Maintenance Worker, and Permit Technician.
 3. Authorize the City Manager to reclassify employees into appropriate classifications of Deputy City Manager, Deputy Director of Public Works,

Lead Maintenance Worker, Maintenance Worker II, Permit Technician, Human Resources Manager, Network Analyst, Senior Building Inspector, and Zoo Supervisor based on job duties and level of experience.

4. Amend the fiscal year 2022-2023 monthly salary schedule to include new positions as follows:

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Human Resources Manager	\$ 6,582.94	\$ 6,912.09	\$ 7,257.69	\$ 7,620.57	\$ 8,001.60
Lead Maintenance Worker	\$ 4,491.33	\$ 4,715.90	\$ 4,951.70	\$ 5,199.29	\$ 5,459.25
Network Analyst	\$ 5,875.50	\$ 6,169.28	\$ 6,477.74	\$ 6,801.63	\$ 7,141.71
Permit Technician	\$ 4,175.61	\$ 4,384.39	\$ 4,603.61	\$ 4,833.79	\$ 5,075.48
Senior Building Inspector	\$ 6,635.75	\$ 6,967.54	\$ 7,315.92	\$ 7,681.72	\$ 8,065.81
Zoo Supervisor	\$ 4,603.61	\$ 4,833.79	\$ 5,075.48	\$ 5,329.25	\$ 5,595.71

5. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees.
6. Authorize the City Manager to execute a side letter with the Local 620 Service Employees International Union (SEIU) for the existing Memorandum of Understanding (MOU), dated July 1, 2021 through June 30, 2024, adding the title of Network Analyst, Permit Technician, Zoo Supervisor, Lead Maintenance Worker, and Senior Building Inspector at the salary range shown above. [City Manager]

5. 2023 Measure F-14 Pavement Rehabilitation Project Design Engineering Services Contract

- Fiscal Impact: \$238,021.
- Recommendation: Council award a professional services agreement with Wallace Group for \$238,021 to provide design engineering and prepare bidding documents for the 2023 Measure F-14 Pavement Rehabilitation Project (Project No. C2022R01). [Public Works]

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

COMMUNITY FORUM: (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30 minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30 minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was commenced. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or cityclerk@atascadero.org.)

B. PUBLIC HEARINGS:

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

- Fiscal Impact: The addition of ADUs and JADUs in accordance with state law will have a significant negative long-term fiscal impact to the City, its infrastructure, and its capacity to serve its citizens.
- Recommendations: Planning Commission recommends that City Council:
 1. Introduce for first reading, by title only, Draft Ordinance A repealing and replacing Chapter 5 of Title 9, of the Atascadero Municipal Code (Accessory Dwelling Units); and
 2. Introduce for first reading, by title only, Draft Ordinance B amending Title 9 for consistency with updated Chapters 5 and 18 related to accessory dwelling units and urban dwelling units. [Community Development]

2. Ordinance Adopting Standards for the Implementation of SB 9: Urban Dwelling Units and Urban Lot Splits

- Fiscal Impact: It is expected that this State-required action will have a significant negative fiscal impact on the City. For any applications submitted, standard fees will be charged, and the State recognizes that this law imposes an unfunded State-mandated local program.
- Recommendations: Planning Commission recommends that City Council:
 1. Introduce for first reading, by title only, Draft Ordinance A amending Title 9: Planning and Zoning, to add Chapter 18: Urban Dwelling Units; and
 2. Introduce for first reading, by title only, Draft Ordinance B amending Title 11: Subdivisions, establishing standards for Urban Lot Splits. [Community Development]

3. 2022 Economic Hardship Program: Time Extensions for Construction Permits

- Fiscal Impact: None.
- Recommendations: Council adopt Draft Resolution authorizing staff to allow for one-year extensions to construction permits that meet eligibility standards. [Community Development]

C. MANAGEMENT REPORTS: None.

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

Mayor Moreno

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

Mayor Pro Tem Newsom

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

Council Member Bourbeau

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

Council Member Dariz

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

Council Member Funk

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

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

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

F. ADJOURNMENT

Please note: Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, August 9, 2022

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

City Council Regular Session:

6:00 P.M.

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

Mayor Moreno called the meeting to order at 6:00 p.m. and Boy Scout Troop 51 presented and posted the colors and led the Pledge of Allegiance.

ROLL CALL:

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

Absent: None

Others Present: Gere Sibbach, Treasurer

Staff Present: City Manager Rachelle Rickard, Public Works Director Nick DeBar, City Attorney Brian Hamblet, Deputy City Manager/City Clerk Lara Christensen, Police Commander Jason Carr, Battalion Chief Dave Van Son, Deputy Director of Administrative Services Cindy Chavez, and Systems Administrator III David Anastasia

APPROVAL OF AGENDA:

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

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

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

A. CONSENT CALENDAR:

1. **City Council Draft Action Minutes – July 12, 2022**
 - Recommendation: Council approve the July 12, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

2. **June 2022 Accounts Payable and Payroll**
 - Fiscal Impact: \$3,181,047.06.
 - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for June 2022. [Administrative Services]

3. **Virtual Meetings – AB 361 Requirements**
 - Fiscal Impact: None.
 - Recommendation: Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings.
[City Manager]

4. **Designation of Voting Delegate – League of California Cities’ Annual Conference**
 - Fiscal Impact: None.
 - Recommendation: Council designate Mayor Pro Tem Newsom as the voting delegate for the Annual Business Meeting of the League of California Cities’ Annual Conference in September 2022 and direct the City Clerk to inform the League of this designation. [City Clerk]

5. **Auto Extrication Equipment Replacement**
 - Fiscal Impact: \$122,148.37 of budgeted Vehicle & Equipment Replacement funds allocated for fiscal year 2022-2023.
 - Recommendation: Council authorize the City Manager to execute a contract with L.N. Curtis for a total cost of \$122,148.37 for the purchase of replacement auto extrication equipment. [Fire Department]

6. **Lift Station No. 13 Motor Control Center Purchase**
 - Fiscal Impact: Up to \$310,500 in budgeted Wastewater Funds.
 - Recommendation: Council award a contract for \$310,500 with Tesco Controls, Inc. to purchase a new Motor Control Center for the Lift Station No. 13 and Force Main Replacement project. [Public Works]

7. **Temporary Contract for Nighttime Police/Fire Dispatch Services**
 - Fiscal Impact: \$94,000.
 - Recommendation: Council authorize the City Manager to execute a contract with San Luis Obispo County Sheriff’s Office (SLO Sheriff Office) and California Department of Forestry and Fire Protection (Cal Fire) for temporary dispatch services.
[Police Department]

Council Member Funk and Mayor Moreno asked brief clarifying questions on Item #A-6 and Item #A-7, respectively.

MOTION: By Council Member Bourbeau and seconded by Council Member Funk to approve the Consent Calendar. (#A-3: Resolution No. 2022-066)(#A-5: Contract No. 2022-011)(#A-6: Contract No. 2022-012) (Contract No. 2022-013)
Motion passed 5:0 by a roll-call vote.

UPDATES FROM THE CITY MANAGER:

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

COMMUNITY FORUM:

The following persons spoke in-person, by telephone or through the webinar: Atascadero High School Cheer Team Seniors: Sydney Beeman, Rachael Gee, Nikayla Hart, and Cierra Savoy; Josh Cross; Raechelle Bowlay; and Geoff Auslen

B. PUBLIC HEARINGS:

1. Confirming the Cost of Vegetative Growth and/or Refuse Abatement

- Fiscal Impact: The City will receive \$82,702 from the 2022/2023 property tax rolls in weed abatement/refuse abatement assessments.
- Recommendations: Council adopt the Draft Resolution, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement. [Fire Department]

Ex Parte Communications: None.

Battalion Chief Van Son gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Newsom to adopt Resolution No. 2022-067 confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement.
Motion passed 5:0 by a roll-call vote.

C. MANAGEMENT REPORTS: None.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

1. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Newsom

1. Design Review Committee
2. League of California Cities – Council Liaison

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Funk

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

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

1. City Council
 - a. Council Member Funk will request Council to direct staff to draft, and authorize the Mayor to sign, a letter supporting Seneca Services' application for state funds to build a combination youth crisis stabilization unit, crisis residential unit, and 2-bed inpatient unit.

Council Member Funk and Dawn Henson, Seneca Services, briefed the City Council on the potential for state funding for a combination youth crisis youth crisis stabilization unit, crisis residential unit, and 2-bed inpatient unit. They, and City Manager Rickard, answered questions from the Council.

Following discussion, there was Council consensus to direct staff to draft, and authorize the Mayor to sign, a letter in support of Seneca Services' efforts.

F. ADJOURNMENT

Mayor Moreno adjourned the meeting at 6:48 pm.

MINUTES PREPARED BY:

Lara K. Christensen
City Clerk

APPROVED:



Atascadero City Council

Staff Report - Administrative Services Department

July 2022 Accounts Payable and Payroll

RECOMMENDATION:

Council approve certified City accounts payable, payroll and payroll vendor checks for July 2022.

DISCUSSION:

Attached for City Council review and approval are the following:

Payroll

Dated	7/7/22	Checks # 35494-35504	\$ 8,462.33
		Direct Deposits	363,800.62
Dated	7/21/22	Checks # 35505-35515	8,236.80
		Direct Deposits	361,830.32

Accounts Payable

Dated	7/1/22-7/30/22	Checks # 171436-171900 & EFTs 4449-4488	5,934,076.02
TOTAL AMOUNT			<u>\$ 6,676,406.09</u>

FISCAL IMPACT:

Total expenditures for all funds is \$ 6,676,406.09

CERTIFICATION:

The undersigned certifies that the attached demands have been released for payment and that funds are available for these demands.



Jeri Rangel
Director of Administrative Services

ATTACHMENT:

July 2022 Eden Warrant Register in the amount of \$ 5,934,076.02

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171436	07/01/2022	ANTHEM BLUE CROSS HEALTH	Payroll Vendor Payment	223,101.51
171437	07/01/2022	BENEFIT COORDINATORS CORP	Payroll Vendor Payment	9,797.20
171438	07/01/2022	LINCOLN NATIONAL LIFE INS CO	Payroll Vendor Payment	2,103.89
171439	07/01/2022	MEDICAL EYE SERVICES	Payroll Vendor Payment	1,882.57
171440	07/01/2022	13 STARS MEDIA	Accounts Payable Check	970.53
171441	07/01/2022	2 MEXICANS, LLC	Accounts Payable Check	1,056.50
171442	07/01/2022	A & T ARBORISTS & VEGETATION	Accounts Payable Check	3,600.00
171443	07/01/2022	ADAMSKI,MOROSKI,MADDEN,	Accounts Payable Check	204.50
171444	07/01/2022	AGP VIDEO, INC.	Accounts Payable Check	2,610.00
171445	07/01/2022	AIRGAS USA, LLC	Accounts Payable Check	486.81
171446	07/01/2022	AIR-RITE HEATING & COOLING	Accounts Payable Check	238.31
171447	07/01/2022	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	119.00
171448	07/01/2022	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	2,325.05
171449	07/01/2022	KELLY AREBALO	Accounts Payable Check	793.63
171450	07/01/2022	AT&T	Accounts Payable Check	22.43
171451	07/01/2022	AT&T	Accounts Payable Check	819.71
171452	07/01/2022	ATASCADERO HAY & FEED	Accounts Payable Check	2,018.21
171453	07/01/2022	AURORA WORLD, INC.	Accounts Payable Check	1,598.59
171454	07/01/2022	AVILA TRAFFIC SAFETY	Accounts Payable Check	4,526.38
171455	07/01/2022	TERRIE BANISH	Accounts Payable Check	93.69
171456	07/01/2022	BASSETT'S CRICKET RANCH,INC.	Accounts Payable Check	708.48
171457	07/01/2022	BAUER COMPRESSORS	Accounts Payable Check	1,173.29
171458	07/01/2022	BERRY MAN, INC.	Accounts Payable Check	1,869.75
171459	07/01/2022	BRETT CALLOWAY	Accounts Payable Check	60.00
171460	07/01/2022	CARQUEST OF ATASCADERO	Accounts Payable Check	326.77
171461	07/01/2022	CC DYNASTY FUTBOL CLUB	Accounts Payable Check	480.00
171462	07/01/2022	CHARTER COMMUNICATIONS	Accounts Payable Check	229.97
171463	07/01/2022	MATTHEW L. CHESSON	Accounts Payable Check	120.00
171464	07/01/2022	CITY OF ATASCADERO	Accounts Payable Check	902.50
171465	07/01/2022	KAREN A. CLANIN	Accounts Payable Check	266.00
171466	07/01/2022	CO OF SAN LUIS OBISPO SART PRG	Accounts Payable Check	911.00
171467	07/01/2022	DESTINY CUELLAR	Accounts Payable Check	60.00
171468	07/01/2022	DELTA LIQUID ENERGY	Accounts Payable Check	952.47
171469	07/01/2022	DEPARTMENT OF JUSTICE	Accounts Payable Check	1,000.00
171470	07/01/2022	JOHN W DOUPE	Accounts Payable Check	120.00
171471	07/01/2022	KELLI M. DOWNS	Accounts Payable Check	2,618.00
171472	07/01/2022	PHILIP DUNSMORE	Accounts Payable Check	300.00
171473	07/01/2022	EARTH SYSTEMS PACIFIC	Accounts Payable Check	27,950.00
171474	07/01/2022	ECS IMAGING, INC.	Accounts Payable Check	6,290.00
171475	07/01/2022	EMI SPORTWEAR	Accounts Payable Check	2,252.42
171476	07/01/2022	RYAN ENFANTINO	Accounts Payable Check	120.00
171477	07/01/2022	EPIC IT SUPPORT	Accounts Payable Check	5,000.00
171478	07/01/2022	FENCE FACTORY ATASCADERO	Accounts Payable Check	58.66

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
 DATE:
 ATTACHMENT:

A-2
 09/13/22
 1

Check Number	Check Date	Vendor	Description	Amount
171479	07/01/2022	FGL ENVIRONMENTAL	Accounts Payable Check	1,046.00
171480	07/01/2022	IRIS FIGUEROA	Accounts Payable Check	90.00
171481	07/01/2022	RYAN GABBARD	Accounts Payable Check	120.00
171482	07/01/2022	GARRY BRILL PRODUCTIONS	Accounts Payable Check	150.00
171483	07/01/2022	GAS COMPANY	Accounts Payable Check	887.97
171484	07/01/2022	RYAN GOUDY	Accounts Payable Check	20.00
171485	07/01/2022	KATHLEEN GROGAN	Accounts Payable Check	445.00
171486	07/01/2022	CHRISTOPHER HALL	Accounts Payable Check	120.00
171487	07/01/2022	ROBERT S HAMMER	Accounts Payable Check	120.00
171488	07/01/2022	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	11,965.08
171489	07/01/2022	ROCHELLE O. HANSON-TORRES	Accounts Payable Check	120.00
171490	07/01/2022	HART IMPRESSIONS PRINTING	Accounts Payable Check	148.13
171491	07/01/2022	KELLIE K. HART	Accounts Payable Check	556.50
171492	07/01/2022	RAMON HERNANDEZ	Accounts Payable Check	120.00
171493	07/01/2022	REBECCA HERZIG	Accounts Payable Check	42.00
171494	07/01/2022	CHRISTOPHER HESTER	Accounts Payable Check	120.00
171495	07/01/2022	HOME DEPOT CREDIT SERVICES	Accounts Payable Check	2,060.16
171496	07/01/2022	HOT FOCUS, INC.	Accounts Payable Check	217.00
171497	07/01/2022	SETH W HUGHES	Accounts Payable Check	120.00
171498	07/01/2022	ALAN HURST	Accounts Payable Check	507.40
171499	07/01/2022	IPROJECTSOLUTIONS, LLC.	Accounts Payable Check	11,015.00
171500	07/01/2022	JK'S UNLIMITED, INC.	Accounts Payable Check	3,356.70
171501	07/01/2022	JOANN HEAD LAND SURVEYING	Accounts Payable Check	8,868.73
171502	07/01/2022	KEY TERMITE & PEST CONTROL,INC	Accounts Payable Check	555.00
171503	07/01/2022	KID TEES	Accounts Payable Check	753.60
171504	07/01/2022	KMIT SOLUTIONS	Accounts Payable Check	3,315.00
171505	07/01/2022	KNECHT'S PLUMBING & HEATING	Accounts Payable Check	669.66
171506	07/01/2022	L.N. CURTIS & SONS	Accounts Payable Check	1,113.60
171507	07/01/2022	LAYNE LABORATORIES, INC.	Accounts Payable Check	1,489.88
171508	07/01/2022	LEE WILSON ELECTRIC CO. INC	Accounts Payable Check	2,856.00
171509	07/01/2022	LENOVO (UNITED STATES) INC.	Accounts Payable Check	13,416.49
171510	07/01/2022	LIFE ASSIST, INC.	Accounts Payable Check	1,298.32
171511	07/01/2022	LINDE GAS & EQUIPMENT INC.	Accounts Payable Check	63.04
171512	07/01/2022	MADRONE LANDSCAPES, INC.	Accounts Payable Check	437.00
171513	07/01/2022	MAINTENANCE SUPERINTENDENTS AS	Accounts Payable Check	35.00
171514	07/01/2022	ANNETTE MANIER	Accounts Payable Check	4.56
171515	07/01/2022	MARBORG INDUSTRIES	Accounts Payable Check	73.05
171516	07/01/2022	CRAIG MARTINEAU	Accounts Payable Check	120.00
171517	07/01/2022	MCCLATCHY SHARED SERVICES, LLC	Accounts Payable Check	8,800.00
171518	07/01/2022	WADE MCKINNEY	Accounts Payable Check	486.51
171519	07/01/2022	ADAM MEDINA	Accounts Payable Check	120.00
171520	07/01/2022	DANIEL MEJIA	Accounts Payable Check	70.00
171521	07/01/2022	GREGG T. MEYER	Accounts Payable Check	120.00

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171522	07/01/2022	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	413.20
171523	07/01/2022	MINER'S ACE HARDWARE	Accounts Payable Check	871.99
171524	07/01/2022	MISSION UNIFORM SERVICE	Accounts Payable Check	294.30
171525	07/01/2022	KELLYE R. NETZ	Accounts Payable Check	120.00
171526	07/01/2022	PAUL NETZ	Accounts Payable Check	500.00
171527	07/01/2022	NEW TIMES	Accounts Payable Check	515.00
171528	07/01/2022	MARC NOBRIGA	Accounts Payable Check	120.00
171529	07/01/2022	O.C. TANNER	Accounts Payable Check	1,838.79
171530	07/01/2022	OAK COUNTRY LUMBER & RANCH	Accounts Payable Check	4,241.25
171531	07/01/2022	ODP BUSINESS SOLUTIONS, LLC	Accounts Payable Check	990.16
171532	07/01/2022	OILFIELD ENVIRONMENTAL & COMP	Accounts Payable Check	2,471.22
171533	07/01/2022	ANJANETTE ORDONEZ	Accounts Payable Check	120.00
171534	07/01/2022	RON OVERACKER	Accounts Payable Check	120.00
171536	07/01/2022	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	17,442.72
171537	07/01/2022	TIMOTHY PERKINS	Accounts Payable Check	60.00
171538	07/01/2022	PERRY'S PARCEL & GIFT	Accounts Payable Check	100.00
171539	07/01/2022	PETTY CASH-FINANCE DEPARTMENT	Accounts Payable Check	161.25
171540	07/01/2022	SCOTT E. PIPAN	Accounts Payable Check	120.00
171541	07/01/2022	WARREN PITTENGER	Accounts Payable Check	544.70
171542	07/01/2022	PLAY-WELL TEKNOLOGIES	Accounts Payable Check	1,834.00
171543	07/01/2022	JULIA POSMOGA	Accounts Payable Check	120.00
171544	07/01/2022	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	1,265.21
171545	07/01/2022	LAUREN-ASHLEY PURIFY	Accounts Payable Check	120.00
171546	07/01/2022	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	2,936.88
171547	07/01/2022	RHODE ISLAND NOVELTY	Accounts Payable Check	2,287.56
171548	07/01/2022	RODMAN REPAIR & FABRICATION	Accounts Payable Check	250.00
171549	07/01/2022	MARCELES RODRIGUEZ	Accounts Payable Check	90.00
171550	07/01/2022	SAMUEL RODRIGUEZ	Accounts Payable Check	120.00
171551	07/01/2022	SAM'S TREE 805, INC.	Accounts Payable Check	1,200.00
171552	07/01/2022	SAN LUIS POWERHOUSE, INC.	Accounts Payable Check	2,828.06
171553	07/01/2022	ANDREW SANCHEZ	Accounts Payable Check	146.80
171554	07/01/2022	SHANDI SANDERS	Accounts Payable Check	60.00
171555	07/01/2022	JAMES SCOOOLIS	Accounts Payable Check	300.00
171556	07/01/2022	THE SHERWIN-WILLIAMS COMPANY	Accounts Payable Check	100.83
171557	07/01/2022	SOUTH COAST EMERGENCY VEH SVC	Accounts Payable Check	1,952.76
171558	07/01/2022	SOUTHPAW DESIGN & CONSTRUCTION	Accounts Payable Check	412.00
171559	07/01/2022	CONNER M. SPEARS	Accounts Payable Check	1,620.00
171560	07/01/2022	JENNIFER L. SPOTTEN	Accounts Payable Check	302.40
171561	07/01/2022	SUNLIGHT JANITORIAL, INC.	Accounts Payable Check	4,850.00
171562	07/01/2022	JOHN W. TAYLOR	Accounts Payable Check	120.00
171563	07/01/2022	TEMPLETON UNIFORMS, LLC	Accounts Payable Check	127.51
171564	07/01/2022	AYLA TOMAC	Accounts Payable Check	120.00
171565	07/01/2022	TURF STAR, INC.	Accounts Payable Check	388.29

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
 DATE:
 ATTACHMENT:

A-2
 09/13/22
 1

Check Number	Check Date	Vendor	Description	Amount
171566	07/01/2022	U.S. POSTAL SERVICE	Accounts Payable Check	3,000.00
171567	07/01/2022	UNITED RENTALS (NORTH AM), INC	Accounts Payable Check	3,859.90
171568	07/01/2022	UNIVAR SOLUTIONS USA, INC.	Accounts Payable Check	6,433.92
171569	07/01/2022	RENE VASQUEZ	Accounts Payable Check	120.00
171570	07/01/2022	VERIZON WIRELESS	Accounts Payable Check	2,487.43
171571	07/01/2022	VISIT SLO CAL	Accounts Payable Check	3,129.39
171572	07/01/2022	WALLACE GROUP	Accounts Payable Check	2,970.25
171573	07/01/2022	WARM FUZZY TOYS	Accounts Payable Check	938.16
171574	07/01/2022	JEFF WILSHUSEN	Accounts Payable Check	120.00
171575	07/01/2022	WORKBENCH	Accounts Payable Check	20,617.96
171576	07/01/2022	ZACHARY J YEAMAN-SANCHEZ	Accounts Payable Check	1,720.00
171577	07/01/2022	2ND NATURE SOFTWARE INC.	Accounts Payable Check	5,208.17
171578	07/01/2022	ALL ABOUT EVENTS, INC.	Accounts Payable Check	2,822.25
171579	07/01/2022	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	1,681.00
171580	07/01/2022	ARCHIVE SOCIAL	Accounts Payable Check	2,988.00
171581	07/01/2022	JULIE C. BEAVER	Accounts Payable Check	350.00
171582	07/01/2022	BIDDLE CONSULTING GROUP, INC.	Accounts Payable Check	1,795.00
171583	07/01/2022	BRANCH SMITH PROPERTIES	Accounts Payable Check	374.00
171584	07/01/2022	CA POLICE CHIEF'S ASSC	Accounts Payable Check	730.00
171585	07/01/2022	CALIFORNIA JPIA	Accounts Payable Check	131,927.00
171586	07/01/2022	CALIFORNIA MID-STATE FAIR	Accounts Payable Check	7,500.00
171587	07/01/2022	NICHOLAS DEBAR	Accounts Payable Check	300.00
171588	07/01/2022	PHILIP DUNSMORE	Accounts Payable Check	300.00
171589	07/01/2022	EXECUTIVE INFORMATION SERVICES	Accounts Payable Check	31,006.00
171590	07/01/2022	GHOST/MONSTER	Accounts Payable Check	350.00
171591	07/01/2022	DORIAN M. HACHIGIAN	Accounts Payable Check	350.00
171592	07/01/2022	JAMES T. HARRELL	Accounts Payable Check	175.00
171593	07/01/2022	ICMA	Accounts Payable Check	1,600.00
171594	07/01/2022	JOE A. GONSALVES & SON	Accounts Payable Check	3,000.00
171595	07/01/2022	JOHN G. JOHNSON	Accounts Payable Check	150.00
171596	07/01/2022	LIEBERT CASSIDY WHITMORE	Accounts Payable Check	4,375.00
171597	07/01/2022	JERI RANGEL	Accounts Payable Check	300.00
171598	07/01/2022	RACHELLE RICKARD	Accounts Payable Check	300.00
171599	07/01/2022	ROLSON MUSIC & SOUND	Accounts Payable Check	1,000.00
171600	07/01/2022	STANLEY CONVERGENT SECURITY	Accounts Payable Check	1,063.76
171601	07/01/2022	TARGET SOLUTIONS LEARNING, LLC	Accounts Payable Check	15.56
171602	07/01/2022	TRAINING INNOVATIONS, INC.	Accounts Payable Check	800.00
171603	07/01/2022	ULTREX LEASING	Accounts Payable Check	263.18
171604	07/01/2022	TED E. WATERHOUSE	Accounts Payable Check	500.00
171605	07/05/2022	WEX BANK - 76 UNIVERSL	Accounts Payable Check	16,356.93
171606	07/05/2022	WEX BANK - WEX FLEET UNIVERSAL	Accounts Payable Check	11,590.84
4449	07/07/2022	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	9,589.92
171607	07/07/2022	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	60.00

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171608	07/07/2022	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	2,078.75
171609	07/07/2022	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
171610	07/07/2022	CA FIREFIGHTERS BENEFIT TRUST	Payroll Vendor Payment	1,800.00
171611	07/07/2022	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	8,347.06
171612	07/07/2022	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	1,053.65
171613	07/07/2022	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,674.10
171614	07/07/2022	SEIU LOCAL 620	Payroll Vendor Payment	836.69
171615	07/07/2022	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	416.88
171616	07/07/2022	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	9,470.54
171617	07/07/2022	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	185.00
4450	07/08/2022	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	327.45
4451	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	22,131.22
4452	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	38,069.39
4453	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,166.45
4454	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,655.62
4455	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	7,182.76
4456	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	9,442.22
4457	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	12,772.54
4458	07/11/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	17,458.79
4459	07/12/2022	RABOBANK, N.A.	Payroll Vendor Payment	65,145.37
4460	07/12/2022	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	20,718.69
4461	07/12/2022	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,982.29
4462	07/13/2022	CAL PERS	Accounts Payable Check	676.80
4463	07/13/2022	CAL PERS	Accounts Payable Check	564.00
4464	07/13/2022	CAL PERS	Accounts Payable Check	653.30
4465	07/13/2022	CAL PERS	Accounts Payable Check	639.20
4466	07/13/2022	CAL PERS	Accounts Payable Check	258.50
4467	07/13/2022	CAL PERS	Accounts Payable Check	112.80
171618	07/15/2022	13 STARS MEDIA	Accounts Payable Check	1,131.44
171619	07/15/2022	AGM CALIFORNIA, INC.	Accounts Payable Check	980.00
171620	07/15/2022	AGP VIDEO, INC.	Accounts Payable Check	2,610.00
171621	07/15/2022	ALTHOUSE & MEADE, INC.	Accounts Payable Check	450.00
171622	07/15/2022	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	2,667.45
171623	07/15/2022	AT&T	Accounts Payable Check	598.33
171625	07/15/2022	ATASCADERO MUTUAL WATER CO.	Accounts Payable Check	26,414.60
171626	07/15/2022	ATASCADERO PROF. FIREFIGHTERS	Accounts Payable Check	1,679.76
171627	07/15/2022	BAY AREA DRIVING SCHOOL, INC.	Accounts Payable Check	35.00
171628	07/15/2022	KEITH R. BERGHER	Accounts Payable Check	287.50
171629	07/15/2022	KABELO E. BLAIS	Accounts Payable Check	32.00
171630	07/15/2022	JIM CAMPANA	Accounts Payable Check	179.43
171631	07/15/2022	CHARTER COMMUNICATIONS	Accounts Payable Check	3,141.27
171632	07/15/2022	COASTAL COPY, INC.	Accounts Payable Check	181.92
171633	07/15/2022	VOID	Accounts Payable Check	0.00

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171634	07/15/2022	AUDREY S. COHEN	Accounts Payable Check	32.00
171635	07/15/2022	COLOR CRAFT PRINTING	Accounts Payable Check	492.75
171636	07/15/2022	CRYSTAL CREAMERY, INC.	Accounts Payable Check	2,186.32
171637	07/15/2022	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	260.00
171638	07/15/2022	HYRUM C. DEL CASTILLO	Accounts Payable Check	300.00
171639	07/15/2022	DEPARTMENT OF JUSTICE	Accounts Payable Check	569.00
171640	07/15/2022	DESTINATION TRAVEL NETWORK	Accounts Payable Check	100.00
171641	07/15/2022	DIVISION OF STATE ARCHITECT	Accounts Payable Check	81.60
171642	07/15/2022	MONICA DOMINGUEZ	Accounts Payable Check	15.23
171643	07/15/2022	DOOMSDAY SKATE, LLC	Accounts Payable Check	714.00
171644	07/15/2022	EARTH SYSTEMS PACIFIC	Accounts Payable Check	4,817.50
171645	07/15/2022	ECONOMIC & PLANNING SYSTEM INC	Accounts Payable Check	1,923.75
171646	07/15/2022	ESCUELA DEL RIO	Accounts Payable Check	1,080.00
171647	07/15/2022	FERRELL'S AUTO REPAIR	Accounts Payable Check	37.50
171648	07/15/2022	FGL ENVIRONMENTAL	Accounts Payable Check	221.00
171649	07/15/2022	FLUID RESOURCE MANAGEMENT, INC.	Accounts Payable Check	2,186.54
171650	07/15/2022	TIMOTHY K. FOSTER	Accounts Payable Check	32.00
171651	07/15/2022	ANNE E. GALLAGHER	Accounts Payable Check	157.50
171652	07/15/2022	GAS COMPANY	Accounts Payable Check	127.04
171653	07/15/2022	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	14,674.40
171654	07/15/2022	HART IMPRESSIONS PRINTING	Accounts Payable Check	465.87
171655	07/15/2022	ANDREW HAWKINS	Accounts Payable Check	229.00
171656	07/15/2022	HIGH COUNTRY OUTDOOR, INC.	Accounts Payable Check	450.00
171657	07/15/2022	IRON MOUNTAIN RECORDS MGMNT	Accounts Payable Check	141.19
171658	07/15/2022	J. CARROLL CORPORATION	Accounts Payable Check	65.25
171659	07/15/2022	ZACHARIAH JACKSON	Accounts Payable Check	400.00
171660	07/15/2022	JK'S UNLIMITED, INC.	Accounts Payable Check	1,874.34
171661	07/15/2022	HASNA N. JONES	Accounts Payable Check	1,449.60
171662	07/15/2022	K & M INTERNATIONAL	Accounts Payable Check	6,517.10
171663	07/15/2022	JUSTIN KAMP	Accounts Payable Check	250.00
171664	07/15/2022	KPRL 1230 AM	Accounts Payable Check	375.00
171665	07/15/2022	LIN LI	Accounts Payable Check	288.60
171666	07/15/2022	THOMAS LITTLE	Accounts Payable Check	694.64
171667	07/15/2022	MCCLATCHY SHARED SERVICES, LLC	Accounts Payable Check	1,400.00
171668	07/15/2022	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	21,428.12
171669	07/15/2022	MIG	Accounts Payable Check	13,265.00
171670	07/15/2022	MINER'S ACE HARDWARE	Accounts Payable Check	286.05
171671	07/15/2022	MATTHEW J. MIRANDA	Accounts Payable Check	204.00
171672	07/15/2022	MISSION UNIFORM SERVICE	Accounts Payable Check	54.78
171673	07/15/2022	MV TRANSPORTATION, INC.	Accounts Payable Check	12,447.75
171674	07/15/2022	PAUL NETZ	Accounts Payable Check	400.00
171675	07/15/2022	ODP BUSINESS SOLUTIONS, LLC	Accounts Payable Check	688.04
171677	07/15/2022	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	68,517.32

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
 DATE:
 ATTACHMENT:

A-2
 09/13/22
 1

Check Number	Check Date	Vendor	Description	Amount
171678	07/15/2022	PAVEMENT ENGINEERING, INC.	Accounts Payable Check	382.50
171679	07/15/2022	PERRY'S PARCEL & GIFT	Accounts Payable Check	79.14
171680	07/15/2022	PHILLIPS INTERNATIONAL, INC.	Accounts Payable Check	1,977.00
171681	07/15/2022	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	354.47
171682	07/15/2022	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	6,742.00
171683	07/15/2022	RAMINHA CONSTRUCTION, INC.	Accounts Payable Check	11,661.25
171684	07/15/2022	READYREFRESH BY NESTLE	Accounts Payable Check	248.83
171685	07/15/2022	BRIAN S. RICKS	Accounts Payable Check	250.00
171686	07/15/2022	ISAIAH D. RODRIGUEZ	Accounts Payable Check	32.00
171687	07/15/2022	SAN LUIS POWERHOUSE, INC.	Accounts Payable Check	185.00
171688	07/15/2022	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	89,761.23
171689	07/15/2022	SPEAKWRITE, LLC.	Accounts Payable Check	1,094.20
171690	07/15/2022	SPECIALIZED EQUIPMENT REPAIR	Accounts Payable Check	5,913.61
171691	07/15/2022	SPECIALTY CONSTRUCTION, INC.	Accounts Payable Check	614,660.72
171692	07/15/2022	KURT W. STONE	Accounts Payable Check	1,200.00
171693	07/15/2022	THOMSON REUTERS - WEST	Accounts Payable Check	180.35
171699	07/15/2022	U.S. BANK	Accounts Payable Check	35,163.20
171700	07/15/2022	TYSON VAN HORN	Accounts Payable Check	202.22
171701	07/15/2022	VERDIN	Accounts Payable Check	17,607.74
171702	07/15/2022	VERIZON WIRELESS	Accounts Payable Check	57.67
171703	07/15/2022	WCJ PROPERTY SERVICES	Accounts Payable Check	1,548.00
171704	07/15/2022	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	45.00
171705	07/15/2022	WORKBENCH	Accounts Payable Check	11,758.75
171706	07/15/2022	KAREN B. WYKE	Accounts Payable Check	634.80
171707	07/15/2022	ZOOM IMAGING SOLUTIONS, INC.	Accounts Payable Check	986.91
171708	07/15/2022	13 STARS MEDIA	Accounts Payable Check	4,336.00
171709	07/15/2022	AFSS SOUTHERN DIVISION	Accounts Payable Check	60.00
171710	07/15/2022	AIR-RITE HEATING & COOLING	Accounts Payable Check	229.40
171711	07/15/2022	ATASCADERO CHAMBER OF COMMERCE	Accounts Payable Check	64,800.00
171712	07/15/2022	ATASCADERO HAY & FEED	Accounts Payable Check	1,356.93
171713	07/15/2022	TERRIE BANISH	Accounts Payable Check	170.00
171714	07/15/2022	BASSETT'S CRICKET RANCH,INC.	Accounts Payable Check	380.50
171715	07/15/2022	BEHAVIORAL ANALYSIS TRAINING	Accounts Payable Check	575.00
171716	07/15/2022	BERRY MAN, INC.	Accounts Payable Check	1,190.80
171717	07/15/2022	BMI	Accounts Payable Check	391.00
171718	07/15/2022	BRANCH SMITH PROPERTIES	Accounts Payable Check	374.00
171719	07/15/2022	BREZDEN PEST CONTROL, INC.	Accounts Payable Check	65.00
171720	07/15/2022	CA FIRE CHIEFS ASSC.	Accounts Payable Check	988.14
171721	07/15/2022	CASH	Accounts Payable Check	200.00
171722	07/15/2022	CENTRAL COAST TOURISM COUNCIL	Accounts Payable Check	425.00
171723	07/15/2022	CHARTER COMMUNICATIONS	Accounts Payable Check	73.90
171724	07/15/2022	CLEVER CONCEPTS, INC.	Accounts Payable Check	47.95
171725	07/15/2022	COLOR CRAFT PRINTING	Accounts Payable Check	104.62

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171726	07/15/2022	COUNTY OF SAN LUIS OBISPO	Accounts Payable Check	5,000.00
171727	07/15/2022	CRYSTAL SPRINGS WATER	Accounts Payable Check	20.00
171728	07/15/2022	CULLIGAN/CENTRAL COAST WTR TRT	Accounts Payable Check	70.00
171729	07/15/2022	DAN BIDDLE PEST CONTROL SERVIC	Accounts Payable Check	135.00
171730	07/15/2022	DESTINATION TRAVEL NETWORK	Accounts Payable Check	100.00
171731	07/15/2022	STEVEN J. ERNST	Accounts Payable Check	32.00
171732	07/15/2022	FIRE CHIEFS ASSC OF SLO CO	Accounts Payable Check	325.00
171733	07/15/2022	TIMOTHY K. FOSTER	Accounts Payable Check	48.00
171734	07/15/2022	ELIAS E. GONZALES	Accounts Payable Check	68.00
171735	07/15/2022	GRIDIRON TRAINING, INC.	Accounts Payable Check	300.00
171736	07/15/2022	REBECCA HEREDIA	Accounts Payable Check	141.36
171737	07/15/2022	VOID	Accounts Payable Check	0.00
171738	07/15/2022	IMAGE TREND, INC.	Accounts Payable Check	12,880.00
171739	07/15/2022	JK'S UNLIMITED, INC.	Accounts Payable Check	923.26
171740	07/15/2022	DUSTIN KING	Accounts Payable Check	500.00
171741	07/15/2022	LIFE ASSIST, INC.	Accounts Payable Check	2,775.78
171742	07/15/2022	MINER'S ACE HARDWARE	Accounts Payable Check	450.66
171743	07/15/2022	MISSION UNIFORM SERVICE	Accounts Payable Check	182.90
171744	07/15/2022	NBS	Accounts Payable Check	7,172.32
171745	07/15/2022	NEW TIMES	Accounts Payable Check	368.00
171746	07/15/2022	RON OVERACKER	Accounts Payable Check	231.00
171747	07/15/2022	PEAKWIFI, LLC	Accounts Payable Check	650.00
171748	07/15/2022	VOID	Accounts Payable Check	0.00
171749	07/15/2022	VOID	Accounts Payable Check	0.00
171750	07/15/2022	BRIAN S. RICKS	Accounts Payable Check	125.00
171751	07/15/2022	ISAIAH D. RODRIGUEZ	Accounts Payable Check	48.00
171752	07/15/2022	ROLSON MUSIC & SOUND	Accounts Payable Check	1,000.00
171753	07/15/2022	SLO CO AIR POLLUTION CTRL DIST	Accounts Payable Check	5,179.20
171754	07/15/2022	SPRINGER DRYWALL, INC.	Accounts Payable Check	2.00
171755	07/15/2022	SWANK MOTION PICTURES, INC.	Accounts Payable Check	2,460.00
171756	07/15/2022	TARGET SOLUTIONS LEARNING, LLC	Accounts Payable Check	5,648.28
171757	07/15/2022	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	300.00
171758	07/15/2022	YOUTH TECH, INC.	Accounts Payable Check	2,166.00
4468	07/21/2022	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	9,839.92
171759	07/21/2022	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	60.00
171760	07/21/2022	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	2,305.00
171761	07/21/2022	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
171762	07/21/2022	CA FIREFIGHTERS BENEFIT TRUST	Payroll Vendor Payment	1,800.00
171763	07/21/2022	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	8,005.31
171764	07/21/2022	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	1,230.20
171765	07/21/2022	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,674.10
171766	07/21/2022	SEIU LOCAL 620	Payroll Vendor Payment	884.53
171767	07/21/2022	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	433.55

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171768	07/21/2022	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	8,962.82
171769	07/21/2022	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	185.00
4469	07/22/2022	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	327.45
4470	07/26/2022	RABOBANK, N.A.	Payroll Vendor Payment	64,336.19
4471	07/26/2022	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	20,253.25
4472	07/26/2022	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	3,035.36
4473	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	22,872.80
4474	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	37,037.29
4475	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	2,786.40
4476	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	2,757.64
4477	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	7,102.61
4478	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	9,624.35
4479	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	13,279.07
4480	07/27/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	18,626.93
4481	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	1,647,383.00
4482	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	1,198,584.00
4483	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	50,453.00
4484	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	15,985.00
4485	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	10,383.00
4486	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	9,240.00
4487	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	7,271.00
4488	07/29/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	905.00
171770	07/29/2022	ADAMSKI,MOROSKI,MADDEN,	Accounts Payable Check	65.00
171771	07/29/2022	ALTHOUSE & MEADE, INC.	Accounts Payable Check	450.00
171773	07/29/2022	AT&T	Accounts Payable Check	752.52
171774	07/29/2022	AT&T	Accounts Payable Check	818.37
171775	07/29/2022	TERRIE BANISH	Accounts Payable Check	112.91
171776	07/29/2022	BURKE,WILLIAMS, & SORENSON LLP	Accounts Payable Check	26,630.19
171777	07/29/2022	CA BUILDING STANDARDS COMM.	Accounts Payable Check	367.20
171778	07/29/2022	CA DEPT OF TAX AND FEE ADMIN.	Accounts Payable Check	5,055.00
171779	07/29/2022	CALIFORNIA BUILDING OFFICIALS	Accounts Payable Check	70.00
171780	07/29/2022	CALPORTLAND COMPANY	Accounts Payable Check	660.15
171781	07/29/2022	CARQUEST OF ATASCADERO	Accounts Payable Check	14.62
171782	07/29/2022	CHARTER COMMUNICATIONS	Accounts Payable Check	4,406.80
171783	07/29/2022	CLEATH-HARRIS GEOLOGISTS, INC.	Accounts Payable Check	2,060.00
171784	07/29/2022	CRYSTAL CREAMERY, INC.	Accounts Payable Check	426.72
171785	07/29/2022	DEPARTMENT OF CONSERVATION	Accounts Payable Check	1,334.91
171786	07/29/2022	EARTH SYSTEMS PACIFIC	Accounts Payable Check	9,514.00
171787	07/29/2022	ELMWOOD PARK ZOO	Accounts Payable Check	638.75
171788	07/29/2022	EMI SPORTWEAR	Accounts Payable Check	608.57
171789	07/29/2022	FGL ENVIRONMENTAL	Accounts Payable Check	313.00
171790	07/29/2022	FILIPPIN ENGINEERING, INC.	Accounts Payable Check	37,740.00
171791	07/29/2022	GSOLUTIONZ, INC.	Accounts Payable Check	1,870.00

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171792	07/29/2022	GST-GOLDEN STAR TECHNOLOGY INC	Accounts Payable Check	2,458.60
171793	07/29/2022	JEREL HALEY	Accounts Payable Check	800.00
171794	07/29/2022	ROBERT S HAMMER	Accounts Payable Check	40.00
171795	07/29/2022	HAMNER, JEWELL & ASSOCIATES	Accounts Payable Check	1,509.77
171796	07/29/2022	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	8,994.14
171797	07/29/2022	JK2 APPAREL	Accounts Payable Check	942.29
171798	07/29/2022	KID TEES	Accounts Payable Check	637.28
171799	07/29/2022	KPRL 1230 AM	Accounts Payable Check	320.00
171800	07/29/2022	MARBORG INDUSTRIES	Accounts Payable Check	73.05
171801	07/29/2022	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	413.20
171802	07/29/2022	MIG	Accounts Payable Check	471.25
171803	07/29/2022	MINER'S ACE HARDWARE	Accounts Payable Check	26.09
171804	07/29/2022	MISSION UNIFORM SERVICE	Accounts Payable Check	28.10
171805	07/29/2022	MARC NOBRIGA	Accounts Payable Check	40.00
171806	07/29/2022	O'REILLY AUTOMOTIVE, INC.	Accounts Payable Check	32.58
171807	07/29/2022	PLUM PROPERTIES	Accounts Payable Check	1,925.00
171808	07/29/2022	PRI MANAGEMENT GROUP	Accounts Payable Check	113.00
171809	07/29/2022	PROCARE JANITORIAL SUPPLY, INC.	Accounts Payable Check	416.98
171810	07/29/2022	QUINCY ENGINEERING, INC.	Accounts Payable Check	6,967.90
171811	07/29/2022	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	500.00
171812	07/29/2022	SCHINDLER ELEVATOR CORP	Accounts Payable Check	894.00
171813	07/29/2022	SLO CO AUDITOR CONTROLLER	Accounts Payable Check	12.50
171814	07/29/2022	SLO COUNTY HEALTH AGENCY	Accounts Payable Check	89,260.00
171815	07/29/2022	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	289,075.18
171816	07/29/2022	SP MAINTENANCE SERVICES, INC.	Accounts Payable Check	819.00
171817	07/29/2022	ULTREX BUSINESS PRODUCTS	Accounts Payable Check	110.73
171818	07/29/2022	RENE VASQUEZ	Accounts Payable Check	118.47
171819	07/29/2022	VERIZON WIRELESS	Accounts Payable Check	1,578.61
171820	07/29/2022	VILLAGE ORIGINALS, INC.	Accounts Payable Check	815.50
171821	07/29/2022	WALLACE GROUP	Accounts Payable Check	57,979.25
171822	07/29/2022	13 STARS MEDIA	Accounts Payable Check	437.50
171823	07/29/2022	2 MEXICANS, LLC	Accounts Payable Check	2,940.00
171824	07/29/2022	A.P.S. AUTOMOTIVE	Accounts Payable Check	135.77
171825	07/29/2022	ALL SIGNS AND GRAPHICS, INC.	Accounts Payable Check	270.13
171826	07/29/2022	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	182.00
171827	07/29/2022	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	947.86
171828	07/29/2022	HELONA ANDRESSON	Accounts Payable Check	30.00
171829	07/29/2022	KELLY AREBALO	Accounts Payable Check	709.98
171830	07/29/2022	MICHAEL J. ARRIOLA	Accounts Payable Check	1,925.00
171831	07/29/2022	TERRIE BANISH	Accounts Payable Check	123.67
171832	07/29/2022	BAY AREA DRIVING SCHOOL, INC.	Accounts Payable Check	136.50
171833	07/29/2022	BEHAVIORAL ANALYSIS TRAINING	Accounts Payable Check	300.00
171834	07/29/2022	KABELO E. BLAIS	Accounts Payable Check	80.00

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
 DATE:
 ATTACHMENT:

A-2
 09/13/22
 1

Check Number	Check Date	Vendor	Description	Amount
171835	07/29/2022	BOUND TREE MEDICAL, LLC	Accounts Payable Check	350.25
171836	07/29/2022	BURT INDUSTRIAL SUPPLY	Accounts Payable Check	1,905.99
171837	07/29/2022	BUSINESS ORIENTED SOFTWARE SOL	Accounts Payable Check	759.00
171838	07/29/2022	BRETT CALLOWAY	Accounts Payable Check	229.00
171839	07/29/2022	CARQUEST OF ATASCADERO	Accounts Payable Check	22.67
171840	07/29/2022	CASH	Accounts Payable Check	900.00
171841	07/29/2022	CG VISUAL SOLUTIONS CORP.	Accounts Payable Check	457.52
171842	07/29/2022	DAVID S. CHOCK	Accounts Payable Check	500.00
171843	07/29/2022	AUDREY S. COHEN	Accounts Payable Check	96.00
171844	07/29/2022	CREATIVE BRAIN LEARNING	Accounts Payable Check	148.50
171845	07/29/2022	CRISP IMAGING	Accounts Payable Check	225.87
171846	07/29/2022	CRYSTAL CREAMERY, INC.	Accounts Payable Check	266.97
171847	07/29/2022	DEPENDABLE FIRE PROTECTION	Accounts Payable Check	253.13
171848	07/29/2022	EPIC IT SUPPORT	Accounts Payable Check	950.00
171849	07/29/2022	DANIEL E. ERNST	Accounts Payable Check	350.00
171850	07/29/2022	STEVEN J. ERNST	Accounts Payable Check	32.00
171851	07/29/2022	EXECUTIVE JANITORIAL	Accounts Payable Check	519.00
171852	07/29/2022	FENCE FACTORY ATASCADERO	Accounts Payable Check	250.00
171853	07/29/2022	FGL ENVIRONMENTAL	Accounts Payable Check	81.00
171854	07/29/2022	FIRST AMERICAN TITLE CO	Accounts Payable Check	500.00
171855	07/29/2022	TIMOTHY K. FOSTER	Accounts Payable Check	64.00
171856	07/29/2022	RYAN GABBARD	Accounts Payable Check	231.00
171857	07/29/2022	GAS COMPANY	Accounts Payable Check	722.82
171858	07/29/2022	ELIAS E. GONZALES	Accounts Payable Check	85.00
171859	07/29/2022	GOVERNMENTJOBS.COM, INC.	Accounts Payable Check	12,320.00
171860	07/29/2022	MARK D. GREENAWAY	Accounts Payable Check	30.00
171861	07/29/2022	CHRISTOPHER HALL	Accounts Payable Check	231.00
171862	07/29/2022	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	12,686.03
171863	07/29/2022	VOID	Accounts Payable Check	0.00
171864	07/29/2022	CHRIS HOREJSI	Accounts Payable Check	250.00
171865	07/29/2022	JIFFY LUBE	Accounts Payable Check	118.45
171866	07/29/2022	JOE A. GONSALVES & SON	Accounts Payable Check	3,000.00
171867	07/29/2022	JUSTIN KAMP	Accounts Payable Check	144.00
171868	07/29/2022	DAREN KENNETT	Accounts Payable Check	190.63
171869	07/29/2022	LIFE ASSIST, INC.	Accounts Payable Check	1,659.93
171870	07/29/2022	ERIK M. MCCORNACK	Accounts Payable Check	350.00
171871	07/29/2022	MISSION UNIFORM SERVICE	Accounts Payable Check	250.65
171872	07/29/2022	KELLYE R. NETZ	Accounts Payable Check	59.94
171873	07/29/2022	ODP BUSINESS SOLUTIONS, LLC	Accounts Payable Check	785.25
171874	07/29/2022	VOID	Accounts Payable Check	0.00
171875	07/29/2022	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	2,206.34
171876	07/29/2022	PASO ROBLES SAFE & LOCK, INC.	Accounts Payable Check	2,263.15
171877	07/29/2022	PLAY-WELL TEKNOLOGIES	Accounts Payable Check	1,470.00

City of Atascadero
Disbursement Listing

For the Month of July 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/13/22
1

Check Number	Check Date	Vendor	Description	Amount
171878	07/29/2022	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	138.79
171879	07/29/2022	GERALD D. PURIFY JR.	Accounts Payable Check	1,200.00
171880	07/29/2022	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	14,970.00
171881	07/29/2022	BRIAN S. RICKS	Accounts Payable Check	350.00
171882	07/29/2022	ISAIAH D. RODRIGUEZ	Accounts Payable Check	64.00
171883	07/29/2022	SAMUEL RODRIGUEZ	Accounts Payable Check	229.00
171884	07/29/2022	ROLSON MUSIC & SOUND	Accounts Payable Check	1,000.00
171885	07/29/2022	S. CARLSON'S PLUMBING, INC.	Accounts Payable Check	215.00
171886	07/29/2022	JAMES SCOOLIS	Accounts Payable Check	900.00
171887	07/29/2022	CASEY SEARS	Accounts Payable Check	144.00
171888	07/29/2022	SLO CO AUDITOR CONTROLLER	Accounts Payable Check	17,919.64
171889	07/29/2022	STANLEY CONVERGENT SECURITY	Accounts Payable Check	387.98
171890	07/29/2022	SUNLIGHT JANITORIAL, INC.	Accounts Payable Check	1,650.00
171891	07/29/2022	SKYLER E. TUCKER	Accounts Payable Check	128.00
171892	07/29/2022	TURF STAR, INC.	Accounts Payable Check	65.55
171893	07/29/2022	ULTREX LEASING	Accounts Payable Check	263.18
171894	07/29/2022	RENE VASQUEZ	Accounts Payable Check	229.00
171895	07/29/2022	VINO VICE, INC.	Accounts Payable Check	172.00
171896	07/29/2022	VITAL RECORDS CONTROL	Accounts Payable Check	184.09
171897	07/29/2022	GEORGE P. WILLIAMS	Accounts Payable Check	350.00
171898	07/29/2022	WOODS HUMANE SOCIETY	Accounts Payable Check	4,750.00
171899	07/29/2022	YOUTH EVOLUTION SOCCER	Accounts Payable Check	1,566.00
171900	07/29/2022	ZOOM IMAGING SOLUTIONS, INC.	Accounts Payable Check	986.91
				<u>\$5,934,076.02</u>



Atascadero City Council

Staff Report - City Manager

Virtual Meetings – AB 361 Requirements

RECOMMENDATION:

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

DISCUSSION:

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

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

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

continue remote teleconferencing. Circumstances have not changed since the Council's adoption of Resolution No. 2022-066.

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

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

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

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

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

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

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

FISCAL IMPACT:

None.

ATTACHMENT:

Draft Resolution

DRAFT RESOLUTION

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

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

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

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

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

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

WHEREAS, such State of Emergency remains in effect; and

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

WHEREAS, the Delta and Omicron variants are highly transmissible in indoor settings and breakthrough cases are more common; and

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of September, 2022.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk



Atascadero City Council

Staff Report – City Manager’s Office

Formation of New Positions and Reclassification of Existing Positions Throughout the City

RECOMMENDATIONS:

Council:

1. Authorize the City Manager to establish new positions, including Zoo Supervisor, Human Resources Manager, and Senior Building Inspector.
2. Authorize the City Manager to establish the new titles of Network Analyst, Lead Maintenance Worker, and Permit Technician.
3. Authorize the City Manager to reclassify employees into appropriate classifications of Deputy City Manager, Deputy Director of Public Works, Lead Maintenance Worker, Maintenance Worker II, Permit Technician, Human Resources Manager, Network Analyst, Senior Building Inspector, and Zoo Supervisor based on job duties and level of experience
4. Amend the fiscal year 2022-2023 monthly salary schedule to include new positions as follows:

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Human Resources Manager	\$ 6,582.94	\$ 6,912.09	\$ 7,257.69	\$ 7,620.57	\$ 8,001.60
Lead Maintenance Worker	\$ 4,491.33	\$ 4,715.90	\$ 4,951.70	\$ 5,199.29	\$ 5,459.25
Network Analyst	\$ 5,875.50	\$ 6,169.28	\$ 6,477.74	\$ 6,801.63	\$ 7,141.71
Permit Technician	\$ 4,175.61	\$ 4,384.39	\$ 4,603.61	\$ 4,833.79	\$ 5,075.48
Senior Building Inspector	\$ 6,635.75	\$ 6,967.54	\$ 7,315.92	\$ 7,681.72	\$ 8,065.81
Zoo Supervisor	\$ 4,603.61	\$ 4,833.79	\$ 5,075.48	\$ 5,329.25	\$ 5,595.71

5. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees.
6. Authorize the City Manager to execute a Side Letter with the Local 620 Service Employees International Union (SEIU) for the existing Memorandum of Understanding (MOU), dated July 1, 2021 through June 30, 2024, adding the title Network Analyst, Permit Technician, Zoo Supervisor, Lead Maintenance Worker, and Senior Building Inspector at the salary range shown above.

DISCUSSION:

Background:

City staff continues to look for better and more efficient ways to deliver many and varied City services in a cost-effective manner. At the core of this continual improvement are the City employees who perform these services. The City is very fortunate to have recruited and retained highly skilled and highly professional persons that keep the City running, and organizing personnel for each department is an important component of optimizing City services and functions.

As part of labor negotiations in 2021, and in large part to Measure D-20, the pay rate for each full-time position within the City was evaluated, compared to similar positions in the County and adjusted through a formula to be closer to the average pay rate for similar positions. This has helped tremendously with both recruitment and retention. What was not addressed as part of the MOUs and Agreements signed in 2021 were those positions where the current job description or title did not accurately reflect the work that needed to be (and is being) performed. This was discussed as part of the budgeting process in 2021, and a small amount was budgeted to address needed position changes once they were systematically identified.

In order to continue to retain and attract employees, in 2022, all positions in the City were analyzed to determine if the job title and/or the job description accurately reflected the position and the level of responsibility for the position. Based on that analysis, it was determined that a handful of positions needed to be adjusted.

In order to retain and attract the caliber of employee that the City depends on to provide quality services, the following adjustments are being proposed:

- Title Change Only (no change in pay)
 - Permit Technician (formerly Administrative Support Assistant)
 - Network Analyst (formerly Senior Technical Support Specialist)
 - Lead Maintenance Worker (formerly Senior Maintenance Worker)
- Reclassification of Position to Existing Title
 - Information Technology Manager reclassified to Deputy City Manager– Information Technology
 - Public Works Operations Manager (1 of 2) reclassified to Deputy Director of Public Works- Operations
 - Building Maintenance Specialist reclassified to Maintenance Worker II
- Reclassification to New Position/New Title
 - Personnel Specialist reclassified to Human Resources Manager
 - Building Inspector II reclassified to Senior Building Inspector
 - Lead Zookeeper (1 of 2) reclassified to Zoo Supervisor
 - Senior Building Maintenance Specialist reclassified to Lead Maintenance Worker (no change in compensation)

Per the City's Municipal code, the City Council must concur with any staffing adjustment proposed by the City Manager. Staff is proposing that the changes to the salary schedule and proposed reclassifications would be effective at the start of the fiscal year, July 1, 2022. The six actions proposed tonight are necessary to make these needed staffing

changes. No changes other than the above reclassifications / title changes are included in the updated labor agreements.

FISCAL IMPACT:

The creation and reclassifications of these positions is estimated to cost an estimated \$27,000 - \$70,900 per year of budgeted funds. A portion of these costs may be offset by other personnel changes that have occurred.

ALTERNATIVE:

Council may give direction to the City Manager not to make any changes to the current titles and staffing throughout the City.

ATTACHMENTS:

1. Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees
2. SEIU Side Letter to the MOU, adding the titles of Permit Technician, Senior Building Inspector, Zoo Supervisor, Lead Maintenance Worker, and Network Analyst
3. Updated 2022-2023 and 2023-2024 Citywide Full Time Salary Schedule

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, ESTABLISHING
THE COMPENSATION AND BENEFIT PLAN FOR
NON-REPRESENTED PROFESSIONAL AND MANAGEMENT
WORKERS AND CONFIDENTIAL EMPLOYEES,
EFFECTIVE JULY 1, 202~~1~~² – JUNE 30, 2024**

WHEREAS, the Government Code of the State of California prescribes a procedure for discussing and resolving matters regarding wages, hours and other terms and conditions of employment; and

WHEREAS, the City Personnel System Rules provided for a Compensation Plan; and

WHEREAS, the City desires to set forth salaries and benefits for Non-Represented Professional and Management workers and Confidential employees; and

~~**WHEREAS**, the City Council adopted Resolution 2019-074 on September 10, 2019, establishing the compensation and benefit plan for Non-Represented Professional and Management workers and Confidential employees.~~

WHEREAS, the City Council has previously adopted Resolution No. 2021-067, on September 28, 2021, establishing the compensation and benefit plan for Non-Represented Professional and Management workers and Confidential employees, and desires to amend and restate that Resolution in this Resolution, without rescinding said adoption.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero that all prior Resolutions for Non-Represented employees are repealed; and the Professional and Management workers and Confidential employees Compensation and Benefit Plan is hereby established as follows:

Positions

The following positions are included in this Resolution. The City Manager and Department Heads have individual employment agreements defining other terms and conditions of employment not described herein.

- Executive Management Positions
- Administrative Services Director
- Deputy City Manager
- City Manager
- Community Development Director
- Fire Chief
- Police Chief
- Public Works Director

Management Positions

Battalion Chief
Deputy Administrative Services Director
Deputy Community Development Director
Deputy Community Development Director/Building Official/Economic Development Director
Deputy Public Works Director
Human Resources Manager
Information Technology Manager
Police Commander
Public Works Analyst
Zoo Director

Confidential (Includes only designated positions within the classifications)

Accounting Specialist
Administrative Assistant
Finance Technician
Personnel Specialist

Salaries

This ~~three-two~~ (23) year agreement shall provide salary increases according to the following formula and schedule:

~~Year 1 Effective July 1, 2021 all employees covered under this MOU shall receive a 5.0% (five point zero percent) salary increase.~~

~~The City understands and appreciates the need to retain our quality employees and the City acknowledges that the wages paid for certain positions are below the comparable wages for other cities within the County. Because the City hopes to increase retention and attraction of professional employees, the following adjustments will be made:~~

- ~~a. The following positions will move up approximately one range and will be adjusted to fit on an established salary range. This will result in approximately a 2.3% to 2.6% (two point three percent to two point six percent) adjustment to base salary in addition to the COLA salary increase above:~~
- ~~• Accounting Specialist Confidential (to range 26)~~
 - ~~• Administrative Assistant Confidential (to range 22)~~
 - ~~• Finance Technician Confidential (to range 26)~~
 - ~~• Fire Chief (to range M60)~~
 - ~~• Police Chief (to range M60)~~
- ~~b. The following positions will move up two ranges and will be adjusted to fit on an established salary range in addition to the COLA salary increase above. This will result in an approximately a 5% (five percent) adjustment to base salary in addition to the COLA salary increase above:~~
- ~~• City Manager~~
 - ~~• Deputy Administrative Services Director (to range M46)~~
 - ~~• Deputy Community Development Director (to range M46)~~

- ~~Deputy Public Works Director (to range M46)~~

~~c. The following positions will move up three ranges and will be adjusted to fit on an established salary range in addition to the COLA salary increase above. This will result in an approximately a 7.5% (seven point five percent) adjustment to base salary in addition to the COLA salary increase above:~~

- ~~Administrative Services Director (to range M57)~~
- ~~Community Development Director (to range M57)~~
- ~~Personnel Specialist (to range 28)~~
- ~~Public Works Director (to range M57)~~

~~d. The following positions will move up three ranges and will be adjusted to fit on an established salary range in addition to the COLA salary increase above. This will result in an approximately a 9% (nine percent) adjustment to base salary in addition to the COLA salary increase above:~~

- ~~Information Technology Manager (to range M43)~~

~~e. The following position will move up four ranges (approximately a 10.0% (ten point zero percent) adjustment to existing salary) in addition to the COLA salary increase above:~~

- ~~Battalion Chief (to range M50)~~
- ~~Deputy City Manager (to range M48)~~
- ~~Police Commander (to range M50)~~

~~f. The City Manager Employment Agreement is being amended to reduce certain benefits provided to the City Manager including a reduction of City contributions to the City Manager's 457 deferred compensation account (reduced by \$1,000 per month and elimination of "last 3 year catch-up"), reduction of the automobile allowance (reduced by \$200 per month), and elimination of certain reimbursements. In addition to the COLA salary increase of 5% and the adjustment per "c" of 5%, and in consideration of these reductions in benefits, the City Manager salary will be increased by an additional \$970 per month to range M69 Step E.~~

The following monthly salaries are effective July 1, 2021:

MONTHLY SALARY
Effective July 1, 2021

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Accounting Specialist - Confidential	-5,124.28	-5,380.49	-5,649.51	-5,931.99	-6,228.59
Administrative Assistant - Confidential	-4,647.88	-4,880.27	-5,124.28	-5,380.49	-5,649.51
Administrative Services Director	11,090.08	11,644.58	12,226.81	12,838.15	13,480.06
Battalion Chief	-9,351.94	-9,819.54	10,310.52	10,826.05	11,367.35
City Manager	14,861.76	15,604.85	16,385.09	17,204.34	18,064.56
Community Development Director	11,090.08	11,644.58	12,226.81	12,838.15	13,480.06
Deputy Administrative Services Director	-8,482.49	-8,906.61	-9,351.94	-9,819.54	10,310.52
Deputy City Manager	-8,906.61	-9,351.94	-9,819.54	10,310.52	10,826.05
Deputy Community Development Director	-8,482.49	-8,906.61	-9,351.94	-9,819.54	10,310.52
Deputy Community Development -Director / Building Official / Economic- -Development Director	-9,580.03	10,059.03	10,561.98	11,090.08	11,644.58
Deputy Public Works Director	-8,482.49	-8,906.61	-9,351.94	-9,819.54	10,310.52
Finance Technician - Confidential	-4,647.88	-4,880.27	-5,124.28	-5,380.49	-5,649.51
Fire Chief	11,935.72	12,532.51	13,159.14	13,817.10	14,507.96
Information Technology Manager	-7,881.52	-8,275.59	-8,689.37	-9,123.84	-9,580.03
Personnel Specialist - Confidential	-5,380.49	-5,649.51	-5,931.99	-6,228.59	-6,540.02
Police Chief	11,935.72	12,532.51	13,159.14	13,817.10	14,507.96
Police Lieutenant	-9,351.94	-9,819.54	10,310.52	10,826.05	11,367.35
Public Works Analyst	-7,148.77	-7,506.21	-7,881.52	-8,275.60	-8,689.38
Public Works Director	11,090.08	11,644.58	12,226.81	12,838.15	13,480.06
Zoo Director	-7,148.77	-7,506.21	-7,881.52	-8,275.60	-8,689.38

Year ~~12~~- Effective July 1, 2022, all employees covered under this MOU shall receive a 4.0% (four point zero) COLA salary increase. The following monthly salaries are effective July 1, 2022:

MONTHLY SALARY
MONTHLY
Effective July 1, 2022

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Accounting Specialist- Confidential	5,329.25	5,595.71	5,875.50	6,169.28	6,477.74
Administrative Assistant- Confidential	4,833.79	5,075.48	5,329.25	5,595.71	5,875.50
Administrative Services Director	11,533.69	12,110.37	12,715.89	13,351.68	14,019.26
Battalion Chief	9,726.02	10,212.32	10,722.94	11,259.09	11,822.04
City Manager	15,456.23	16,229.04	17,040.49	17,892.51	18,787.14
Community Development Director	11,533.69	12,110.37	12,715.89	13,351.68	14,019.26
Deputy Administrative Services Director	8,821.79	9,262.88	9,726.02	10,212.32	10,722.94
Deputy City Manager	9,262.88	9,726.02	10,212.32	10,722.94	11,259.09
Deputy Community Development Director	8,821.79	9,262.88	9,726.02	10,212.32	10,722.94
Deputy Community Development Director / Building Official / Economic Development Director	9,963.24	10,461.40	10,984.47	11,533.69	12,110.37
Deputy Public Works Director	8,821.79	9,262.88	9,726.02	10,212.32	10,722.94
Finance Technician- Confidential	4,833.79	5,075.48	5,329.25	5,595.71	5,875.50
Fire Chief	12,413.14	13,033.80	13,685.49	14,369.76	15,088.25
Human Resources Manager	6,582.94	6,912.09	7,257.69	7,620.57	8,001.60
Information Technology Manager	8,196.78	8,606.62	9,036.95	9,488.80	9,963.24
Personnel Specialist- Confidential	5,595.71	5,875.50	6,169.28	6,477.74	6,801.63
Police Chief	12,413.14	13,033.80	13,685.49	14,369.76	15,088.25
Police Commander	9,726.02	10,212.32	10,722.94	11,259.09	11,822.04
Public Works Analyst	7,434.72	7,806.46	8,196.78	8,606.62	9,036.95
Public Works Director	11,533.69	12,110.37	12,715.89	13,351.68	14,019.26
Zoo Director	7,434.72	7,806.46	8,196.78	8,606.62	9,036.95

Year ~~23~~ Effective July 1, 2023, all employees covered under this MOU shall receive a 3.5% (three point five percent) COLA salary increase. The following monthly salaries are effective July 1, 2023:

MONTHLY SALARY
Effective July 1, 2023

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Accounting Specialist- Confidential	5,515.80	5,791.59	6,081.17	6,385.23	6,704.49
Administrative Assistant- Confidential	5,002.99	5,253.14	5,515.80	5,791.59	6,081.17
Administrative Services Director	11,937.38	12,534.25	13,160.96	13,819.01	14,509.96
Battalion Chief	10,066.43	10,569.75	11,098.24	11,653.15	12,235.81
City Manager	15,997.23	16,797.09	17,636.94	18,518.79	19,444.73
Community Development Director	11,937.38	12,534.25	13,160.96	13,819.01	14,509.96
Deputy Administrative Services Director	9,130.55	9,587.08	10,066.43	10,569.75	11,098.24
Deputy City Manager	9,587.08	10,066.43	10,569.75	11,098.24	11,653.15
Deputy Community Development Director	9,130.55	9,587.08	10,066.43	10,569.75	11,098.24
Deputy Community Development Director / Building Official / Economic Development Director	10,311.95	10,827.55	11,368.93	11,937.38	12,534.25
Deputy Public Works Director	9,130.55	9,587.08	10,066.43	10,569.75	11,098.24
Finance Technician- Confidential	5,002.99	5,253.14	5,515.80	5,791.59	6,081.17
Fire Chief	12,847.60	13,489.98	14,164.48	14,872.70	15,616.34
Human Resources Manager	6,813.34	7,154.01	7,511.71	7,887.30	8,281.67
Information Technology Manager	8,483.67	8,907.85	9,353.24	9,820.90	10,311.95
Personnel Specialist- Confidential	5,791.59	6,081.17	6,385.23	6,704.49	7,039.71
Police Chief	12,847.60	13,489.98	14,164.48	14,872.70	15,616.34
Police Commander	10,066.43	10,569.75	11,098.24	11,653.15	12,235.81
Public Works Analyst	7,694.94	8,079.69	8,483.67	8,907.85	9,353.24
Public Works Director	11,937.38	12,534.25	13,160.96	13,819.01	14,509.96
Zoo Director	7,694.94	8,079.69	8,483.67	8,907.85	9,353.24

Work Period

The normal work period for non-exempt employees shall be seven (7) days with a maximum non-overtime of forty (40) hours.

Overtime Rate

Overtime for non-exempt employees, shall be compensated at the rate of time and one-half the regular rate of pay. All overtime shall be recorded and paid in the following manner:

- 1 to 15 minutes, overtime compensation – ¼ hour
- 16 to 30 minutes, overtime compensation – ½ hour
- 31 to 45 minutes, overtime compensation – ¾ hour
- 46 to 60 minutes, overtime compensation – 1 hour

Overtime Hours Paid

Overtime for non-exempt employees shall be paid after forty (40) hours worked in a work period. Paid time off shall be considered time worked for overtime purposes.

Schools/Training/Conferences

Hours traveling, studying, or evening classes, etc., when a non-exempt employee is attending an out-of-town school shall be paid in accordance with all FLSA provisions.

Compensatory Time (CT)

Notwithstanding the provisions of this section, non-exempt employees may be granted CT for overtime credit computed at time and one-half at the mutual convenience of the City and the employee. Non-exempt employees may accumulate a maximum of one hundred and twenty (120) hours in their CT account.

Scheduling Compensatory Time

Requests to use CT shall be granted with due regard for operational necessity such as staffing levels.

Deferred Compensation

The City will match an eligible employee's contribution to a deferred compensation program. The match will be up to a maximum of \$1,000 annually for executive management employees and \$500 annually for management employees. All deferred compensation contributions are fully vested in the employee and shall not be available to the City.

Longevity Exclusively as Section 457 Contribution

- ~~a.~~ For those active employees that have attained 10 years of continuous full time employment, the City, consistent with sections (b) through (f) below, shall deposit funds into a separate deferred compensation plan Section 457 account for each employee ~~in the following amounts:~~
- ~~b.~~ ~~Fiscal Year 2021-2022: \$50 for each whole year of continuous full-time employment with the City~~
- ~~e.a.~~ ~~After July 1, 2022:~~ \$100 per year for each whole year of continuous full-time employment with the City
- ~~d.b.~~ Only employees who have received an overall rating of “satisfactory” or better on their last evaluation on file will be eligible for the longevity 457 contribution.
- ~~e.c.~~ Whole years of full time employment shall be determined on September 1st of each year for each active employee.
- ~~f.d.~~ Fractions of a year will be rounded down to the nearest whole year.
- ~~g.c.~~ ~~For Fiscal Year 2021-2022, deposit into the deferred compensation account shall be made in one lump sum no later than 60 days after execution of this MOU. Thereafter, D~~deposit into the deferred compensation account shall be made in one lump sum annually no later than the second pay period in September.
- ~~h.f.~~ Based on title 2 of the California Code of Regulations Section 571, the annual City deferred contribution for longevity into the separate deferred compensation plan, will not be considered special compensation, will not be reported to CalPERS as compensation and will not be considered as compensation when calculating an employee’s retirement benefits. In the event that CalPERS at some time in the future determines that the longevity Section 457 Contribution meets the definition of “Special Compensation”, both parties agree to reopen negotiations related to the financial impacts and implementation of this issue.

Health Benefits

1. Effective January 1, 202~~2~~1, for unit members who elect to have “Family” coverage, the City shall pay an amount not to exceed ~~\$2,035.57~~\$2,156.19 per month for employees electing Family coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependents. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for dependents based upon HMO plan costs.
2. Effective January 1, 202~~2~~1, for unit members who elect to have “Employee +1” coverage, the City shall pay an amount not to exceed ~~\$1,513.88~~\$1,607.23 per month for employees electing Employee +1 coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependent. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for the dependent based upon HMO plan costs.
3. Effective January 1, 202~~2~~1, for unit members who elect to have “Employee Only” coverage, the City shall pay amount not to exceed ~~\$1,076.83~~\$1,137.19 per month for employees

electing Employee Only coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee for the term of this agreement. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee based upon the HMO plan costs.

For unit members who elect to have “Employee Only” coverage, available funds remaining from the City’s contribution toward insurance coverage shall be paid to an employee hired on or before September 1, 2000 as additional compensation. This amount shall not exceed \$240.56 per month.

4. The City of Atascadero has established a Post Retirement Health Benefit for Executive Management and Council. The City agrees to reimburse the retiree for retiree and/or retiree’s dependent health (medical/dental/vision) insurance premiums, disability insurance, long-term health care or life insurance premiums in a method determined by the Administrative Services Director following retirement.

The program parameters are:

- The benefit is available upon retirement from PERS or other similar retirement program after age 50; and
- The employee must have served for 8 years with the City of Atascadero; and
- For employees hired after July 1, 2016 the employee must begin drawing retirement within 6 months of separating from the City of Atascadero; and
- The benefit extends between the date of retirement and age 65; and
- The current benefit is \$200.00 monthly.

Life Insurance

The City shall provide a term life insurance policy on each employee (Executive Management, Management, Confidential and Council) in the amount of Fifty-Thousand Dollars (\$50,000).

The City shall provide a term life insurance policy for each eligible dependent of Executive Management, Management and Confidential employees enrolled in health coverage in the amount of One Thousand Dollars (\$1,000) per dependent.

Long-Term Disability Insurance

The City shall provide a City-paid program to provide Long-Term Disability Insurance for Executive Management and Management employees.

State Disability Insurance

The City provides State Disability Insurance as a payroll deduction for each employee in the Confidential classification only. State Disability Insurance shall be integrated with sick leave with the objective of providing full compensation.

Leave

Administrative Leave

Executive Management Employees, and Management Employees will receive Administrative Leave, which will vest as of July 1 annually. Except as provided below, Administrative Leave will not be carried over or accrue from one fiscal year to the next. If an employee is unable to use his/her Administrative Leave prior to the end of the fiscal year for work related reasons beyond his/her control, said leave will be carried over into the next fiscal year for a period not to exceed three (3) months. Said time will be available to the employee for use during that period, but will not be accrued for the purpose of payoff in the event of termination. In the event an employee covered by this Agreement is employed after January 1 of the fiscal year, the employee shall be eligible for one half of their annual allotment of Administrative Leave. Employees shall receive Administrative Leave at the following annual rates:

- Executive Management shall receive 80 hours.
- Management Employees shall receive 48 hours.

Vacation Leave

- a. Employees shall receive vacation leave consistent with the Personnel System Rules.
- b. In addition to the vacation leave accrued as outlined in Section 15.2 B of the City of Atascadero Personnel System Rules, employees shall receive:
 - An additional two days of vacation annually upon completing 15 years of service for a total accrual of 22 days per year or 6.77 hours per pay period; and
 - Two more days of vacation annually upon completing 20 years of service for a total accrual of 24 days per year or 7.385 per pay period.

Holidays

The City shall recognize the following days as official City holidays:

<u>Holiday</u>	<u>Day Observed</u>
New Year's Day	January 1
Martin Luther King, Jr. Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25
"Floating" Holiday	Off As Scheduled; Accrues January 1

Each unit member employed by the City as of January 1st of each year shall be eligible for one floating holiday (8 hours). Floating holidays must have prior department approval and shall be consistent with the efficient operation of the department. The floating holiday may be used between January 1 and December 31 of each year.

Sick Leave

1. Sick leave accumulates at a rate of 3.69 hours per pay period. There is no limit to the accumulation.
2. Stay Well Bonus. Employees with 384 or more hours of accumulated sick leave shall be eligible for the Stay Well Bonus. The Stay Well Bonus will be implemented as follows:
 - a. The sick leave pay-off will occur during the twelve- (12) month period beginning the first day after the second pay period in October and ending on the last day of the second pay period in October of the following year after an employee has accumulated and maintained 384 hours of sick leave.
 - b. Once the eligibility requirements have been met, an employee may opt to receive a pay-off equal to one-third (1/3) of the unused annual allotment of sick leave. (The annual allotment is 95.94 hours).
 - c. Checks will be prepared by December 15 of each year.
3. Sick Leave Payback. When an executive management employee, a management employee or confidential employee terminates employment in good standing, after five (5) years of continuous service with the City of Atascadero in an executive management, management, or confidential position, as defined in this Resolution, he/she shall be paid one-half of his/her accumulated Sick Leave.
4. In any calendar year, up to two days (16 hours) of sick leave may be used for personal reasons without explanation. These days are not intended as vacation days and may not be used to extend vacations or holidays.

Bereavement Leave

Employees shall be granted bereavement leave pursuant to the City of Atascadero Personnel System Rules.

The City shall provide up to twenty-four (24) hours of paid bereavement leave for bereavement purposes. Bereavement purposes include (1) the death of a member of the employee's immediate family, and (2) the critical illness of a member of the employee's immediate family where death appears to be imminent. The amount of bereavement leave provided under this section is twenty four (24) hours per family member.

The employee may be required to submit proof of a relative's death or critical illness before final approval of leave is granted.

For purposes of this section, “immediate family” means: spouse or domestic partner, parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian), grandparent, grandchild, child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, aunt, uncle, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or significant other.

Twenty-four (24) hours of the paid absence shall be considered "bereavement leave", and any remaining time shall be from other paid time off available to the employee.

When an employee has exhausted the bereavement leave provided in this section, the employee may submit a request to his/her Department Head and request additional time off work. If approved, the employee must use their other accrued paid leave. The employee may elect which accrued paid leave he/she shall use during the additional leave. However, the employee may not use more than forty (40) hours of accrued sick leave for bereavement purposes. If the additional leave approved by the Department Head is longer than forty (40) hours, the employee is required to use accrued paid leave other than sick leave.

Retirement

CalPERS Non-Sworn Miscellaneous Members (as defined by CalPERS)

- a. Non-Sworn Miscellaneous Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

TIER 1

Non-sworn Miscellaneous Member employees hired on or before July 14, 2012 are provided benefits pursuant to the 2.5% @ 55 Benefit Formula (Government Code Section 21354.4), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 3.3% (three point three percent) of the Non-sworn Miscellaneous Member employee contribution of 8% (eight percent). Non-sworn Miscellaneous Member employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

TIER 2

Non-sworn Miscellaneous Member employees hired between July 14, 2012 and December 31, 2012, and Non-sworn Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 2% @ 55 Benefit Formula (G.C. Section 21354), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 2.3% (two point three percent) of the Non-sworn Miscellaneous Member employee contribution of 7% (seven percent). Non-sworn Miscellaneous Member employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

TIER 3

Pursuant to the California Public Employees’ Pension Reform Act of 2013 (PEPRA), Non-sworn Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to 2% @ 62 Benefit Formula (G.C. Section 7522.20) with Final Compensation 3 Year

(G.C. Section 20037). The Non-sworn Miscellaneous Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The City shall provide CalPERS the Post Retirement Survivor benefit for Miscellaneous Members.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

CalPERS Sworn Safety Members (as defined by CalPERS)

- a. Sworn Safety Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

TIER 1

Sworn Safety Member employees hired on or before July 14, 2012 are provided benefits pursuant to the 3% @ 50 Benefit Formula (Government Code Section 21362.2), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

TIER 2

Sworn Safety Member employees hired between July 14, 2012 and December 31, 2012, and Sworn Safety Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 3% @ 55 Benefit Formula (G.C. Section 21363.1), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Sworn Safety Member employees including hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to the 2.7% @ 57 Benefit Formula (G.C. Section 7522.25(d)) with Final Compensation 3 Year (G.C. Section 20037). The Sworn Safety Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The CalPERS retirement for Sworn Safety Members (as defined by CalPERS) includes Level Four (4) of the 1959 Survivor's Benefit. The employees shall pay the monthly cost of the benefit.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

Education Incentive Pay

Employees shall be reimbursed up to \$1,600.00 per fiscal year for books, tuition and related educational expenses for attending college or other professional training, providing the coursework is job-related, and the employee received a passing grade.

Uniform/Safety Equipment Allowance

- a. The City shall provide an annual uniform allowance of eight hundred dollars (\$800) for Police Chief and Commanders, and eight hundred fifty dollars (\$850) for the Fire Chief and Battalion Chiefs. Upon initial hire the employee will receive \$800/\$850. In the second year the amount will be prorated based upon the actual number of months employed in the prior year. When an employee separates from the City the Uniform Allowance will be prorated based upon the number of months worked in the then current fiscal year.
- b. The City will make a lump sum payment of the uniform allowance no later than the second payday in July.
- c. Uniforms damaged on duty shall be replaced as prorated by the Chiefs. Employees are required to seek reimbursement through the courts with all practical diligence.
- d. The City shall make available a bulletproof vest. Employees requesting a vest shall certify that they will wear the vest at all times, except in extreme climatic conditions. Vests shall be replaced or refurbished on an as needed basis as determined by the Chief of Police. Employees already owning a vest shall continue to use them until repair or refurbishment becomes necessary, as determined by the Chief of Police.
- e. Rain boots - The City shall comply with the requirements of CAL/OSHA as it relates to providing rain gear including rain boots.

Commitment to Fair and Reasonable Changes to the CalPERS System

The interests of the City and the employees whose positions are covered under this resolution are generally aligned: both seek fair and reasonable changes to the CalPERS system to ensure long-term sustainability of the system. Needed State-level changes acceptable to both executive management and City labor groups are most likely to be initiated by CalPERS member agencies and labor, working collaboratively.

City and the employees covered under this resolution hereby jointly commit to:

- Request state-level membership organizations (e.g., the League of California Cities, state-wide labor affiliates) to alert and engage members, to make this issue a priority, and encourage committing to a set of collaborative solutions;
- Encourage, educate, and engage peers (e.g., other cities, other labor groups) to make this issue a priority and to lend their voice to our request to state-level membership organizations;
- Jointly analyze options with an open mind as to potential solutions; and
- Other potential collaborative efforts as they arise.

PASSED AND ADOPTED at a regular meeting of the City Council held on the nd~~th~~ day of _____, 202~~21~~.

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

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Side Letter of Agreement

City of Atascadero And

Local 620 Service Employees International Union Atascadero Chapter

September XX, 2022

Pursuant to the provisions of the Meyers-Milias-Brown Act (“MMBA”), and Sections 1.4.b and 6.2 of the Memorandum of Understanding (“MOU”) between the City of Atascadero (“City”) and the Local 620 Service Employees International Union Atascadero Chapter (“Union”) effective July 1, 2021 through June 30, 2024 (“MOU”), this Side Letter of Agreement (“Side Letter Agreement”) is entered into on September 13, 2022, between the City and the Union as an amendment to the MOU. The Union and the City are collectively referred to herein as the “parties.” It is understood and agreed that the specific provisions contained in this Side Letter Agreement shall supersede any previous agreements, whether oral and written, regarding the matters contained herein. Except as provided herein, all wages, hours and other terms and conditions of employment presently enjoyed by the Union in the MOU shall remain in full force and effect.

The City and Union have met and conferred in good faith concerning the terms and conditions of this Side Letter Agreement and its implementation and agree to the following changes:

Section 1.2 Recognition:

- a. Changes to classifications that the Association is the recognized and exclusive representative for are as follows:

- ~~Administrative Support Assistant~~
- ~~Building Inspector II~~
- ~~Building Maintenance Specialist~~
- Lead Maintenance Worker
- Network Analyst
- Permit Technician
- ~~Senior Building Maintenance Specialist~~
- Senior Building Inspector
- ~~Senior Maintenance Worker~~
- ~~Senior Technical Support Specialist~~
- Zoo Supervisor

The following monthly salaries are effective July 1, 2022:

MONTHLY SALARY

Effective July 1, 2022

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk II	3,879.78	4,073.77	4,277.46	4,491.33	4,715.90
Administrative Assistant	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Administrative Support Assistant	4,175.61	4,384.39	4,603.61	4,833.79	5,075.48
Assistant Planner	5,329.25	5,595.71	5,875.50	6,169.28	6,477.74
Associate Planner	6,018.82	6,319.76	6,635.75	6,967.54	7,315.92
Building Inspector I	5,199.29	5,459.25	5,732.21	6,018.82	6,319.76
Building Inspector II	5,875.50	6,169.28	6,477.74	6,801.63	7,141.71
Building Maintenance Specialist	3,976.77	4,175.61	4,384.39	4,603.61	4,833.79
Code Enforcement Officer	5,199.29	5,459.25	5,732.21	6,018.82	6,319.76
Finance Technician	4,715.90	4,951.70	5,199.29	5,459.25	5,732.21
Inspector	4,833.79	5,075.48	5,329.25	5,595.71	5,875.50
Lead Maintenance Worker	4,491.33	4,715.90	4,951.70	5,199.29	5,459.25
Lead Zookeeper	4,384.39	4,603.61	4,833.79	5,075.48	5,329.25
Maintenance Worker I	3,519.08	3,695.03	3,879.78	4,073.77	4,277.46
Maintenance Worker II	4,073.77	4,277.46	4,491.33	4,715.90	4,951.70
Network Analyst	5,875.50	6,169.28	6,477.74	6,801.63	7,141.71
Office Assistant II	3,607.05	3,787.40	3,976.77	4,175.61	4,384.39
Office Assistant III	3,879.78	4,073.77	4,277.46	4,491.33	4,715.90
Permit Technician	4,175.61	4,384.39	4,603.61	4,833.79	5,075.48
Public Works Inspector	5,459.25	5,732.21	6,018.82	6,319.76	6,635.75
Recreation Coordinator	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Senior Building Inspector	6,635.75	6,967.54	7,315.92	7,681.72	8,065.81
Senior Building Maintenance Specialist	4,491.33	4,715.90	4,951.70	5,199.29	5,459.25
Senior Maintenance Worker	4,491.33	4,715.90	4,951.70	5,199.29	5,459.25
Senior Planner	6,967.54	7,315.92	7,681.72	8,065.81	8,469.10
Senior Technical Support Specialist	5,875.50	6,169.28	6,477.74	6,801.63	7,141.71
Systems Administrator III	6,635.75	6,967.54	7,315.92	7,681.72	8,065.81
Technical Support Specialist II	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Website and Social Media Technician	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
WWTP Operator I	4,384.39	4,603.61	4,833.79	5,075.48	5,329.25
WWTP Operator II	5,075.48	5,329.25	5,595.71	5,875.50	6,169.28
WWTP Operator in Training	3,695.03	3,879.78	4,073.77	4,277.46	4,491.33
Zoo Education Curator	3,519.08	3,695.03	3,879.78	4,073.77	4,277.46
Zoo Supervisor	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Zookeeper I	3,519.08	3,695.03	3,879.78	4,073.77	4,277.46

The following monthly salaries are effective July 1, 2023:

MONTHLY SALARY

Effective July 1, 2023

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk II	4,015.57	4,216.35	4,427.17	4,648.53	4,880.96
Administrative Assistant	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Administrative Support Assistant	4,321.77	4,537.86	4,764.75	5,002.99	5,253.14
Assistant Planner	5,515.80	5,791.59	6,081.17	6,385.23	6,704.49
Associate Planner	6,229.48	6,540.95	6,868.00	7,211.40	7,571.97
Building Inspector I	5,381.26	5,650.32	5,932.84	6,229.48	6,540.95
Building Inspector II	6,081.17	6,385.23	6,704.49	7,039.71	7,391.70
Building Maintenance Specialist	4,115.97	4,321.77	4,537.86	4,764.75	5,002.99
Code Enforcement Officer	5,381.26	5,650.32	5,932.84	6,229.48	6,540.95
Finance Technician	4,880.96	5,125.01	5,381.26	5,650.32	5,932.84
Inspector	5,002.99	5,253.14	5,515.80	5,791.59	6,081.17
Lead Maintenance Worker	4,648.53	4,880.96	5,125.01	5,381.26	5,650.32
Lead Zookeeper	4,537.86	4,764.75	5,002.99	5,253.14	5,515.80
Maintenance Worker I	3,642.24	3,824.35	4,015.57	4,216.35	4,427.17
Maintenance Worker II	4,216.35	4,427.17	4,648.53	4,880.96	5,125.01
Network Analyst	6,081.17	6,385.23	6,704.49	7,039.71	7,391.70
Office Assistant II	3,733.30	3,919.97	4,115.97	4,321.77	4,537.86
Office Assistant III	4,015.57	4,216.35	4,427.17	4,648.53	4,880.96
Permit Technician	4,321.77	4,537.86	4,764.75	5,002.99	5,253.14
Public Works Inspector	5,650.32	5,932.84	6,229.48	6,540.95	6,868.00
Recreation Coordinator	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Senior Building Inspector	6,868.00	7,211.40	7,571.97	7,950.57	8,348.10
Senior Building Maintenance Specialist	4,648.53	4,880.96	5,125.01	5,381.26	5,650.32
Senior Maintenance Worker	4,648.53	4,880.96	5,125.01	5,381.26	5,650.32
Senior Planner	7,211.40	7,571.97	7,950.57	8,348.10	8,765.51
Senior Technical Support Specialist	6,081.17	6,385.23	6,704.49	7,039.71	7,391.70
Systems Administrator III	6,868.00	7,211.40	7,571.97	7,950.57	8,348.10
Technical Support Specialist II	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Website and Social Media Technician	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
WWTP Operator I	4,537.86	4,764.75	5,002.99	5,253.14	5,515.80
WWTP Operator II	5,253.14	5,515.80	5,791.59	6,081.17	6,385.23
WWTP Operator in Training	3,824.35	4,015.57	4,216.35	4,427.17	4,648.53
Zoo Education Curator	3,642.24	3,824.35	4,015.57	4,216.35	4,427.17
Zoo Supervisor	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Zookeeper I	3,642.24	3,824.35	4,015.57	4,216.35	4,427.17

Section 4.10 Work Shoes:

Changes to classifications that the City shall contribute Two Hundred and Fifty (\$250.00) Dollars per fiscal year for the purchase of appropriate footwear to are as follows:

- ~~Building Inspector II~~
- ~~Building Maintenance Specialist~~
- ~~Senior Building Maintenance Specialist~~
- ~~Senior Maintenance Worker~~
- Lead Maintenance Worker
- Senior Building Inspector
- Zoo Supervisor

This language shall be in effect beginning **September XX, 2022.**

For the City of Atascadero:

For SEIU Local 620:

Rachelle Rickard Date
City Manager

Nicole Bryant Date

Jamie Striegel Date

MONTHLY SALARY
Approved September 13, 2022
Effective July 1, 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-4
09/13/22
3

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk II	3,879.78	4,073.77	4,277.46	4,491.33	4,715.90
Accounting Specialist- Confidential	5,329.25	5,595.71	5,875.50	6,169.28	6,477.74
Administrative Assistant	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Administrative Assistant- Confidential	4,833.79	5,075.48	5,329.25	5,595.71	5,875.50
Administrative Services Director	11,533.69	12,110.37	12,715.89	13,351.68	14,019.26
Assistant Planner	5,329.25	5,595.71	5,875.50	6,169.28	6,477.74
Associate Civil Engineer - Registered Engineer	7,681.72	8,065.81	8,469.10	8,892.56	9,337.19
Associate Civil Engineer/ Storm Water Manager	6,967.54	7,315.92	7,681.72	8,065.81	8,469.10
Associate Planner	6,018.82	6,319.76	6,635.75	6,967.54	7,315.92
Battalion Chief	9,726.02	10,212.32	10,722.94	11,259.09	11,822.04
Building Inspector I	5,199.29	5,459.25	5,732.21	6,018.82	6,319.76
Building Permit Technician	4,175.61	4,384.39	4,603.61	4,833.79	5,075.48
City Manager	15,456.23	16,229.04	17,040.49	17,892.51	18,787.14
Code Enforcement Officer	5,199.29	5,459.25	5,732.21	6,018.82	6,319.76
Community Development Director	11,533.69	12,110.37	12,715.89	13,351.68	14,019.26
Community Services Officer	4,186.70	4,396.04	4,615.84	4,846.63	5,088.96
Deputy Administrative Services	8,821.79	9,262.88	9,726.02	10,212.32	10,722.94
Deputy City Manager	9,262.88	9,726.02	10,212.32	10,722.94	11,259.09
Deputy Community Development Director / Building Official / Economic Development Director	9,963.24	10,461.40	10,984.47	11,533.69	12,110.37
Deputy Community Development Director	8,821.79	9,262.88	9,726.02	10,212.32	10,722.94
Deputy Public Works Director	8,821.79	9,262.88	9,726.02	10,212.32	10,722.94
Finance Technician	4,715.90	4,951.70	5,199.29	5,459.25	5,732.21
Finance Technician- Confidential	4,833.79	5,075.48	5,329.25	5,595.71	5,875.50
Fire Captain	7,675.30	8,059.07	8,462.02	8,885.12	9,329.38
Fire Captain Specialist I	7,752.05	8,139.65	8,546.63	8,973.96	9,422.66
Fire Captain Specialist II	7,828.81	8,220.25	8,631.26	9,062.82	9,515.96
Fire Captain/ Paramedic	8,442.83	8,864.97	9,308.22	9,773.63	10,262.31
Fire Captain/ Paramedic/ Specialist I	8,519.58	8,945.56	9,392.84	9,862.48	10,355.60
Fire Captain/ Paramedic/ Specialist II	8,596.34	9,026.16	9,477.47	9,951.34	10,448.91
Fire Chief	12,413.14	13,033.80	13,685.49	14,369.76	15,088.25
Fire Engineer	6,472.36	6,795.98	7,135.78	7,492.57	7,867.20
Fire Engineer Specialist I	6,537.08	6,863.93	7,207.13	7,567.49	7,945.86
Fire Engineer Specialist II	6,601.81	6,931.90	7,278.50	7,642.43	8,024.55
Fire Engineer/ OIC/ Specialist I	6,666.53	6,999.86	7,349.85	7,717.34	8,103.21
Fire Engineer/ OIC/ Specialist II	6,731.25	7,067.81	7,421.20	7,792.26	8,181.87
Fire Engineer/ Paramedic	7,119.60	7,475.58	7,849.36	8,241.83	8,653.92
Fire Engineer/ Paramedic/ Specialist I	7,184.32	7,543.54	7,920.72	8,316.76	8,732.60
Fire Engineer/ Paramedic/ OIC / Specialist II	7,249.04	7,611.49	7,992.06	8,391.66	8,811.24
Fire Engineer/ Paramedic/ OIC	7,249.04	7,611.49	7,992.06	8,391.66	8,811.24
Fire Engineer/ OIC	6,601.81	6,931.90	7,278.50	7,642.43	8,024.55
Fire Engineer/ Paramedic/ Specialist II	7,249.04	7,611.49	7,992.06	8,391.66	8,811.24

MONTHLY SALARY
Approved September 13, 2022
Effective July 1, 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-4
09/13/22
3

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Fire Engineer/ Paramedic/ OIC/ Specialist I	7,313.77	7,679.46	8,063.43	8,466.60	8,889.93
Firefighter	6,013.80	6,314.49	6,630.21	6,961.72	7,309.81
Firefighter / FEO/ Specialist I	6,194.21	6,503.92	6,829.12	7,170.58	7,529.11
Firefighter Specialist I	6,073.94	6,377.64	6,696.52	7,031.35	7,382.92
Firefighter Specialist II	6,134.08	6,440.78	6,762.82	7,100.96	7,456.01
Firefighter/ FEO	6,134.08	6,440.78	6,762.82	7,100.96	7,456.01
Firefighter/ FEO/ Specialist II	6,254.35	6,567.07	6,895.42	7,240.19	7,602.20
Firefighter/ Paramedic	6,615.18	6,945.94	7,293.24	7,657.90	8,040.80
Firefighter/ Paramedic/ FEO/ Specialist I	6,795.59	7,135.37	7,492.14	7,866.75	8,260.09
Firefighter/ Paramedic/ FEO/ Specialist II	6,855.73	7,198.52	7,558.45	7,936.37	8,333.19
Firefighter/ Paramedic/ Specialist I	6,675.32	7,009.09	7,359.54	7,727.52	8,113.90
Firefighter/ Paramedic/ Specialist II	6,735.46	7,072.23	7,425.84	7,797.13	8,186.99
Firefighter/ Paramedic/ FEO	6,735.46	7,072.23	7,425.84	7,797.13	8,186.99
Human Resources Manager	6,582.94	6,912.09	7,257.69	7,620.57	8,001.60
Inspector	4,833.79	5,075.48	5,329.25	5,595.71	5,875.50
Lead Maintenance Worker	4,491.33	4,715.90	4,951.70	5,199.29	5,459.25
Lead Zookeeper	4,384.39	4,603.61	4,833.79	5,075.48	5,329.25
Maintenance Worker I	3,519.08	3,695.03	3,879.78	4,073.77	4,277.46
Maintenance Worker II	4,073.77	4,277.46	4,491.33	4,715.90	4,951.70
Network Analyst	5,875.50	6,169.28	6,477.74	6,801.63	7,141.71
Office Assistant II	3,607.05	3,787.40	3,976.77	4,175.61	4,384.39
Office Assistant III	3,879.78	4,073.77	4,277.46	4,491.33	4,715.90
Police Chief	12,413.14	13,033.80	13,685.49	14,369.76	15,088.25
Police Corporal	7,194.76	7,554.50	7,932.23	8,328.84	8,745.28
Police Corporal - Intermediate POST	7,374.63	7,743.36	8,130.53	8,537.06	8,963.91
Police Corporal- Advanced POST	7,554.50	7,932.23	8,328.84	8,745.28	9,182.54
Police Lead Records Technician	5,216.19	5,477.00	5,750.85	6,038.39	6,340.31
Police Level 3 Reserve Officer	6,525.86	6,852.15	n/a	n/a	n/a
Police Commander	9,726.02	10,212.32	10,722.94	11,259.09	11,822.04
Police Officer	6,525.86	6,852.15	7,194.76	7,554.50	7,932.23
Police Officer - Advanced POST	6,852.15	7,194.76	7,554.50	7,932.23	8,328.84
Police Officer - Intermediate POST	6,689.01	7,023.46	7,374.63	7,743.36	8,130.53
Police Officer Recruit	5,088.96	n/a	n/a	n/a	n/a
Police Sergeant	8,360.37	8,778.39	9,217.31	9,678.18	10,162.09
Police Sergeant - Advanced POST	8,569.38	8,997.85	9,447.74	9,920.13	10,416.14
Police Sergeant - Supervisory POST	8,778.39	9,217.31	9,678.18	10,162.09	10,670.19
Public Safety Dispatcher	5,088.96	5,343.41	5,610.58	5,891.11	6,185.67
Public Safety Dispatcher - EMD	5,138.96	5,395.91	5,665.71	5,949.00	6,246.45
Public Safety Dispatcher - EMD w/Longevity	5,393.41	5,663.08	5,946.24	6,243.56	6,555.73
Public Safety Dispatcher w/ Longevity	5,343.41	5,610.58	5,891.11	6,185.67	6,494.95
Public Safety Lead Dispatcher	5,610.58	5,891.11	6,185.67	6,494.95	6,819.70
Public Safety Lead Dispatcher - EMD	5,660.58	5,943.61	6,240.80	6,552.84	6,880.48
Public Safety Lead Dispatcher - EMD w/ Longevity	5,941.11	6,238.17	6,550.08	6,877.59	7,221.47

MONTHLY SALARY
Approved September 13, 2022
Effective July 1, 2022

ITEM NUMBER:
DATE:
ATTACHMENT:

A-4
09/13/22
3

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Public Safety Lead Dispatcher w/ Longevity	5,891.11	6,185.67	6,494.95	6,819.70	7,160.69
Public Works Analyst	7,434.72	7,806.46	8,196.78	8,606.62	9,036.95
Public Works Director	11,533.69	12,110.37	12,715.89	13,351.68	14,019.26
Public Works Inspector	5,459.25	5,732.21	6,018.82	6,319.76	6,635.75
Public Works Operations Manager	7,141.65	7,498.73	7,873.67	8,267.35	8,680.72
Recreation Coordinator	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Recreation Supervisor	5,595.71	5,875.50	6,169.28	6,477.74	6,801.63
Senior Building Inspector	6,635.75	6,967.54	7,315.92	7,681.72	8,065.81
Senior Planner	6,967.54	7,315.92	7,681.72	8,065.81	8,469.10
Senior Property Evidence Specialist w/ Longevity	7,160.69	7,518.72	7,894.66	8,289.39	8,703.86
Senior Property Evidence Specialist	6,819.70	7,160.69	7,518.72	7,894.66	8,289.39
Senior Property Evidence Specialist - EMD	6,869.70	7,213.19	7,573.85	7,952.55	8,350.17
Senior Property Evidence Specialist - EMD w/ Longevity	7,210.69	7,571.22	7,949.79	8,347.28	8,764.64
Systems Administrator III	6,635.75	6,967.54	7,315.92	7,681.72	8,065.81
Technical Support Specialist II	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Website and Social Media	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
WWTP Operator I	4,384.39	4,603.61	4,833.79	5,075.48	5,329.25
WWTP Operator II	5,075.48	5,329.25	5,595.71	5,875.50	6,169.28
WWTP Operator in Training	3,695.03	3,879.78	4,073.77	4,277.46	4,491.33
Zoo Director	7,434.72	7,806.46	8,196.78	8,606.62	9,036.95
Zoo Education Curator	3,519.08	3,695.03	3,879.78	4,073.77	4,277.46
Zoo Supervisor	4,603.61	4,833.79	5,075.48	5,329.25	5,595.71
Zookeeper I	3,519.08	3,695.03	3,879.78	4,073.77	4,277.46

MONTHLY SALARY
Approved September 13, 2022
Effective July 1, 2023

ITEM NUMBER:
DATE:
ATTACHMENT:

A-4
09/13/22
3

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk II	4,015.57	4,216.35	4,427.17	4,648.53	4,880.96
Accounting Specialist- Confidential	5,515.80	5,791.59	6,081.17	6,385.23	6,704.49
Administrative Assistant	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Administrative Assistant- Confidential	5,002.99	5,253.14	5,515.80	5,791.59	6,081.17
Administrative Services Director	11,937.38	12,534.25	13,160.96	13,819.01	14,509.96
Assistant Planner	5,515.80	5,791.59	6,081.17	6,385.23	6,704.49
Associate Civil Engineer - Registered Engineer	7,950.57	8,348.10	8,765.51	9,203.79	9,663.98
Associate Civil Engineer/ Storm Water Manager	7,211.40	7,571.97	7,950.57	8,348.10	8,765.51
Associate Planner	6,229.48	6,540.95	6,868.00	7,211.40	7,571.97
Battalion Chief	10,066.43	10,569.75	11,098.24	11,653.15	12,235.81
Building Inspector I	5,381.26	5,650.32	5,932.84	6,229.48	6,540.95
Building Permit Technician	4,321.77	4,537.86	4,764.75	5,002.99	5,253.14
City Manager	15,997.23	16,797.09	17,636.94	18,518.79	19,444.73
Code Enforcement Officer	5,381.26	5,650.32	5,932.84	6,229.48	6,540.95
Community Development Director	11,937.38	12,534.25	13,160.96	13,819.01	14,509.96
Community Services Officer	4,396.04	4,615.84	4,846.63	5,088.96	5,343.41
Deputy Administrative Services	9,130.55	9,587.08	10,066.43	10,569.75	11,098.24
Deputy City Manager	9,587.08	10,066.43	10,569.75	11,098.24	11,653.15
Deputy Community Development Director / Building Official / Economic Development Director	10,311.95	10,827.55	11,368.93	11,937.38	12,534.25
Deputy Community Development Director	9,130.55	9,587.08	10,066.43	10,569.75	11,098.24
Deputy Public Works Director	9,130.55	9,587.08	10,066.43	10,569.75	11,098.24
Finance Technician	4,880.96	5,125.01	5,381.26	5,650.32	5,932.84
Finance Technician- Confidential	5,002.99	5,253.14	5,515.80	5,791.59	6,081.17
Fire Captain	7,943.92	8,341.12	8,758.18	9,196.09	9,655.89
Fire Captain Specialist I	8,023.36	8,424.53	8,845.76	9,288.05	9,752.45
Fire Captain Specialist II	8,102.80	8,507.94	8,933.34	9,380.01	9,849.01
Fire Captain/ Paramedic	8,738.31	9,175.23	9,633.99	10,115.69	10,621.47
Fire Captain/ Paramedic/ Specialist I	8,817.75	9,258.64	9,721.57	10,207.65	10,718.03
Fire Captain/ Paramedic/ Specialist II	8,897.19	9,342.05	9,809.15	10,299.61	10,814.59
Fire Chief	12,847.60	13,489.98	14,164.48	14,872.70	15,616.34
Fire Engineer	6,698.88	7,033.82	7,385.51	7,754.79	8,142.53
Fire Engineer Specialist I	6,765.87	7,104.16	7,459.37	7,832.34	8,223.96
Fire Engineer Specialist II	6,832.86	7,174.50	7,533.23	7,909.89	8,305.38
Fire Engineer/ OIC/ Specialist I	6,899.85	7,244.84	7,607.08	7,987.43	8,386.80
Fire Engineer/ OIC/ Specialist II	6,966.84	7,315.18	7,680.94	8,064.99	8,468.24
Fire Engineer/ Paramedic	7,368.77	7,737.21	8,124.07	8,530.27	8,956.78
Fire Engineer/ Paramedic/ Specialist I	7,435.76	7,807.55	8,197.93	8,607.83	9,038.22
Fire Engineer/ Paramedic/ OIC / Specialist II	7,502.75	7,877.89	8,271.78	8,685.37	9,119.64
Fire Engineer/ Paramedic/ OIC	7,502.75	7,877.89	8,271.78	8,685.37	9,119.64
Fire Engineer/ OIC	6,832.86	7,174.50	7,533.23	7,909.89	8,305.38
Fire Engineer/ Paramedic/ Specialist II	7,502.75	7,877.89	8,271.78	8,685.37	9,119.64

MONTHLY SALARY
Approved September 13, 2022
Effective July 1, 2023

ITEM NUMBER:
DATE:
ATTACHMENT:

A-4
09/13/22
3

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Fire Engineer/ Paramedic/ OIC/ Specialist I	7,569.73	7,948.22	8,345.63	8,762.91	9,201.06
Firefighter	6,224.28	6,535.49	6,862.26	7,205.37	7,565.64
Firefighter / FEO/ Specialist I	6,286.52	6,600.85	6,930.89	7,277.43	7,641.30
Firefighter Specialist I	6,286.52	6,600.85	6,930.89	7,277.43	7,641.30
Firefighter Specialist II	6,348.77	6,666.21	6,999.52	7,349.50	7,716.98
Firefighter/ FEO	6,348.77	6,666.21	6,999.52	7,349.50	7,716.98
Firefighter/ FEO/ Specialist II	6,473.25	6,796.91	7,136.76	7,493.60	7,868.28
Firefighter/ Paramedic	6,846.71	7,189.05	7,548.50	7,925.93	8,322.23
Firefighter/ Paramedic/ FEO/ Specialist I	7,033.44	7,385.11	7,754.37	8,142.09	8,549.19
Firefighter/ Paramedic/ FEO/ Specialist II	7,095.68	7,450.46	7,822.98	8,214.13	8,624.84
Firefighter/ Paramedic/ Specialist I	6,908.95	7,254.40	7,617.12	7,997.98	8,397.88
Firefighter/ Paramedic/ Specialist II	6,971.19	7,319.75	7,685.74	8,070.03	8,473.53
Firefighter/ Paramedic/ FEO	6,971.19	7,319.75	7,685.74	8,070.03	8,473.53
Human Resources Manager	6,813.34	7,154.01	7,511.71	7,887.30	8,281.67
Inspector	5,002.99	5,253.14	5,515.80	5,791.59	6,081.17
Lead Maintenance Worker	4,648.53	4,880.96	5,125.01	5,381.26	5,650.32
Lead Zookeeper	4,537.86	4,764.75	5,002.99	5,253.14	5,515.80
Maintenance Worker I	3,642.24	3,824.35	4,015.57	4,216.35	4,427.17
Maintenance Worker II	4,216.35	4,427.17	4,648.53	4,880.96	5,125.01
Network Analyst	6,081.17	6,385.23	6,704.49	7,039.71	7,391.70
Office Assistant II	3,733.30	3,919.97	4,115.97	4,321.77	4,537.86
Office Assistant III	4,015.57	4,216.35	4,427.17	4,648.53	4,880.96
Police Chief	12,847.60	13,489.98	14,164.48	14,872.70	15,616.34
Police Corporal	7,554.50	7,932.22	8,328.83	8,745.27	9,182.53
Police Corporal - Intermediate POST	7,743.36	8,130.53	8,537.06	8,963.91	9,412.11
Police Corporal- Advanced POST	7,932.22	8,328.83	8,745.27	9,182.53	9,641.66
Police Lead Records Technician	5,477.00	5,750.85	6,038.39	6,340.31	6,657.33
Police Level 3 Reserve Officer	6,852.15	7,194.76	n/a	n/a	n/a
Police Commander	10,066.43	10,569.75	11,098.24	11,653.15	12,235.81
Police Officer	6,852.15	7,194.76	7,554.50	7,932.23	8,328.84
Police Officer - Advanced POST	7,194.76	7,554.50	7,932.23	8,328.84	8,745.28
Police Officer - Intermediate POST	7,023.45	7,374.62	7,743.35	8,130.52	8,537.05
Police Officer Recruit	5,343.41	n/a	n/a	n/a	n/a
Police Sergeant	8,778.39	9,217.31	9,678.18	10,162.09	10,670.19
Police Sergeant - Advanced POST	8,997.85	9,447.74	9,920.13	10,416.14	10,936.95
Police Sergeant - Supervisory POST	9,217.31	9,678.18	10,162.09	10,670.19	11,203.70
Public Safety Dispatcher	5,343.41	5,610.58	5,891.11	6,185.67	6,494.95
Public Safety Dispatcher - EMD	5,393.41	5,663.08	5,946.24	6,243.56	6,555.73
Public Safety Dispatcher - EMD w/Longevity	5,660.58	5,943.61	6,240.80	6,552.84	6,880.48
Public Safety Dispatcher w/ Longevity	5,610.58	5,891.11	6,185.67	6,494.95	6,819.70
Public Safety Lead Dispatcher	5,891.11	6,185.67	6,494.95	6,819.70	7,160.69
Public Safety Lead Dispatcher - EMD	5,941.11	6,238.17	6,550.08	6,877.59	7,221.47
Public Safety Lead Dispatcher - EMD w/ Longevity	6,235.67	6,547.45	6,874.83	7,218.58	7,579.50

MONTHLY SALARY
Approved September 13, 2022
Effective July 1, 2023

ITEM NUMBER: A-4
DATE: 09/13/22
ATTACHMENT: 3

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Public Safety Lead Dispatcher w/ Longevity	6,185.67	6,494.95	6,819.70	7,160.69	7,518.72
Public Works Analyst	7,694.94	8,079.69	8,483.67	8,907.85	9,353.24
Public Works Director	11,937.38	12,534.25	13,160.96	13,819.01	14,509.96
Public Works Inspector	5,650.32	5,932.84	6,229.48	6,540.95	6,868.00
Public Works Operations Manager	7,391.61	7,761.19	8,149.25	8,556.71	8,984.55
Recreation Coordinator	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Recreation Supervisor	5,791.59	6,081.17	6,385.23	6,704.49	7,039.71
Senior Building Inspector	6,868.00	7,211.40	7,571.97	7,950.57	8,348.10
Senior Planner	7,211.40	7,571.97	7,950.57	8,348.10	8,765.51
Senior Property Evidence Specialist w/ Longevity	7,518.72	7,894.66	8,289.39	8,703.86	9,139.05
Senior Property Evidence Specialist	7,160.69	7,518.72	7,894.66	8,289.39	8,703.86
Senior Property Evidence Specialist - EMD	7,210.69	7,571.22	7,949.79	8,347.28	8,764.64
Senior Property Evidence Specialist - EMD w/ Longevity	7,568.72	7,947.16	8,344.52	8,761.75	9,199.83
Systems Administrator III	6,868.00	7,211.40	7,571.97	7,950.57	8,348.10
Technical Support Specialist II	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Website and Social Media	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
WWTP Operator I	4,537.86	4,764.75	5,002.99	5,253.14	5,515.80
WWTP Operator II	5,253.14	5,515.80	5,791.59	6,081.17	6,385.23
WWTP Operator in Training	3,824.35	4,015.57	4,216.35	4,427.17	4,648.53
Zoo Director	7,694.94	8,079.69	8,483.67	8,907.85	9,353.24
Zoo Education Curator	3,642.24	3,824.35	4,015.57	4,216.35	4,427.17
Zoo Supervisor	4,764.75	5,002.99	5,253.14	5,515.80	5,791.59
Zookeeper I	3,642.24	3,824.35	4,015.57	4,216.35	4,427.17



Atascadero City Council

Staff Report – Public Works Department

2023 Measure F-14 Pavement Rehabilitation Project Design Engineering Services Contract

RECOMMENDATION:

Council award a professional services agreement with Wallace Group for \$238,021 to provide design engineering and prepare bidding documents for the 2023 Measure F-14 Pavement Rehabilitation Project (Project No. C2022R01).

DISCUSSION:

Sales Tax Measure F-14 was approved by voters in November 2014 to fund the repair, maintenance, and rehabilitation of City-maintained local roadways with a one-half cent sales tax over twelve years. A list of projects to be funded with Measure F-14 revenue is developed for the Five-Year Capital Improvement Plan (CIP) with each budget cycle by employing Critical Point Management technique with the City’s Pavement Management Program. The following roadway segments were selected by this process and included with the 2023 Measure F-14 Pavement Rehabilitation Project (Project) - a map showing these segments is also attached for reference.

Road Segments in 2023 Measure F-14 Pavement Rehabilitation Project

Road Segment	From	To	Length (ft)	Area (sf)	2019 PCI
Cabrillo Ave	Ensenada Ave	Capistrano Ave	1,695	38,985	38
Capistrano Ave	West Mall	Lewis Ave	1,720	53,290	48
Dolores Ave	San Anselmo Rd	San Jacinto Ave	2,700	56,700	23
Ensenada Ave	Capistrano Ave	North End	1,670	35,050	14
Ensenada Ave	Capistrano Ave	Via Ave	540	11,340	33
Magdalena Ave	Mercedes Ave	End	1,175	22,325	29
Magnolia Ave	Capistrano Ave	End	1,400	29,400	20
Mercedes Ave	Capistrano Ave	Highway 41	835	19,205	50
Navidad Ave	El Verano Ave	San Jacinto	1,300	27,300	18
Palma Ave	Traffic Way	Rosario Ave	880	17,600	37
San Ardo Ave	Arena Ave	Dolores Ave	1,240	24,800	20
Sycamore Rd	Miramonte Ave	Capistrano Ave	475	11,875	43
Valentina Ave	Dolores Ave	Alamo Ave	1,080	21,600	31
Via Ave	Traffic Way	Ensenada Ave	590	24,190	45

Total 17,300 393,600
3.28 miles

The City hired Earth Systems Pacific (ESP) to perform pavement deflection testing, coring and rehabilitation recommendations for the Project's roadway segments. A report summarizing the testing and providing recommendations was included in a Request for Proposals (RFP) to qualified engineering consulting firms to provide design services, including preparation of construction plans, specifications, and cost estimates.

The ESP report provided multiple options for roadway rehabilitation, based upon an assessment of the existing roadway condition and structural sufficiency. Several roadways on the Project have failed conditions and are structurally insufficient, which requires full reconstruction. For roadways determined to be structurally sufficient, selection of treatment type is based upon existing pavement conditions, subgrade soils and traffic loading. This information was included in the RFP and the selected consultant will provide recommendations for pavement treatments for each section and provide a life-cycle cost analysis during the final design phase.

Staff issued the RFP for the Project in July 2022 with a work scope that includes topographic survey services, survey monument research, pavement engineering analysis, preparing construction plans, specifications, cost estimates (PS&E), and providing engineering assistance during the bid process. Additionally, stormwater runoff and drainage analysis will be performed to remedy current issues, to ensure positive drainage on the pavement surface and proper conveyance. Finally, federal law requires that existing curb ramp facilities be upgraded to comply with ADA requirements when the adjacent roadway has substantial work completed.

Two proposals were received from Rick Engineering Company (Rick) and Wallace Group (Wallace). Both consultants have extensive experience with similar projects, including prior Measure F-14 projects, and both are currently working on other roadway projects within the downtown core. The proposals were individually reviewed and scored by a technical selection committee according to experience with similar projects, responsiveness to City needs, experience of key personnel and other factors. Similar to previous roadway RFP's during the last several years, the committee was particularly interested in the ability of the consultants to deliver the work scope on a time schedule that avoids construction during winter weather months. Both proposals were excellent and after evaluating all criteria and fees, the committee agreed that Wallace submitted the best overall proposal in the interest of the Project and best value to the City.

Wallace provided a detailed fee estimate worksheet with their proposal that included labor hours/costs, reimbursable expenses, and subconsultant fees for the work scope identified in the RFP. Staff reviewed and discussed the fee estimate worksheet and proposal work scope with Wallace, and reached consensus to modify Wallace's work scope and fee to address specific Project work items. These modifications will best address the needs of the Project and allowed Wallace to reduce their fee by approximately \$40,000 to \$238,021. If awarded, the basis of compensation will be actual labor hours worked plus reimbursable expenses and subconsultant fees.

Design work is anticipated to take approximately six months to complete. Staff anticipates a public bid around March 2023 with construction occurring in the May and November 2023 timeframe.

FISCAL IMPACT:

This project is included in the adopted FY 2021-2023 budget that includes \$2,800,000 in Measure F-14 funding.

ESTIMATED EXPENDITURES	
Other Pre-Construction Activities (deflection testing, coring, recommendations, bid costs, and staff time)	\$ 51,980
Engineering Design, Topographic Survey	238,020
Construction Contract	1,950,000
Coordination, Inspection and Support @ 9%	170,000
Construction Contingency @ 20%	390,000
Total Estimated Expenditures:	\$ 2,800,000

BUDGETED FUNDING	
Sales Tax Measure F-14 Fund- 2023 Pavement Rehabilitation Project	\$ 2,800,000
Total Estimated Funding Sources	\$ 2,800,000

Projected Net Project Surplus / (Shortfall)	\$ -
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ALTERNATIVES:

Council may direct staff to resolicit for design engineering services for the project, but staff does not recommend this alternative since the top proposals received were highly qualified and were very competitive.

ATTACHMENT:

2023 Measure F-14 Project Street Locations

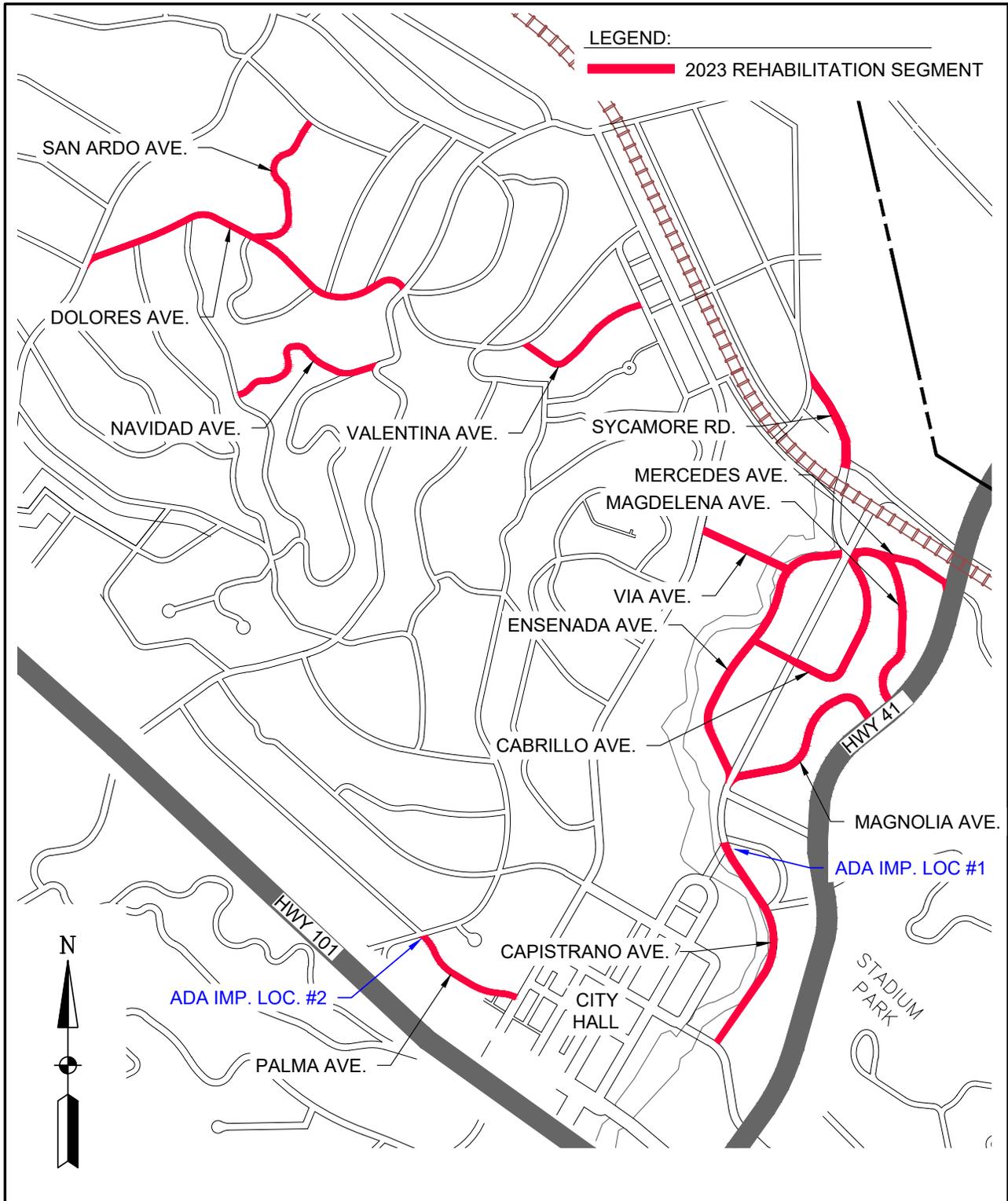


EXHIBIT
 F-14 2023 PMP PROJECT
 STREET LOCATIONS

DRAWN BY:	R. HAYES
DATE:	7/5/2022
SCALE:	1"=1000'
PAGE NO:	1 OF 1



Atascadero City Council

Staff Report – Community Development Department

Accessory Dwelling Unit Text Amendments (AMC Title 9)

RECOMMENDATION:

Planning Commission recommends City Council:

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

DISCUSSION:

Background

The State adopted revisions to the Government code section governing Accessory Dwelling Units that went into effect January 2020. Based on the revised State law, portions of the City's municipal code that conflict with State Law are currently invalid. The proposed updates will repeal and replace Title 9, Chapter 5, of the Atascadero Municipal Code, regulating Accessory and Junior Accessory Dwelling Units (ADUs and JADUs) to provide consistency with State law while addressing local health and safety concerns.

Multiple amendments to the Atascadero Municipal Code are concurrently proposed to align local standards with State law and create consistency throughout the code relative to development standards and terminology. Proposed amendments and additions are proposed to Chapters 3, 4, and 9 of Title 9 to update definitions for consistency with amended standards.

The recommended adoption separates these actions into separate actions as the City is required to submit final ADU ordinances to HCD for review and comment but is not required to submit sections governing implementation of updates needed for consistency nor is the City required to submit changes to HCD related to SB9. Some Title 9 updates

are intended to provide consistency with both Accessory and Urban Dwelling Units where there is overlap.

The Planning Commission (PC) reviewed the proposed amendments on August 2, 2022 and recommended the City Council adopt the code amendments as recommended by staff with the exception of a suggested change to the minimum lot size for proposed ADUs on lots that are not served by City Sewer. The PC voted to encourage additional lot size flexibility by suggesting a reduction to the minimum lot size to ½ acre for new ADUs when it can be demonstrated that surrounding lots within ¼ mile average one acre or larger. Staff's recommendation to PC was to consider only allowing such flexibility for sites that are at least ¾ acres in size. Reducing the lot size further will result in the potential to give property owners false hope in developing an ADU on a site that is not served by sewer. While the criteria for nitrogen loading would remain the same to ensure avoidance of regional impacts, reducing the possible lot size may be a costly exercise that still results in an alternative pre-treatment system to meet all health and safety criteria. Staff suggests maintaining the previous recommendation of allowing flexibility for 3/4-acre sites for the development of additional units on a site not served by City Sewer.

Analysis

In 2020, the City adopted its 2021-2028 Housing Element which identified implementation programs requiring the City update the ADU ordinance consistent with state law changes. The Housing Element identified ADUs as a component in helping to meet the City's moderate- and low-income RHNA requirements. A portion of all new ADUs and JADUs will count towards the City's affordable housing stock and can be utilized for calculating our annual Regional Housing Needs Allocation (RHNA) since these units are "affordable by design".

Some basics about these units:

- An ADU is defined as an attached or detached accessory dwelling unit that shares a property with a primary unit.
- A JADU is defined as a unit solely converted from existing residential space within an existing or proposed primary unit and is limited in size to 500 square-feet.
- A single site may have an ADU and a JADU if it can meet development standards.
- ADUs are allowed in conjunction with any legal primary dwelling unit, whether the unit is part of a mixed-use project, an apartment project, planned development, condominium, or standard single-family dwelling. However, ADUs have additional limitations within multi-family or mixed-use sites.

Some of the more significant changes to State law include:

1. The introduction of Junior ADUs.
2. Prohibits the City from limiting ADUs based on minimum lot size (health and safety concerns that lead to a minimum lot size are permitted).
3. Clarifies that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety.
4. Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020 and January 1, 2025 (Maintains owner-occupancy for JADUs).

5. Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. Sets maximum size limit to 1,200 square feet.
6. Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement off-street parking spaces cannot be required by the local agency.
7. Reduces the maximum ADU and JADU application review time from 120 days to 60 days.
8. Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 749 square feet are exempt from impact fees. ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit.
9. Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs.
10. Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them.
11. Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence.
12. Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency.
13. Provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable.
14. Requires cities to prohibit the use of new (constructed after January 1, 2020) ADUs and JADUs as vacation rentals.

On September 28, 2021, staff brought this topic before the City Council for direction prior to preparing a final ordinance. The Council directed staff to analyze the following standards for inclusion in the updated ordinance:

- Consider the maximum size of an allowed ADU to be 1,000 square-feet but consider an option to allow for larger ADUs on larger single-family properties with appropriate setbacks and design standards.
- Limit the construction of detached ADUs on properties less than 1 acre gross if served by an on-site wastewater system (septic). In addition, explore parameters for exceptions if a smaller parcel is surrounded by larger parcels.
- Limit ADU construction on sites in the City's WUI zone that do not meet fire standards for secondary road access.
- Provide standards for ADUs in planned developments and multi-family and mixed-use zones.

Because septic suitability and fire access are related to public health and safety, specific findings have been included in Draft Ordinance A as required by State law.

Proposed ADU/JADU Objective Standards

Local agencies may adopt design standards that include, but are not limited to, parking, height, setbacks, landscaping, architecture, unit size, and integration with historic resources. However, these standards must not preclude the ministerial review of an ADU. The following discussion provides “objective” design standards that will be incorporated into the City code for ADUs and JADUs.

Unit Size:

ADUs and JADUs are intended to increase housing options and affordability by providing units that are considered to be affordable-by-design and easy to construct. Therefore, maintaining size limits for ADUs within the scope of state law becomes necessary to meet these goals.

State law allows for Cities to establish standards that allow for ADUs with a floor area up to 1,200 square-feet. However, the City has discretion to require smaller units provided that standards allow at least an 850 square-foot unit for a one bedroom or studio unit, or 1,000 square-feet if the unit has 2 or more bedrooms. The City’s current code allows up to 1,200 square-feet for an ADU regardless of zoning district or property size. In September 2021, City Council directed staff to update the ADU ordinance to include a maximum unit size of 1,000 square-feet and provide allowances for the full 1,200 square-feet on larger single-family properties, if they can meet certain criteria, such as larger setbacks. The recommendation adopted by Planning Commission allowed for an ADU up to 1,200 square feet when on a site of at least one acre, when the ADU doesn’t exceed 50% of the floor area of the primary residence and it has a greater setback than the primary. However, staff is recommending the City Council adopt amendments that are more closely in line with the Council direction from September 21, 2021, which includes the following:

- *Proposed amendments to Chapter 5 includes the following size standards for ADUs:*
 1. *Attached ADU: 50% of the floor are of the primary residence or 1,000 sf (whichever is less)*
 2. *Detached ADU: Up to 1000 square feet or on sites greater than one acre gross, may be up to 1,200 square-feet when the ADU meets a property line setback of at least 10 feet at side and rear property lines and any proposed upper floor has a setback that is at least 3 feet greater than the first floor. All other property development standards applicable to zoning district shall apply.*

The draft ordinance includes language consistent with staff recommendation. Council may choose to adopt either the staff recommendation or the Planning Commission recommended language.

Junior accessory dwelling units are limited by state law to a maximum of 500 square-feet. JADUs must be created by the conversion of existing space within the existing residence or proposed as part of a new primary dwelling unit. JADUs can be conversions of existing habitable space and/or conversion of an attached garage. The proposed ordinance includes language consistent with these standards.

The proposed ordinance includes standards for garage and storage spaces attached to an ADU. Current City ADU standards allow a garage/storage space up to 500 square-feet to be attached to an ADU. The code also provides an exception process through approval of an Administrative Use Permit or a Conditional Use Permit reviewed by the Planning Commission if a larger garage is requested. Larger garages attached to ADUs may conflict with neighborhood character, especially as side and rear setbacks are reduced for ADUs that are under 16-feet in height.

Proposed Code amendments limit the size of garage or non-habitable space attached to an ADU to 250 square feet. However, in cases where the garage is above or below the ADU (on a different floor than the ADU), then the non-habitable space may be up to 450 square feet.

Building Setbacks:

The State requires that standard City setbacks be reduced to 4-feet from the side and rear property lines for ADUs that are less than 16-feet in height. Standard City setbacks are 5-feet from a side property line and 10-feet from the rear. The reduced setback will result in design limitations because the building code requires fire rated construction for any building wall that is less than 5-feet from a property line. Therefore, a structure that is less than 5-feet from a property line may not be able to have any operable windows, opening doors, or other features that are not fire-rated facing the property line that is less than 5-feet away. Other walls may still have these features.

While the City cannot override these standards, the City will need to modify our standard definitions to clarify side, front, and rear setbacks. Specifically, our existing code labels a corner setback adjacent to a street as a “corner side setback”. Based on State law, the City would be required to allow an ADU up to 4-feet from the right-of-way on a corner lot which can result in neighborhood character impacts in addition to safety concerns. The amended language uses the term “corner street setback” to allow the City to maintain a 10-foot setback from the right-of-way (street).

- *ADUs will be subject to a new four foot minimum setback when the ADU complies with maximum size standards and is no taller than 16 feet in height. New definitions for setbacks are proposed that will clarify each setback standard.*

Parking

State law includes automatic parking reductions for ADUs. This includes both prohibitions against requiring replacement parking for ADU and JADU garage conversions in addition to waiving parking requirements based on proximity to transit stops.

- *The draft ordinance includes provisions requiring 1 parking space per ADU, consistent with State law, except where exempted by state law.*

Multi-Family Standards:

The State expanded the government code section related to accessory dwelling units to include provisions for ADUs within multi-family projects. Cities must allow the conversion of existing non-habitable space (this includes garages and other non-conditioned storage or use areas) into ADUs at a ratio up to 25% of the number of existing units on-site. In addition to this allowance, cities must also allow at least one and no more than 2 new ADUs on the site that can be detached or constructed as an addition to an existing

building. The proposed code update includes provisions for these State mandates for all multi-family properties.

It is important to note that garages and carports are considered existing space on a multi-family site and are eligible for conversion. If converted, the City cannot require replacement parking but can require one new parking space per ADU. The City has no authority to limit the conversion of required parking nor require additional parking on-site other than the required parking for the new ADU(s).

- *Staff is recommending an updated land use definition for multi-family to clarify that multi-family zoned properties must be developed to maximum allowed density prior to approval of an ADU.*

Atascadero has many multi-family properties that have not yet been developed to full density. The City's Housing Element contains policies and programs to encourage infill development on these sites and these sites are included in calculating the City's ability to meet RHNA requirements. In addition, the State required the City to set minimum densities for all high-density multi-family sites to incentivize infill development to meet RHNA targets. Requiring buildout to specified density prior to development of ADUs will allow compliance with Housing Element goals and eliminates a potential loophole.

Mixed-Use Standards:

Updated State law expanded opportunities for ADUs to all districts that allow residential uses, including commercial districts that allow for multi-family development. Residential development in a commercial zone (a.k.a. Mixed-Use) would fall under the same parameters of multi-family per state law and would allow ADUs consistent with the standards noted above.

However, the intent of a mixed-use project is not to allow the conversion of commercial zoned property to solely a multi-family use. The intent is to allow for residential units to be built above a commercial project in locations that might be compatible for a mix of uses. Mixed-use residential above commercial is currently allowed within the downtown zoning district and requires a conditional use permit in the CR, CP, and CN zoning districts outside of downtown.

Zoning amendments to clarify the definition of Commercial Mixed-Use as compared to Residential Multi-Family are required in order to clearly navigate the new government code. A new land use definition that includes "**Mixed-Use Development**" will clarify the distinction between a commercial mixed-use project (no residential on the ground floor) and a "residential multi-family development". Current code does not have a separate definition and considers the residential portion of mixed-use developments as "Multi-Family" with a development standard for residential uses to be above the ground floor. Adding this definition will clarify that upper floor residential requirements are not property development standards that can be waived or modified through the State density bonus program or ADU law but are integral to zoning and land use designations. New changes to the government code could result in a substantial loss of commercial land inventory unless this item is clarified in the zoning text.

- *Proposed text amendments include new definitions for **Mixed-Use** and **Residential Multi-Family Development** to ensure that the commercial viability of non-residential properties is maintained.*

Planned Developments:

State law prohibits cities from disallowing ADUs in planned developments and prohibits privately enforced CC&Rs from limiting ADUs. Within Atascadero, planned developments exist in both single-family (Apple Valley and Las Lomas) and Multi-Family zoning districts (Dove Creek). Each of these housing types result in different housing configurations and different densities. Some PD's are more like a condominium or multi-family project, or some or more similar to a single-family neighborhood. For comparison, the Colony Homes development on the north end of town is 4 units per gross acre in a single-family zoning district, while the Oak Haven development on El Camino Real near Home Depot is 11 units per gross acre in a multi-family zoning district.

The draft code differentiates between a "Single Family" density PD and a "Multi-Family" PD to clarify which ADU standards apply.

Per the code standards, small lot single-family subdivisions have a density of 9 units per gross acre or less (roads and common facilities are included in this calculation) and could accommodate ADUs under the state's provisions for single-family uses. A density of 10 units per acre or greater would be considered a multi-family development for the purposes of determining ADU standards.

- *The new definition for a Residential Multi-Family project proposes that projects with 10 units per net acre or more be considered a multi-family project, regardless of the design of the units or whether the units are owned or rented.*

Other General Requirements for ADUs, including Health and Safety Provisions

Minimum Lot Size:

The new Government code Prohibits the City from limiting ADUs based on minimum lot size unless lot size is a factor in determining health and safety standards. The Government Code allows local agencies to limit the development of ADUs based on the adequacy of water and sewer services and adequate road access in order to preserve public health and safety.

The City's Local Area Management Plan (LAMP) is approved by the Regional Water Quality Control Board, a State Agency. The LAMP governs septic systems from a technical aspect based on regional board standards. The LAMP provides design parameters for a variety of site-specific characteristics but does not analyze or address neighborhood or regional impacts to groundwater quality.

City staff has coordinated with an engineering consultant (Monsoon Consultants) to determine what areas or parcels in the City may be most impacted by the expansion of on-site wastewater systems due to potential for nitrogen overconcentration. The analysis focused on determining wastewater system densities that would contribute to high nitrogen loading rates should systems be expanded or added to accommodate additional units.

- *The resulting analysis concluded that a minimum lot size of **one gross acre** would be required for ADUs to ensure that established thresholds for nitrogen overconcentration would not be exceeded. No minimum lot size will be established for ADUs that are connected to City sewer, only setbacks and design standards would apply.*

This lot size limit captures smaller parcels on the west side in addition to known areas of concern related to septic concentration and failure such as River Gardens, the neighborhood south of Pine Mountain, some areas west of Atascadero High School and some of the neighborhoods near Rosario north east of the downtown.

The one-acre minimum assumes nitrogen concentrations based on one detached ADU, one primary residence and one JADU for a total of three (3) units on a 1-acre site with an on-site wastewater disposal system or multiple onsite systems. Junior ADUs do not typically produce the same level of impact due to size limitations, requirements that they be converted from existing square-footage, and the fact that they are not allowed to be vacation rentals. JADUs are envisioned to be similar to a master bedroom conversion or bedroom replacement and therefore, the septic concerns are reduced to a level of insignificance as long as the existing system or proposed upgrades can accommodate the additional occupancy consistent with the City's LAMP standards.

- *The draft code amendment allows for JADUs served by on-site wastewater systems on any size lot, providing on-site septic systems can be designed to accommodate any additional load per the requirements of the City's LAMP.*

Council also requested that staff explore an exception process that would allow some smaller parcels without City sewer access to construct ADUs if certain standards related to nitrogen loading could be met.

- *Staff recommended language in the draft code text that would allow ADUs on properties between $\frac{3}{4}$ and 1-acre to construct an ADU if the average lot size within a $\frac{1}{4}$ -mile radius is over 1-acre gross.*

The Planning Commission recommended that this property size exception be offered to parcels as small as $\frac{1}{2}$ acre.

The required septic density analysis would remain the same as previously recommended by staff requiring smaller parcels to be surrounded by considerable larger parcels to meet the density standards for allowance. In either scenario, this calculation is required to consider any potential future lot split possibilities in determining average gross acreage. Properties enacting this provision will also have to comply with all LAMP standards.

While there is not greater risk of overconcentration of septic discharge with the Planning Commission recommended changes, reducing the possible lot size may give applicants a false confidence about the ability for the City to approve construction of an ADU. The overconcentration analysis will be done by staff and allowing greater flexibility will result in increased staff time with anticipated minimal ability for a property smaller than $\frac{3}{4}$ acre to meet the standards. The proposed code language allows for properties on septic that do not meet size requirements to provide a pre-treatment system, however, these

requirements should be known up-front as there are significant costs associated with such systems. If there is greater perceived flexibility in lot size, this may result in design costs being incurred for an ADU without an understanding of full septic costs. In some cases, applicants may spend a substantial amount of money and utilize significant staff time only to find out that it may not be feasible to build an ADU with a standard wastewater system. For this reason, staff continues to recommend that the minimum lot size be no smaller than 0.75 gross acres.

Emergency Access Standards:

In addition to the amendment described above regarding wastewater, the City may adopt regulations that limit ADUs where hazardous conditions exist, such as on properties that have limited road access (only one way out) and that are within the City's identified Wildland Urban Interface (WUI) zone. Staff has identified several neighborhoods that do not have sufficient road access and are within these areas. The draft code amendment recommends that ADUs be prohibited in these areas however suggests that JADUs still be allowed as the limitations on JADUs require that they be within the existing residential dwelling and are limited to 500 square-feet with the primary or JADU being owner-occupied. Specific findings related to this safety limitation are included in the draft resolution.

- *No ADUs shall be allowed in areas that are within the identified Wildland Urban Interface (WUI) Zone on roads that do not comply with California Code of Regulations section 1273.08. JADUs may still be allowed on these properties.*

Code changes needed for State Law Consistency:

Owner Occupancy:

The new State law prohibits the City from placing owner-occupancy requirements for residential properties that contain ADUs but allows Cities to require owner occupancy provisions for residences that contain JADUs. This requirement would be satisfied through the recordation of a deed covenant on the property prior to occupancy. Establishing an owner occupancy requirement will ensure that properties with 3 units retain some level of accountability to the neighborhood and community by not allowing these solely as investment properties. It is important to note that SB9, which governs the creation of Urban Dwelling Units, also has similar requirements for owner occupancy.

- *The proposed ordinance language includes requirements for owner occupancy of either the primary, ADU, or JADU as a condition of a construction permit for a JADU.*

Short-term Rental Prohibition

State law requires that ADUs that are developed consistent with the current government code be reserved for stays of greater than 30-days, thereby prohibiting the use of new ADUs or JADUs as vacation rentals. However, the state law does not prohibit a property owner from living in an ADU and utilizing a primary residence as a vacation rental. This provision is supported by the State's findings that ADUs will provide additional opportunities for affordable housing.

- *The proposed code prohibits the use of an ADU or JADU as a vacation rental and includes a requirement to record a deed restriction prior to occupancy.*

Atascadero Municipal Code consistency:

Changes to Title 9, chapter 5 of the Zoning Code to accommodate the new ADU language will result in the need to amend the General Definitions, Land Use Definitions, and various property development standards.

These amendments include:

- *Moving the definition (9-3.500) for detached accessory structures that are not considered dwelling units (ADUs), including standards for detached offices and art studios to Chapter 6, section 106: Residential Accessory Uses.*
- *Updating land-use definitions related to mixed-use and multi-family residential development for clarity on when ADU standards apply (9-3.500).*
- *Updating general definitions and development standards to clarify setback standards (9-9.102).*
- *Modifications to existing planned development language to clarify setbacks as they may relate to ADUs (9-3.642).*

Fiscal Considerations:

According to prior fiscal studies, in general, revenue from new residential development including property tax revenue, vehicle licensing fees, sales tax and other revenues are insufficient to cover the costs of providing services (police, fire, parks, recreation and other general government services) to the residents living in the new residential development. The lower the cost of the residential development, the less revenue it generated to provide the needed City services. It is anticipated that while facilitating the construction of ADUs will provide needed housing at the lower spectrum of housing prices, it will also add an additional fiscal burden to the City and consequently erode City services.

New ADUs that are less than 750 square feet in size are required to be exempt from Development Impact Fees and ADUs larger than 750 square feet are required to pay only “proportional” impact fees. (In accordance with SB13, the City Council adopted the proportional development impact fees in September of 2020). Impact fees are one time fees collected to the infrastructure required to accommodate future growth. It is estimated that the waiver and reduction of impact fees for ADUs was expected to exceed \$100,000 annually.

The State recognizes that this is an unfunded mandate.

Findings:

The City is adopting a number of provisions that are directly related to unique characteristics of Atascadero and relate to the health, safety, and well-being of existing and future residents. As such, specific findings need to be made in accordance with State law. Findings related to emergency access and wastewater standards are included in attached Ordinance A.

Conclusion

This activity is a direct implementation of mandated policies of the City’s adopted General Plan Housing Element. The State department of Housing and Community Development

(HCD) is required to review and approve any municipal code changes related to ADUs and JADUs and may provide comment if code language does not align with HCDs guidance and legislative intent. It is to the City's advantage to amend our code to adopt specific standards that speak to our local conditions, especially recognizing health and safety impacts such as fire and wastewater limitations. This code amendment will implement an identified Housing Element program, providing additional ADU development that will help achieve our RHNA and comply with the latest updates to State law.

FISCAL IMPACT:

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

ALTERNATIVES:

1. Council may recommend modifications to the proposed code amendments.
2. Council may determine that more information is needed on some aspect of the amendments and may refer the item back to staff to develop the additional information. Council should clearly state the type of information that is required and move to continue the item to a future date.

ATTACHMENTS:

1. Draft Ordinance A
2. Draft Ordinance B

DRAFT ORDINANCE A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on September 13, 2022, resolved to introduce for first reading, by title only, an Ordinance that would repeal and replace Title 9, Chapter 5 (Accessory Dwelling Units), as shown in Exhibit A, attached hereto and incorporated herein by this reference.

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

A. Findings for Zone Text Amendment:

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

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

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

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

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

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

B. Findings related to Accessory Dwelling Units

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

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

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

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

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on September 13, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

Chapter 5 ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

9-5.040: Accessory and Junior Accessory Dwelling Units

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

9-5.010 Purpose

9-5.020 Definitions

9-5.041 Applicability

9-5.142 Objective Design Standards for Accessory Dwelling Units.

9-5.143 Junior Accessory Dwelling Units

9-5.044 Development Fees

9-5.010 Purpose.

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

9-5.020 Definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

9-5.030: General Requirements

- (a) Building Permit Required. A building permit application shall be required for the construction, occupancy, or conversion of any ADU or JADU.
- (b) Ministerial Review Process. An application for development of an ADU or JADU, will be reviewed as a ministerial permit, without discretionary review or a hearing if it meets all the requirements set forth in this section, does not impact environmental (including historic) resources, and after payment of all applicable submittal fees.
- (c) Water Service. All habitable dwelling units shall be served by a public water system
- (d) Wastewater Service. To avoid health and safety impacts to ground water quality and nitrogen loading, ADUs shall be served by the City sanitary sewer system when located on lots with a gross area less than one (1) acre, except when:
 - 1. The parcel is 0.75 gross acres or greater and all of the following criteria can be met:
 - i. it can be demonstrated that all properties within a ¼ mile radius are of sufficient size, considering possible future lot splits and full development potential, to provide a minimum density of at least 0.5 acres per unit within the ¼ mile radius.
 - ii. It shall be demonstrated that a new or expanded onsite wastewater disposal system can accommodate the additional unit while meeting requirements of the City’s Local Area Management Plan (LAMP).
 - 2. ADUs that do not meet the above requirements and do not have the ability to connect to City sewer must be served by an on-site wastewater system that includes pre-treatment and shall be subject to the approval of the City Engineer and must be approved and constructed in accordance with the City’s LAMP standards.
- (e) The maximum amount of paving for parking and access for any Principal Dwelling Unit, ADU, JADU and UDU in a front setback area is limited to fifty percent (50%) of the front yard setback area.
- (f) Design. The design of an ADU and/or JADU shall be consistent with any objective design standards listed in this chapter.

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

9-5.041 Applicability.

- (a) Permitted Zoning Districts. Accessory and Junior Accessory Dwelling Units shall be allowed in all areas zoned to allow single-family or multi-family dwellings consistent with the standards of this section. ADUs shall not be allowed within the following locations:
 - 1. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted on any lot in a single-family zoning district if: 1) an Urban Lot Split has been approved pursuant to Title 11; and 2) two units (Primary Dwelling Unit, ADU, or JADU) have already been approved for construction on either resulting lot.
 - 2. No ADUs shall be allowed inconsistent with the California Code of Regulations Section 1273.08
 - 3. No ADU or JADU may be established in a commercial district unless all of the following conditions have been met:
 - a. The ADU or JADU is part of an approved mixed use project; and

- b. The ADU or JADU is built above the ground floor; and
- c. The ADU or JADU is within a mixed-use project that has reached it's maximum allowable residential density.

9-5.042 Objective Design Standards for Accessory Dwelling Units. Standards for the development of ADUs shall be governed by this Chapter. Each ADU shall be subject to compliance with the California Building Code and the following standards:

(a) Maximum Floor Area:

- 1. An **attached** ADU shall have a maximum floor area of 50% of the existing or proposed primary dwelling unit or 1,000 square-feet, whichever is less. In no instance shall this section limit the size of an attached ADU to less than 850 square-feet.
 - 2. A **detached** ADU shall have a maximum floor area of 1,000 square-feet, except as follows:
 - i. A garage or other unconditioned space may be attached to an ADU providing any attached space with a non-R occupancy shall be limited to 250 square-feet. Any non-R occupancy space may be up to 450 square feet if it is on a different level than the ADU and used for vehicle parking and the entirety of the ADU is located on a different floor with the exception of an entry and stairs. If an existing accessory structure is converted to an ADU and the size of the unconditioned space exceeds the maximum limit, the existing space may remain but shall not be expanded.
 - ii. Properties that are 1 acre gross or greater may have a detached ADU up to 1,200 square-feet *when the ADU meets a property line setback of at least 10 feet at side and rear property lines. Second stories shall be setback an additional 3 feet from the first floor. All other property development standards applicable to zoning district shall apply.*
 - 3. Any dwelling unit other than the principal dwelling unit, that was established on the lot prior to the submittal of a complete application for a development pursuant to this chapter may not be altered or expanded to a size greater than 1,000 square-feet, exclusive of any attached garage, storage space, or enclosed porch. No additional unconditioned space can be added if greater than the maximum allowances described in section (8) below. If existing units exceed the maximum size thresholds, no expansion or additions shall occur.
- (b) Parking. One off-street parking space (standard or tandem within a driveway) shall be required for each ADU, with the following exceptions;

1. No parking shall be required if the ADU is within one-half mile walking distance of public transit
 2. No parking shall be required when the ADU is within a designated historic district or on the site of a designated historic property within a one-mile walking distance to public transit.
 3. No parking shall be required when the ADU is part of a proposed or existing primary residence or a converted existing accessory structure.
 4. No parking shall be required when there is a car-share vehicle available to the tenant of the ADU and located within one block of the ADU
- (c) Garage Conversions. Garages may be converted to ADUs provided that one parking space is reserved for the ADU on the site. A parking space that is lost as part of the garage conversion need not be replaced other than the parking required for the new ADU.
- (d) Accessory Structure Conversion. ADU's may be constructed within existing accessory structures subject to the following:
1. The size of the ADU shall comply with the size limitations set forth in 9-5.042 (a) above.
 2. Any portions of the accessory structure not utilized for the ADU shall remain as non-habitable storage space and shall be separated with a permanent wall from the interior space of the ADU. Any openings (doors) between the ADU and non-habitable space shall comply with building and fire code standards.
- (e) Height. ADUs shall conform to the height limits of the underlying zoning district, except as follows:
1. Newly constructed ADUs that are setback less than 5-feet to a side property line or less than 10-feet to a rear property line, as permitted by Government Code Section 65852.2, are limited to 16-feet maximum height.
- (f) Setbacks. An ADU shall maintain the following setbacks:
1. Side Setback: 5-feet
 2. Primary Street Frontage: 25-feet for single-family properties, 15-feet for multi-family properties
 3. Corner Street Frontage: 10-feet
 4. Secondary Street Frontage: ½ the front setback
 5. Rear: 10-feet
 6. Access way (flag or easement): 10-feet.
 7. An ADU that is 16-feet or less in height may be located a minimum of 4-feet from a side and/or rear property line.

8. No setback is required for an existing permitted structure or a structure constructed in the same location and to the same dimensions as an existing permitted structure.
- (g) Building Separations. A minimum separation of five (5) feet shall be maintained between a Primary Dwelling Unit and a detached Accessory Dwelling Unit.
- (h) Fire Sprinklers.
 1. An ADU shall comply with all applicable fire safety provisions of state law, as well as locally adopted building and fire codes under Chapter 15.04.
 2. A detached ADU shall be required to be equipped with fire sprinklers unless the primary dwelling unit is not sprinklered.
 3. An attached ADU shall provide fire sprinklers per the standards for residential additions.
- (i) Number of ADUs permitted.
 1. Single-Family Zoned Parcels and Small-Lot Single Family Subdivisions: One ADU per parcel shall be permitted. If a lot contains the maximum number of allowed dwelling units no additional ADU or JADU shall be allowed.
 2. Residential Multi-Family / Mixed-Use Developments: ADUs shall be permitted in multi-family and mixed-use developments subject to the following:
 - i. Existing non-habitable space within a multi-family building may be converted to one or more ADUs at a maximum ratio of 25% of the existing on-site units above the permitted site density.
 - ii. In addition to the units authorized by subsection (i) above, one additional Accessory Dwelling Unit above the permitted site density shall be permitted within a multi-family or mixed-use development
 - iii. All residential units in a mixed-use development must meet the provisions of the underlying zoning district, except as provided for by Gov Code Section 65852.2, and must be consistent with all land use definitions for such development.
 3. If multiple units exist on a site that were constructed prior to designation as an ADU, JADU or UDU, those units must be designated as one of the permitted housing unit types prior to further development of the property

9-5.043 Junior Accessory Dwelling Units. Each Junior Accessory Dwelling Unit (JADU) shall be subject to compliance with the building permit requirements and the following standards:

- (a) Maximum Floor Area: Each JADU shall be constructed within the walls of an existing or proposed primary dwelling unit and shall be a maximum of 500 square-feet.
- (b) Septic Systems. JADUs may be served by the system serving an existing or proposed primary unit or a secondary septic system, subject to the approval of the City Engineer and provisions of the City's LAMP.
- (c) Number of JADUs permitted: One JADU is permitted per single-family residential property or small-lot single-family residential subdivision parcel. If a lot contains the maximum number of allowed dwelling units no additional ADU or JADU shall be allowed.
- (d) Design Standards:
 - 1. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit.
 - 2. Each JADU shall include a separate entrance from the main entrance to the existing or proposed principal dwelling unit and may include an interior entry to the main living area.
 - 3. Each JADU shall, at a minimum, include an efficiency kitchen as defined by the building code.
- (e) Owner Occupancy: The property owner shall reside onsite and maintain primary residency in either a primary dwelling unit, ADU, or the JADU.

9-5.044 Development Fees

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

DRAFT ORDINANCE B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING SECTIONS 9-3.330, 9-3.490, 9-3.500, 9-3.651, 9-3.662, 9-3.679, 9-3.677, 9-4.106, 9-4.107, 9-4.1089-4.116, 9-4.116, 9-4.128, 9-6.103, 9-6.106, 9-9.102 OF TITLE 9, PLANNING AND ZONING, OF THE ATASCADERO MUNICIPAL CODE FOR CONSISTENCY WITH STATE REGULATIONS REGARDING ACCESSORY DWELLING UNITS AND URBAN DWELLING UNITS

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on September 13, 2022, resolved to introduce for first reading, by title only, an Ordinance that would amend Title 9 of the Atascadero Municipal Code as shown in Exhibit A, attached hereto and incorporated herein by this reference.

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

A. Findings for Zone Text Amendment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on September __th, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

9-3.330 Nonresidential district allowable land uses.

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

Table 3-2 – Nonresidential Use Table

Allowed Land Uses and Permit Requirements

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

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

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

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

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

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

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

9-4.106 Front Street setbacks.

The A front street setback is measured at right angles from the nearest point on the front property line to the building line. ~~All structures are to be set back a minimum of twenty-five (25) feet from the nearest point on the front property line, except where this section establishes other requirements.~~ Front setback landscaping and fencing standards are in Sections 9-4.125(a) and 9-4.128 of this chapter, respectively.

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

(iii) Structures do not impair sight distances for vehicular traffic as reviewed by the City Engineer.

(b) RMF Zone and Residential Uses in Commercial and Industrial Zones. All residential units shall have a minimum setback of fifteen (15) feet. All garages shall have a minimum front setback of twenty (20) feet.

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

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

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

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

(f) Double Frontage Lots.

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

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

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

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

9-4.107 Side setbacks.

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

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

~~(1) Corner Lots. The side setback on the street side of a corner lot is to be a minimum of ten (10) feet.~~

~~(2) A Corner Lot Adjacent to a Key Lot. A side setback equal to one-half (1/2) the depth of the required front setback of the key lot shall be provided, except that:~~

~~(i) Where the corner lot is less than fifty (50) feet in width, the setback is to be a minimum of ten (10) feet; or~~

~~(ii) Where an alley is between the corner lot and a key lot, the setback on the street side of the corner lot is to be five (5) feet.~~

~~(31)~~ Accessory Buildings Structures. A side yard may be used for an accessory building no greater than twelve (12) feet in height, provided that it is not used for human habitation or the keeping of animals and is either:

(i) Located no closer than ~~five~~ three (53) feet to any property line;

(ii) Located on the rear half of the lot; or

(iii) Established on the property line as a common wall structure pursuant to subsection (a)(4) of this section, or as a zero lot line structure, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall.

~~(42)~~ Common Wall Development. Any two (2) dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:

(i) The setback has been eliminated through subdivision map or conditional use permit approval;

(ii) A common wall or party wall agreement, deed restriction, or other enforceable restriction has been recorded;

(iii) The side setbacks opposite the common wall property line are not less than two (2) times the minimum width required by this section; and

(iv) Common wall construction is in compliance with the Uniform Building Code.

~~(53)~~ Zero Lot Line Development. A group of dwelling units on adjoining lots may be established so that all units abut one (1) side property line, provided that:

(i) The setback has been eliminated for an entire block through subdivision map or conditional use permit approval;

(ii) The modified setback requirements for the block are recorded as part of a land division map, deed restriction, or other enforceable restriction;

(iii) The side setback shall not be eliminated or reduced on the street side of a corner lot; and

(iv) Side setbacks opposite the zero setback property line are not less than twice the minimum required by this section.

~~(64)~~ Access Easements. All access easements shall have a minimum setback of five (5) feet, measured from the edge of the easement.

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

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

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

9-4.108 Rear setbacks.

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

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

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

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

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

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

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

9-4.116 Location of parking on a site.

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

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

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

9-4.128 Fencing and screening.

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

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

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

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

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

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

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

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

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

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

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

(b) Exceptions to Fencing and Screening Requirements.

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

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

(3) Planning Commission Modification. Any of the requirements of this section may be waived or modified through conditional use permit approval, provided the

Planning Commission first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

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

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

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

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

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

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

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

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

(iii) Residential Gates:

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

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

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

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

e. Gates shall comply with emergency access standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 5. Land Use Definitions

9-3.490 Purpose.

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

9-3.500 Definitions.

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

A. Definitions “A”

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Definitions “B”

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

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

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

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

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

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

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

C. Definitions “C”

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

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

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

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

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

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

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

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

D. Definitions “D”

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

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

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

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

E. Definitions “E”

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

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

F. Definitions “F”

Farm Animal Raising. The keeping, feeding or grazing of animals as an avocation, hobby, or school project, subordinate to the principal residential use of a property,

includes species commonly considered as farm animals as well as exotic species, but does not include household pets. This includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include uses defined as “livestock specialties.”

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

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

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

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

G. Definitions “G”

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

- Antique stores, second hand stores, jewelry stores, hobby materials, specialty stores;
- Art galleries, art supplies, collectibles, hobby materials;
- Bicycles, toys, games, sporting goods and equipment;
- Department stores, drug stores, pharmacies, supermarkets, groceries stores, specialty food markets, membership warehouse clubs;
- Florists, house plant stores (indoor sales), small house wares;

- Home furniture stores, consumer electronic/audio visual goods, bookstores, home and/or office appliance stores (excludes wholesale sales not open to the general public);
- New clothing, shoes, and accessory retail stores;
- Stationery, dry goods, fabric stores and sewing supplies, and variety stores;

- Stand-alone convenience markets (excludes fuel sales), warehouse retail stores, building supply hardware stores where outdoor sales are limited to under ten thousand (10,000) square feet.

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

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

H. Definitions “H”

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

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

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

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

I. Definitions “I”

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

J. Definitions “J”

K. Definitions “K”

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

L. Definitions “L”

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

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

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

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

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

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

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

M. Definitions “M”

Manufacturing, Repair, and Processing – High Intensity. A facility or establishment that accommodates manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and other similar manufacturing

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

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

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

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

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

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

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

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

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

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

Mixed-Use Development: A development that allows for the use to be separated vertically, with commercial land uses on the ground floor and residential uses above the ground floor. Mixed use development within a commercial district shall dedicate at least 40% of all floor area solely to commercial land uses in accordance with the applicable commercial zoning. Residential land uses within a commercial district are subject to compliance with allowed density and shall not be an allowed land use on the ground floor.

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

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

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

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

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

N. Definitions “N”

O. Definitions “O”

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

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

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

P. Definitions “P”

Parking Lot. An open area, excluding a street or other public right-of-way, for the exclusive use of parking as a primary use for automobiles and available to either the

public or patrons of adjacent buildings or structures. Parking lots can either be free for use, or may charge a fee for compensation. Long-term parking and storage of inoperable vehicles is classified in “vehicle and equipment storage.”

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

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

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

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

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

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

Q. Definitions “Q”

R. Definitions “R”

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

Recycling and Scrap. Establishments primarily engaged in assembling, breaking up, sorting, temporary storage and distribution of recyclable or reusable scrap and waste

materials, including auto wreckers engaged in dismantling automobiles for scrap. Does not include waste disposal sites, which are separately defined. Does not include temporary storage of toxic or radioactive waste materials.

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

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

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

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

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

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

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

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

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

S. Definitions “S”

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

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

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

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

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

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

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

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

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

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

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

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

T. Definitions “T”

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

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

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

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

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

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

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

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

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

U. Definitions "U"

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

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

V. Definitions “V”

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

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

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

W. Definitions “W”

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

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

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

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

ITEM NUMBER: B-1
DATE: 09/13/22
ATTACHMENT: 2A

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

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

9-6.103 Accessory storage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Additional Standards.

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

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

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

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

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

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

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

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

(1) Use of Cargo Containers.

(i) Cargo containers shall be utilized for accessory storage only. Occupancy shall be limited to a “U” occupancy consistent with the [California Building Code](#) (CBC) or its successor title.

(ii) Cargo containers shall not be used for permanent or temporary human occupancies, including, but not limited to, living, sleeping, or other residential uses.

(2) Number of Cargo Containers Permitted.

(i) One (1) cargo container may be permitted on a commercial, industrial or single-family residential lot over one (1) gross acre in size, subject to Design Review Committee (DRC) review for neighborhood compatibility and approval of a building permit.

(ii) Two (2) or more cargo containers may be permitted with a minor conditional use permit (CUP) on a commercial, industrial, or single-family residential lot over one (1) gross acre in size, subject to Planning Commission review for neighborhood compatibility and approval of a building permit.

(3) Standards for Cargo Containers.

(i) Building Permit. A building permit is required for cargo containers over one hundred twenty (120) square feet in size. A cargo container which is one hundred twenty (120) square feet or less, is exempt from building permit requirements provided it meets property line and structure setbacks required by this title and does not have any utility connections.

(ii) Setbacks. Cargo containers shall be located in the rear half of the property in commercial, industrial and residential zones. Cargo containers shall not be permitted within the ~~front or street facing side primary, secondary, or corner street yard~~ setback of a residential property. Setbacks shall be consistent with underlying zone setback requirements and is consistent with the preceding subsections (1) and (2).

(iii) Foundation. Cargo containers shall be anchored on a foundation system capable of withstanding all imposed vertical and horizontal loads and consistent with all applicable codes. Any alterations to the container shall be designed and detailed by a licensed design professional. All foundations and alterations shall be approved by the Chief Building Official.

(iv) The cargo container may not occupy any required parking areas or obstruct any Fire Department access ways.

(4) Exemptions.

(i) Use of cargo containers for temporary on-site storage associated with a construction project is exempt from this section (refer to subsection (b)).

(ii) Use of cargo containers for temporary commercial storage may be allowed with the approval of an administrative use permit for a period not to exceed four (4) months.

9-6.106 Residential accessory uses.

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

(a) Swimming Pools. Swimming pools, including hot tubs, spas, and related equipment, may be located within any required side or rear setback, provided that they are no closer than eighteen (18) inches to a property line (additional setbacks may be

required by the adopted building code), and provided that they are fenced as required by Section 9-4.128.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The structure does not create a nuisance;

- (ii) The use of the structure is permitted under its zoning;
 - (iii) The structure meets the property's rear and side yard minimum setback requirement of three (3) feet if the structure is less than twelve (12) feet in height;
 - (iv) If the structure is more than twelve (12) feet in height, standard setback shall be required regardless of exemption;
 - (v) The accessory structure is located outside of the required front yard setback;
 - (vi) A minimum (5) foot setback is required between structures. If structures are abutting, the aggregate area of the buildings shall be considered one (1) building and shall require a building permit; and
 - (vii) Hoop structures/greenhouses: Limited to two (2) per residential property.
- Additional structures may be approved with DRC approval.

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

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

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

- (1) No more than two (2) such vehicles shall be operating at the same time.
- (2) Operation is limited to a maximum of two (2) hours in a day—Limit applies even if only one (1) such vehicle is being operated.
- (3) Operation is limited to a maximum of eight (8) hours in a week.
 - (i) This limit applies even if only one (1) such vehicle is operated.
 - (ii) A week shall be measured from Monday through Sunday.
- (4) Notwithstanding the above, no such use shall be allowed prior to noon on Sundays.

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

(d) Exceptions to Accessory Structure Standards.

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

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

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

ITEM NUMBER: B-1
DATE: 09/13/22
ATTACHMENT: 2A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) Each proposed lot shall have a minimum frontage of forty-five (45) feet, except that lots at the end of a cul-de-sac may be forty (40) feet.

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

(n) Private open space shall be provided for each residential unit at a ratio of three hundred (300) square feet for the first two (2) bedrooms. Each bedroom in excess of two (2) shall cause the private open space to be increased by fifty (50) square feet. The required front yard setback area shall not be used to satisfy the open space requirement; however, side and rear setback areas may be utilized. The minimum width of the private open space area shall not be less than ten (10) feet.

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

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

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

(r) All dwelling units shall be equipped with water conservation devices to include low-flow shower heads and toilets, and drip irrigation systems.

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

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

(a) A master plan of development of the site shall be approved. All construction and development shall be done in conformance with the approved master plan of development.

(b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.

(c) A proposed planned development project shall consist of no fewer than four (4) residential units.

(d) A parent lot or lots shall have frontage on a public street.

(e) Each dwelling unit shall be subject to review under the City's Appearance Review Guidelines.

(f) Building setbacks shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9-9.102 General definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Billboard. See “Sign, off-premises.”

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

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

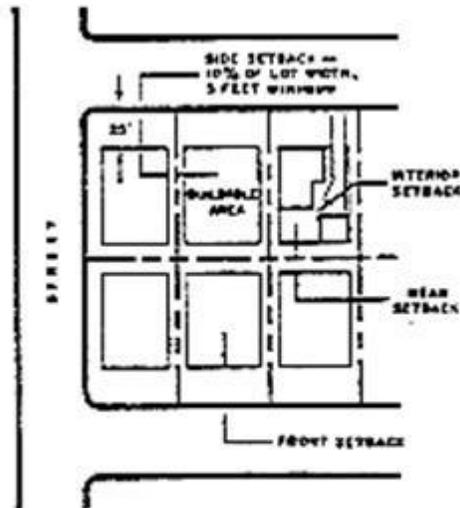


FIGURE 9-A: BUILDABLE AREA

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

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

Building and construction ordinance. Title 8 of this Code.

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

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

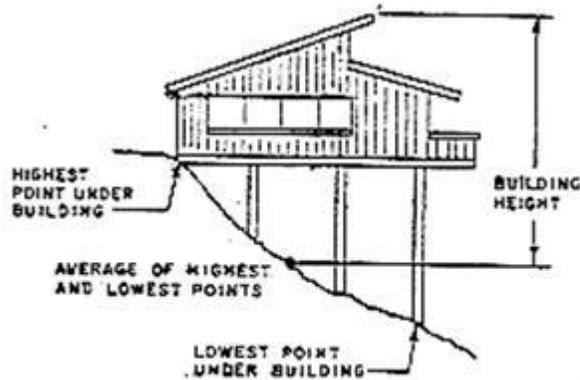


FIGURE 9-B: BUILDING HEIGHT

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

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

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

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

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

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

Commission. The Planning Commission of the City.

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

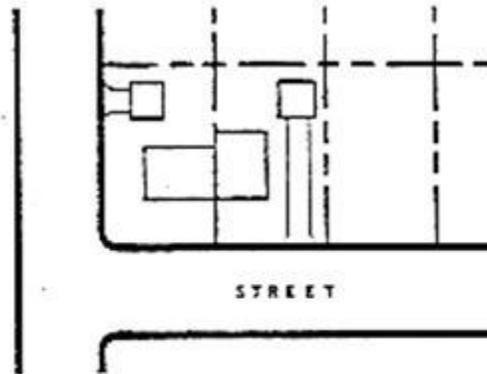


FIGURE 9-C: COMMON WALL DEVELOPMENT

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

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

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

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

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

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

Council. The City Council of the City.

County. The County of San Luis Obispo.

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

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

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

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

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

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

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

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

(g) Vineyards. Grapevines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Frontage. A property line of a lot that abuts a street, as follows: -Primary frontage is indicated by the street for which the property is given a street number. Secondary frontage includes all other frontages.

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

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

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

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

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

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

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

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

Greenhouse. See “Nursery.”

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

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

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

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

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

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

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

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

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

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

- (a) Upon or in which is stored or kept junk salvage materials, scrap metals, inoperative vehicles and equipment or any combination thereof; or
- (b) Upon or in which vehicles, equipment or other property is dismantled or wrecked; or
- (c) Upon or in which salvage materials, inoperative vehicles or equipment, or parts therefrom, or scrap metals, or any combination thereof, is kept for resale.

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

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

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

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

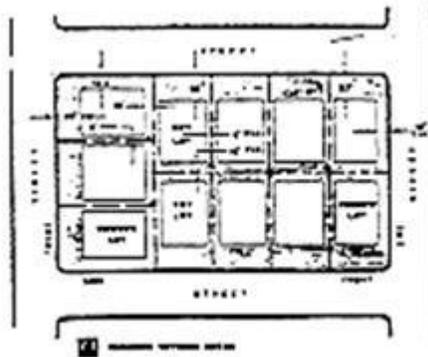


FIGURE 9-D: CORNER LOT AND KEY LOT

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

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

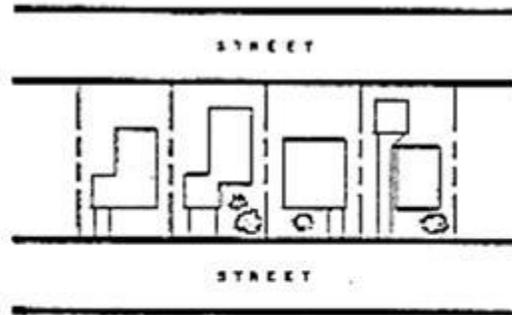


FIGURE 9-E: DOUBLE FRONTAGE LOT

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

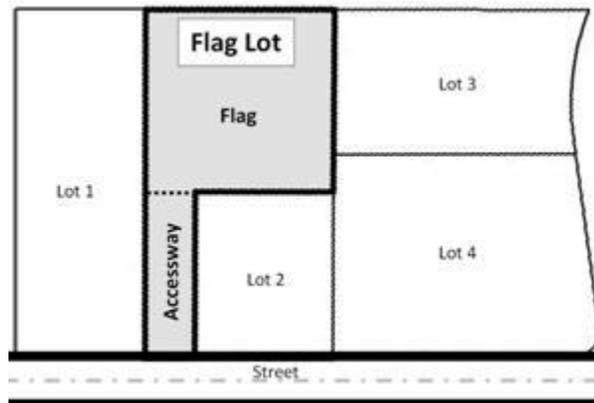


FIGURE 9-F: FLAG LOT

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

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

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

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

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

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

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

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

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

Nursery school. See “Preschool.”

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

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

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

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

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

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

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

Parcel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**Recreational vehicle.** A motorhome, house car, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation or recreational or emergency occupancy, eight (8) feet or less in width and forty (40) feet or less in length.~~

Recycling facility. Any lot or portion of a lot used for the purpose of outdoor storage, sorting, handling, processing, dismantling, wrecking, keeping or sale of inoperative, discarded, wrecked, or abandoned appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including but not limited to scrap

materials, wood, lumber, plastic, fiber, or other tangible materials that cannot, without further reconditioning, be used for their original purposes. Includes wrecking yards for vehicles.

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

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

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

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

Rest home. See “Residential care facility.”

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

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

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

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

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

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

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

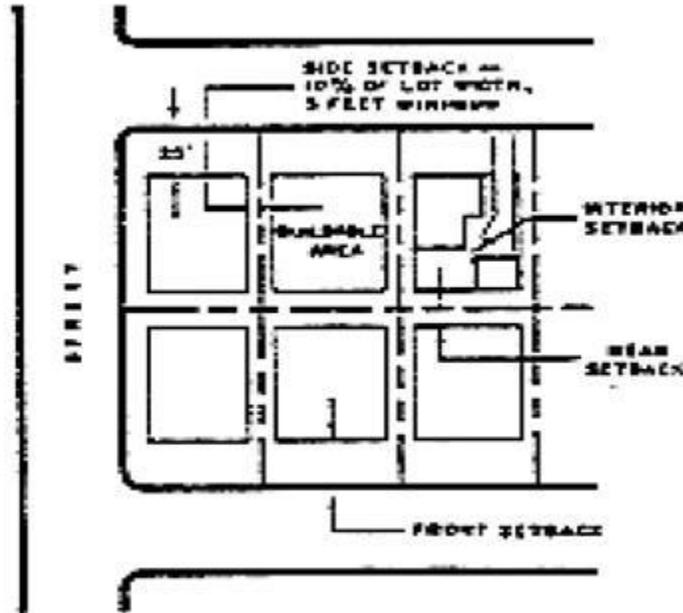


FIGURE 9-F: SETBACKS AND BUILDABLE AREA

Setback, front Street (primary, secondary, or corner). An open area without structures, extending across the frontage of a lot ~~between the side property lines abutting a private or public right-of-way. The front of a lot is the most narrow dimension of the lot parallel to a street and adjacent to that street, except as provided for flag lots with both fee title and easement access strips where applicant may determine that portion of the flag to constitute the front yard.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A

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

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

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

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

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

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

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

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

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

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

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

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

Surface mining operations. All or any part of the process involved in the mining of minerals or construction materials on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. In addition, surface mining operations include, but are not limited to:

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

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

Terrace.

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

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

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

Use. The purpose for which a parcel of land, a premises or building is designed, arranged or intended, or for which it is or may be occupied or maintained.

Use, accessory. A use accessory to any permitted use and customarily a part thereof, which is clearly incidental and secondary to the permitted use and does not change the character of the main use.

Use, allowable. A use of land identified in Chapter 9-3 being appropriate in a given zoning district subject to the standards of this title.

Use, approved. A use of land authorized to be constructed and/or established through issuance of an approved plot plan, precise plan or conditional use permit.

Use, area. The area of a site used for buildings (main or accessory) and storage area or other incidental use, but not including parking or landscaping.

Use area, active. All portions of a site and buildings included in the use area, except storage, parking and landscaping.

Use, new. A use of land which is proposed to be established or constructed after the adoption of this title.

Use, principal or main. The primary purpose for which a building, structure, or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this title.

Use, structural. A use of land accompanied by a building or structure (not including fences), on the same lot of record.

Vacation rental. Any habitable structure, or portion thereof, utilized as a short-term rental for stays of 30 days or more.

Wall, building. The length of a building wall is the horizontal distance from corner to corner measured from a plan parallel to the appropriate side, rear or front lot lines.

Watercourse. The normal channel or limits of an intermittent or perennial stream, or other body of water, during nonflood conditions.

Wet Bar. A wet bar is defined as a small counter equipped with a sink for running water consistent with the following:

(1) A wet bar does not include a stove, built-in microwave, dishwasher, or garbage disposal.

(2) A gas line shall not be installed in proximity to a wet bar.

(3) A wet bar sink shall have a single trap drain size limited to one and one-half (1½) inches maximum.

(4) A wet bar shall include a counter with a maximum four (4) foot length and not to exceed twelve (12) square feet of total counter space.

Yard. An open space, other than a court, on a lot which space is unoccupied and unobstructed from the ground upward.

Zero lot line development. A residential project where dwelling units on individual lots of record are located so they all abut one side property line, without a setback (refer to Figure 9-H).



FIGURE 9-G: ZERO LOT LINE DEVELOPMENT

Zoning approval. Same as entitlement.



CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

ACCESSORY DWELLING UNIT HANDBOOK

UPDATED JULY 2022



Table of Contents

Understanding Accessory Dwelling Units (ADUs) and Their Importance.....

Summary of Recent Changes to ADU Laws

Frequently Asked Questions

 1. Legislative Intent.....

 2. Zoning, Development and Other Standards.....

 A) Zoning and Development Standards.....

 B) Size Requirements.....

 C) Parking Requirements

 D) Setbacks.....

 E) Height Requirements

 F) Bedrooms.....

 G) Impact Fees.....

 H) Ministerially Approved ADUs and Junior ADUs (JADUs) Not Subject to Local Standards

 I) Nonconforming Zoning Standards.....

 J) Renter- and Owner-Occupancy

 K) Fire Sprinkler Requirements

 L) Solar System Requirements.....

 3. JADUs

 4. Manufactured Homes.....

 5. Regional Housing Needs Allocation (RHNA) and the Housing Element

 6. Homeowners Associations.....

 7. ADU Ordinances and Local Agencies.....

 8. Enforcement

 9. Senate Bill (SB) 9 (2021).....

 10. Funding.....

Resources

 Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

 Attachment 2: ADU Resources.....

Understanding Accessory Dwelling Units (ADUs) and Their Importance



California's housing production is not keeping pace with demand. In the last decade, fewer than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are accessory dwelling units (ADUs – also referred to as second units, in-law units, casitas, or granny flats) and junior accessory dwelling units (JADUs).

What is an ADU?

An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- JADU: A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build than new detached single-family homes and offer benefits that address common development barriers, such as environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land or other costly infrastructure often required to build a new single-family home. Because they are contained inside existing or proposed single-family homes, JADUs require relatively modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one- or two-story wood frames, which are also less expensive than other construction types. Additionally, prefabricated ADUs (e.g., manufactured housing and factory-built housing) can be directly purchased and can further reduce construction time and cost. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their housing needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. Homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners, who can receive extra monthly rental income while also contributing to meeting state housing production goals.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place, even if they require more care, thus helping extended families stay together while maintaining privacy. ADUs provide housing for family members, students, the elderly, in-home health care providers, individuals with disabilities, and others at below market prices within existing neighborhoods.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees that local jurisdictions may charge for ADU construction and relaxing local zoning requirements. ADUs and JADUs can often be built at a fraction of the price of a new single-family home, and homeowners may use their existing lot to create additional housing. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable to renters and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to ADU Laws



In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing ADUs in zones that allow single-family and multifamily uses provides additional rental housing and is an essential component in addressing California's housing needs. Over the years, State ADU Law has been revised to improve its effectiveness at creating more housing units. Changes to State ADU Law effective January 1, 2021, further reduce barriers, streamline approval processes, and expand capacity to accommodate the development of ADUs and JADUs. Within this context, the California Department of Housing and Community Development (HCD) developed –

and continues to update – this handbook to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. Below is a summary of recent legislation that amended State ADU Law. Please see Attachment 1 for the complete statutory changes.

AB 345 (Chapter 343, Statutes of 2021)

AB 345 (Chapter 343, Statutes of 2021) builds upon recent changes to State ADU Law, particularly Government Code sections 65852.2 and 65852.26, to require the allowance of the separate conveyance of ADUs from the primary dwelling in certain circumstances, provided they meet certain conditions, including those listed below, found in Government Code section 65852.26, subdivisions (a)(1-5):

- The ADU or primary dwelling was built or developed by a qualified nonprofit. (Gov. Code, § 65852.26, subd. (a).)
- There is an enforceable restriction on the use of the property between the low-income buyer and nonprofit that satisfies the requirements of Section 402.1 of the Revenue and Taxation Code. (Gov. Code, § 65852.26, subd. (a)(2).)
- The entire property is subject to the affordability restrictions to assure that the ADU and primary dwelling are preserved for owner-occupied, low-income housing for 45 years and are sold or resold only to a qualified buyer. (Gov. Code, § 65852.26, subd. (a)(3)(D).)
- The property is held in a recorded tenancy in common agreement that meets certain requirements. (Gov. Code, § 65852.26, subd. (a)(3).)

AB 345 does not apply to JADUs, and local ordinances must continue to prohibit JADUs from being sold separately from the primary residence.

AB 3182 (Chapter 198, Statutes of 2020)

AB 3182 (Chapter 198, Statutes of 2020) builds upon recent changes to State ADU Law, specifically Government Code section 65852.2 and Civil Code Sections 4740 and 4741, to further address barriers to the development and use of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days. (Gov. Code, § 65852.2, subd. (a)(3).)
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met. (Gov. Code, § 65852.2, subd. (e)(1)(A).)
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents. (Civ. Code, § 4740, subd. (a), and Civ. Code, § 4741, subd. (a).)
- Provides that not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units. (Civ. Code, § 4740, subd. (b).)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019) build upon recent changes to ADU and JADU Law, specifically Government Code sections 65852.2 and 65852.22, and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lotsize. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)
- Clarifies that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety. (Gov. Code, § 65852.2, subd. (a)(1)(A).)
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025. (Gov. Code, § 65852.2, subd. (a)(6).)
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and

requires approval of a permit to build an ADU of up to 800 square feet. (Gov. Code, § 65852.2, subs. (c)(2)(B) and (C).)

- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required by the local agency. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days. (Gov. Code, § 65852.2, subd. (a)(3) and (b).)
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public. (Gov. Code, § 65852.2, subd. (j)(9).)
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. (Gov. Code, § 65852.2, subd. (f)(3).)
- Defines an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot. (Gov. Code, § 65852.2, subd. (j)(2).)
- Authorizes HCD to notify the local agency if HCD finds that the local ADU ordinance is not in compliance with state law. (Gov. Code, § 65852.2, subd. (h)(2).)
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy its Regional Housing Needs Allocation (RHNA). (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m).)
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them. (Gov. Code, § 65852.2, subs. (b) and (e).)
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence. (Gov. Code, § 65852.22, subd. (a)(4-5).)
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency. (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).)

[AB 587](#) (Chapter 657, Statutes of 2019), [AB 670](#) (Chapter 178, Statutes of 2019), and [AB 671](#) (Chapter 658, Statutes of 2019)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an

impact on State ADU Law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households. (Gov. Code, § 65852.26.)
- AB 670 provides that covenants, conditions and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable. (Civ. Code, § 4751.)
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583; Health & Safety Code, § 50504.5.)

Frequently Asked Questions

1. Legislative Intent

- **Should a local ordinance encourage the development of ADUs?**

Yes. Pursuant to Government Code section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities, and others. Therefore, ADUs are an essential component of California's housing supply.

State ADU Law and recent changes intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

ADU Law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).) Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies.

Government Code section 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs required jurisdiction-wide?**

No. ADUs proposed pursuant to subdivision (e) of Government Code section 65852.2 must be permitted in any residential or mixed-use zone, which should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service and on the impacts on traffic flow and public safety.

Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors. If a lot with a residence has been rezoned to a use that does not allow for residential uses, that lot is no longer eligible to create an ADU. (Gov. Code § 65852.2 subd. (a)(1) and (e)(1).)

Impacts on traffic flow should consider factors like lower car ownership rates for ADUs. Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns.

- **Can ADUs exceed general plan and zoning densities?**

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning and does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

- **Can a local government apply design and development standards?**

Yes. With an adopted ADU ordinance in compliance with State ADU Law, a local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. **However, these standards should be objective to allow ministerial review of an ADU.** (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(4).)

ADUs created under subdivision (e) of Government Code section 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to pursue this route. In this scenario, the applicant assumes time and monetary costs associated with a discretionary approval process. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with State ADU Law.

- **Are ADUs permitted ministerially?**

Yes. ADUs subject to State ADU Law must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways, such as privacy, compatibility with neighboring properties, or promoting harmony and balance in the community; subjective standards must not be imposed on ADU development. Further, ADUs must not be subject to hearing requirements or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code § 65852.2, subs. (a)(3) and (a)(4).)

- **Is there a streamlined permitting process for ADU and JADU applications?**

Yes. Whether or not a local agency has adopted an ordinance, applications to create an ADU or JADU shall be considered and approved ministerially within 60 days from the date the local agency receives a completed application. Although the allowed 60-day review period may be interrupted due to an applicant addressing comments generated by a local agency during the permitting process, additional 60-day time periods may not be required by the local agency for minor revisions to the application. (Gov. Code § 65852.2, subs. (a)(3) and (b).)

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and by building a new detached ADU subject to certain development standards. (Gov. Code § 65852.2, subs. (e)(1)(A) and (B).)

- **What is considered a multifamily dwelling under ADU Law?**

For the purposes of State ADU Law, a structure with two or more attached dwellings on

a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

- **Can I build an ADU in a historic district or if the primary residence is subject to historic preservation?**

Yes. ADUs are allowed within a historic district and on lots where the primary residence is subject to historic preservation. State ADU Law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinances and to submit these standards along with their ordinances to HCD. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(5).)

B) Size Requirements

- **Can minimum lot size requirements be imposed on ADUs? What about lot coverage, floor area ratio, or open space requirements?**

No. While local governments may impose certain development standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (see below). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area, or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility. (Gov. Code, § 65852.2, subds. (c)(2)(C).)

What is a statewide exemption ADU?

A statewide exemption ADU, found in Government Code section 65852, subdivision (e), is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks. State ADU Law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, State ADU Law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs; however, maximum unit size requirements must allow an ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ADU ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits the development of an efficiency unit as defined in Health and Safety Code section 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. For example, an existing 3,000 square-foot barn converted to an ADU would not be subject to the local unit size requirements, regardless of whether a local government has an adopted ADU ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in State ADU Law or in the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used to limit the maximum size of an ADU?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached ADUs, but only if it does not restrict an ADU's size to less than the standard of at least 850 square feet (or at least 1,000 square feet for ADUs with more than one bedroom). Local agencies shall not, by ordinance, establish any other minimum or maximum unit sizes, including limits based on a percentage of the area of the primary dwelling, that precludes an 800 square-foot ADU. (Gov. Code, § 65852.2, subd. (c)(2)(C).) Local agencies utilizing percentages of the primary dwelling as maximum unit sizes can consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

Yes. Maximum unit sizes can exceed 1,200 square feet for ADUs through the adoption of a local ADU ordinance. State ADU Law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).)

C) Parking Requirements

- **Are certain ADUs exempt from parking requirements?**

Yes. A local agency shall not impose ADU parking standards for any of the following ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10):

- (1) ADUs located within one-half mile walking distance of public transit.
- (2) ADUs located within an architecturally and historically significant historic district.
- (3) ADUs that are part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the ADU.
- (5) When there is a car share vehicle located within one block of the ADU.

Note: For the purposes of State ADU Law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the Coastal Zone.

- **Can ADU parking requirements exceed one space per unit or bedroom?**

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances. For certain ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10), a local agency may not impose any ADU parking standards (see above question).

What is Tandem Parking?

Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subs. (a)(1)(D)(x)(I) and (j)(11).)

Local agencies may choose to eliminate or reduce parking requirements for ADUs, such as requiring zero or half a parking space per each ADU, to remove barriers to ADU construction and to facilitate development.

- **Is flexibility for siting ADU parking recommended?**

Yes. Local agencies should be flexible when siting parking for ADUs. Off-street parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)

D) Setbacks

- **Can setbacks be required for ADUs?**

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. However, setbacks should not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).) Additional setback requirements may be required in the Coastal Zone if required by a local Coastal Program. Setback requirements must also comply with any recorded utility easements or other previously recorded setback restrictions.

No setback shall be required for an ADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location as an existing structure, while not exceeding the existing dimensions, including height. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet, respectively. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs. (Gov. Code, §65852.2, subd. (c) and (e).)

- **Is there a distance requirement between an ADU and other structures on the lot?**

State ADU Law does not address the distance between an ADU and other structures on a lot. A local agency may impose development standards for the creation of ADUs, and ADUs shall comply with local building codes. However, development standards should not unduly constrain the creation of ADUs, cannot preclude a statewide exemption ADU (an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks), and should not unduly constrain the creation of all types of ADUs, where feasible. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

- **Is there a limit on the height or number of stories of an ADU?**

There is no height limit contained in State ADU Law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).) For a local agency to impose a height limit, it must do so through the adoption of a compliant ADU ordinance.

F) Bedrooms

- **Can a limit on the number of bedrooms in an ADU be imposed?**

A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs. Building code standards for minimum bedroom size still apply.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is “Proportionately”?

“Proportionately” is some amount in relation to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square-foot primary dwelling with a proposed 1,000 square-foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and, ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs. A proportional fee shall not be greater than 100 percent, as when a proposed ADU exceeds the size of the existing primary dwelling.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square-foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

- **Can local agencies, special districts, or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized to, but do not have to, levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district, or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000.)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. ADU Law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2).)

H) Ministerially Approved ADUs and Junior ADUs (JADUs) Not Subject to Local Standards

- **Are local agencies required to comply with Government Code section 65852.2, subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of State ADU Law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e)(1) are:

- (A) One ADU and one JADU are permitted per lot within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
- (B) One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU, and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.

(C) Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.

(D) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four-foot rear and side yard setbacks.

The above four categories may be combined. For example, local governments must allow (A) and (B) together or (C) and (D) together.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square-foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings.

These types of ADUs are also eligible for a 150 square-foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide parking if the ADU qualifies for one of the five exemptions listed under subdivision (d). Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner occupancy.

- **How many ADUs are allowed on a multifamily site under subdivision (e)?**

Under subdivision (e), an applicant may apply to build up to two detached ADUs and at least one interior ADU up to 25 percent of the number of units in the proposed or existing multifamily dwelling. All interior ADUs, however, must be converted from non-livable space, which is not a requirement under subdivision (a) for ADUs associated with single-family sites. It should also be noted that if there is no existing non-livable space within a multifamily structure, an applicant would not be able to build an interior ADU under subdivision (e). Attached ADUs are also prohibited under this subdivision.

By contrast, under subdivision (a), an applicant may choose to build one attached, detached, or conversion ADU on a site with a proposed or existing multifamily dwelling, with local objective development standards applied in the same manner as they would be applied to an ADU proposed on a single-family site under subdivision (a). JADUs can only be constructed on a site with a proposed or existing single-family dwelling; however, a JADU cannot be constructed on a multifamily site concurrently with an ADU under subdivision (a).

- **Can I convert my accessory structure into an ADU?**

Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through State ADU Law.

These conversions of accessory structures are not subject to any additional development standards, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits based on when the structure was created, and the structure must meet standards for health and safety.

Additionally, the two ADUs allowed on each multifamily site under subdivision (e) may be converted from existing detached structures on the site. Existing, detached accessory structures on a lot with an existing multifamily dwelling that are converted to ADUs cannot be required to be modified to correct for a non-conforming use. Both structures must be accessory structures detached from the primary residence, and because they are conversions of existing structures, these ADUs would not have to comply with the four-foot setback requirements under subdivision (e) if the existing structures are closer than four feet to the property line. This would also mean that the 16-foot height limitation would not apply if the existing structure were taller than 16 feet. Conversion ADUs in this scenario would not be subject to any square footage restrictions as long as they are built within the footprint of the previous structure.

- **Can an ADU created by converting existing space be expanded?**

Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. Per State ADU Law, only an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An ADU created within the space of an existing or proposed single-family dwelling is subject to local development standards. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per State ADU Law or per a local agency's adopted ordinance. (Gov. Code, § 65852.2, subd. (e)(1)(i).)

As a JADU is limited to being created within the walls of a primary residence and not an accessory structure, this expansion of up to 150 square feet does not pertain to JADUs.

- **Can an ADU be constructed in the non-livable spaces of the non-residential portions of a mixed-use development?**

No. The non-livable space used to create an ADU or ADUs under Government Code section 65852.2, subdivision (e)(1)(C), should be limited to the residential areas of a mixed-use development, and not the areas used for commercial or other activities. The parking and storage areas for these non-residential uses would also be excluded from potential ADU development.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per State ADU Law. For example, an applicant shall not be required to improve sidewalks or carry out street or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)

J) Renter- and Owner-Occupancy

- **Are rental terms allowed?**

Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, §65852.2, subds. (a)(6) and (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to State ADU Law removed the owner-occupancy requirement for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024; however, local agencies may not retroactively require owner-occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.22, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Can fire sprinklers be required for ADUs?**

Installation of fire sprinklers may not be required in ADUs (attached, detached, or conversion) where sprinklers were not required by building codes for the existing primary residence. For example, a detached single-family home designed and constructed decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. However, if the same primary dwelling recently underwent significant alteration and is now required to have fire sprinklers, any ADU created after that alteration must be provided with fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence” for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

For additional guidance on ADUs and fire sprinkler system requirements, please consult the Office of the State Fire Marshal.

L) Solar System Requirements

- **Are solar systems required for newly constructed ADUs?**

Yes, newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached ADU (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.

Please refer to the CEC on this matter. For more information, see the CEC’s website at www.energy.ca.gov. You may email your questions to title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD’s website at <https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>.

See HCD’s [Information Bulletin 2020-10](#) for information on the applicability of California solar requirements to manufactured housing.

3. JADUs – Government Code Section 65852.22

- **What is a JADU?**

A “junior accessory dwelling unit” or JADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. (Gov. Code, § 65852.22, subd. (h)(1).)

- **Are two JADUs allowed on a lot?**

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs required to have an interior connection to the primary dwelling?**

No. Although JADUs are required to be within the walls of the primary dwelling, they are not required to have an interior connection to the primary dwelling. That said, JADUs may share a significant interior connection to the primary dwelling, as they are allowed to share bathroom facilities with the primary dwelling.

- **Are JADUs allowed in detached accessory structures?**

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. (Gov. Code, § 65852.22, subds. (a)(1) and (a)(4).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

No. Only ADUs are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

Yes. The owner must reside in either the remaining portion of the primary residence or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes

- **Are manufactured homes considered to be an ADU?**

Yes. An ADU is any residential dwelling unit with independent living facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home. (Health & Saf. Code, § 18007.)

Health and Safety Code section 18007, subdivision (a): “**Manufactured home,**” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. Regional Housing Needs Allocation (RHNA) and the Housing Element

- **Do ADUs and JADUs count toward a local agency’s RHNA?**

Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the RHNA and Housing Element Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are

counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other local applications. For more information, please contact HousingElements@hcd.ca.gov.

- **What analysis is required to count ADUs toward the RHNA in the housing element?**

To count ADUs towards the RHNA in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability, and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures, and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.) This list is available on HCD's ADU webpage.

6. Homeowners Associations

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?**

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance. Refer to Section 4100 of the Civil Code for the meaning of a common interest development.

7. ADU Ordinances and Local Agencies

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

Maybe. ADU ordinances existing prior to the new 2020 laws, as well as newly adopted ordinances, are null and void when they conflict with State ADU Law. Subdivision (a)(4) of Government Code section 65852.2 states that an ordinance that fails to meet the requirements of subdivision (a) shall be null and void, and the local agency shall apply the state standards until a compliant ordinance is adopted. See the question on Enforcement below for more detail.

- **Do local agencies have to adopt an ADU ordinance?**

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose not to adopt an ADU ordinance, any proposed ADU development would be subject only to standards set in State ADU Law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with State ADU Law.

- **Is a local government required to send an ADU ordinance to HCD?**

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with State ADU Law. (Gov. Code, § 65852.2, subd. (h)(1).)

Local governments may also submit a draft ADU ordinance for preliminary review by HCD. HCD recommends that local agencies do so, as this provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with State ADU Law prior to adoption.

- **Are charter cities and counties subject to the new ADU laws?**

Yes. State ADU Law applies to a local agency, which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared State ADU Law addresses “...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution” and concluded that State ADU Law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the California Coastal Zone?**

Yes. ADU laws apply to jurisdictions in the California Coastal Zone, but do not

necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (I).) Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the [California Coastal Commission 2020 Memo](#) and reach out to the locality's local Coastal Commission district office.

- **Do the new ADU laws apply to areas governed by the Tahoe Regional Planning Agency (TRPA)?**

Possibly. The TRPA was formed through a bistate compact between California and Nevada. Under the compact, TRPA has authority to adopt ordinances, rules, and regulations, and those ordinances, rules, and regulations are considered federal law. Under this authority, TRPA has adopted certain restrictions that effectively limit lot coverage on developed land. State ADU Law may conflict to a degree with the TRPA standards, and to the extent that it does, the TRPA law likely preempts or overrides State ADU Law.

8. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

Yes. Pursuant to Government Code section 65852.2, subdivision (h), local agencies are required to submit a copy of newly adopted ADU ordinances within 60 days of adoption. HCD may thereafter provide written findings to the local agency as to whether the ordinance complies with State ADU Law. If HCD finds that the local agency's ADU ordinance does not comply with State ADU Law, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond. The local agency shall either amend its ordinance in accordance with HCD's written findings or adopt the ordinance without changes but include findings in its resolution explaining why the ordinance complies with State ADU Law despite HCD's findings. If the local agency does not amend its ordinance in accordance with HCD's findings or adopt a resolution explaining why the ordinance is compliant, HCD shall notify the local agency that it is in violation of State ADU Law. HCD may also notify the Attorney General of the local agency's violation. While an ordinance is non-compliant, the local agency shall apply state standards.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify State ADU Law.

9. Senate Bill (SB) 9 (2021)

- **Does SB 9 have any impact on ADUs?**

SB 9 (Gov. Code Sections 66452.6, 65852.21 and 66411.7) contains some overlaps with State ADU Law, but only on a relatively small number of topics. Please note that although HCD does not administer or enforce SB 9, violations of SB 9 may concurrently violate other housing laws that HCD does enforce, including, but not limited to, State ADU Law and State Housing Element Law. As local jurisdictions implement SB 9, including adopting local

ordinances, it is important to keep these and other housing laws in mind. For details regarding SB 9, please see HCD's [SB 9 Factsheet](#).

10. Funding

- **Is there financial assistance or funding available for ADUs?**

Effective September 20, 2021, the California Housing Finance Agency's (CalHFA) ADU Grant Program provides up to \$40,000 in assistance to reimburse qualifying homeowners for predevelopment costs necessary to build and occupy an ADU or JADU on a lot with a single-family dwelling unit. The ADU Grant Program is intended to create more housing units in California by providing a grant to reimburse qualifying homeowners for predevelopment costs. Predevelopment costs include, but are not limited to, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports. For additional information or questions, please see CalHFA's ADU Grant Program at <https://www.calhfa.ca.gov/adu> or contact the CalHFA Single Family Lending Division at (916) 326-8033 or SFLending@calhfa.ca.gov.

Resources



Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4,
ARTICLE 2**
**Combined changes from AB 345, AB 3182, AB 881,
AB 68, and SB 13** (Changes noted in strikeout,
underline/italics)

Effective January 1, 2022, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of ~~Historic~~ *Historical* Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) ~~The~~ *Except as provided in Section 65852.26, the* accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is

converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(1) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(2) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. [If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.](#) A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(3) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an

ordinance that complies with this section.

(4) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(5) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(6) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(7) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local

development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The space has exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

- (i) A total floor area limitation of not more than 800 square feet.
- (ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory

dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision

(b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other

action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the

effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted in underline/italic):

65852.2.

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or

existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. [If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.](#) A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs

of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed

accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that~~ imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If

the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

~~(4)~~ (5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision

(b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory

dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home~~. [dwelling](#).

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2)(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located

on the same lot.

- (3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (5) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- (7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
- (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
- (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
- (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
- (1) The accessory dwelling unit was built before January 1, 2020.
- (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
- (o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed.~~ *become operative on January 1, 2025.*

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4,
ARTICLE 2
AB 345 (Accessory Dwelling Units)**

Effective January 1, 2022, Section 65852.26 is amended to read:

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency ~~may, by ordinance,~~ *shall* allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

- (1) The ~~property~~ *accessory dwelling unit or the primary dwelling* was built or developed by a qualified nonprofit corporation.
- (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each *that* qualified buyer occupies.
 - (B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ~~property~~ *accessory dwelling unit or primary dwelling* if the buyer desires to sell or convey the property.
 - (C) A requirement that the qualified buyer occupy the ~~property~~ *accessory dwelling unit or primary dwelling* as the buyer's principal residence.
 - (D) Affordability restrictions on the sale and conveyance of the ~~property~~ *accessory dwelling unit or primary dwelling* that ensure the ~~property~~ *accessory dwelling unit and primary dwelling* will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - (E) *If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following*
 - (i) *Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.*
 - (ii) *Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.*

(iii) Procedures for dispute resolution among the parties before resorting to legal action.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in ~~strikeout~~, underline/*italics*) (AB 3182 (Ting)):

4740.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to ~~his or her~~ their separate interest.

~~(b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.~~

(c) ~~(b)~~ For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:

(1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.

(2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.

~~(d)~~ ~~(c)~~ Prior to renting or leasing ~~his or her~~ their separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative.

~~(e)~~ ~~(d)~~ Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.

~~(f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.~~

Effective January 1, 2021 of the Section 4741 was added to the Civil Code, to read:

4741.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.

(b) A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased. (c) This section does not prohibit a common interest development from adopting and enforcing a provision in a governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.

(d) For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.

(e) For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.

(f) A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.

(g) A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(h) In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code was amended to read:

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

- (1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- (2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the

structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, landtrust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b)(1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as

that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 was added to the Health and Safety Code, immediately following Section 17980.11, to read:

17980.12.

(a)(1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement agency determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

**CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5,
ARTICLE 1
AB 670 Accessory Dwelling Units**

Effective January 1, 2020, Section 4751 was added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3,
ARTICLE 10.6
AB 671 Accessory Dwelling Units**

Effective January 1, 2020, Section 65583(c)(7) of the Government Code was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 was added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2 & TITLE 7, DIVISION 2,
CHAPTER 1, ARTICLE 1
SB 9 Housing development: approvals**

Effective January 1, 2022, Section 65852.21 was added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application. 94 — 3 — Ch. 162

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b)(1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2)(A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. (B)(i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel. (2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is 94 Ch. 162 — 4 — no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (l) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet. (B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing: (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section. (G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

- (c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.
- (2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
- (3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- (B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.
- (d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:
- (1) Easements required for the provision of public services and facilities.
- (2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
- (3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:
- (A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
- (B) There is a car share vehicle located within one block of the parcel.
- (f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.
- (g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
- (2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
- (3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.
- (h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
- (i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.
- (j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.
- (2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (l) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

Attachment 2: ADU Resources

[ACCESSORY DWELLING UNITS: CASE STUDY](#)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats— are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

[ADU UPDATE: EARLY LESSONS AND IMPACTS OF CALIFORNIA'S STATE AND LOCAL POLICY CHANGES](#)

By David Garcia (2017)

Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

[ACCESSORY DWELLING UNITS AS LOW-INCOME HOUSING: CALIFORNIA' FAUSTIAN BARGAIN](#)

By Darrel Ramsey-Musolf (2018)

University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

[IMPLEMENTING THE BACKYARD REVOLUTION: PERSPECTIVES OF CALIFORNIA'S ADU OWNERS \(2022\)](#)

By Karen Chapple, Dori Ganetsos, and Emmanuel Lopez (2022)
UC Berkeley Center for Community Innovation

The report presents the findings from the first-ever statewide ADU owner survey in California.

[JUMPSTARTING THE MARKET FOR ACCESSORY DWELLING UNITS: LESSONS LEARNED FROM PORTLAND, SEATTLE AND VANCOUVER](#)

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

[THE MACRO VIEW ON MICRO UNITS](#)

By Bill Whitlow, et al. – Urban Land Institute
(2014)Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

[REACHING CALIFORNIA'S ADU POTENTIAL: PROGRESS TO DATE AND THE NEED FOR ADU FINANCE](#)

Karen Chapple, et al. – Turner Center (2020)

To build upon the early success of ADU legislation, the study argues that more financial tools are needed to facilitate greater ADU development amongst low to moderate income homeowners who do not have access to cash saving and cannot leverage home equity. The study recommends that the federal government create ADU-specific construction lending programs. In addition, California could lead this effort by creating a program to assist homeowners in qualifying for ADU construction loans.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#)

By William P. Macht. Urbanland online. (March 6, 2015)

Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

[REGULATION ADUS IN CALIFORNIA: LOCAL APPROACHES & OUTCOMES](#)

By Deidra Pfeiffer (May 16, 2019)

Turner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Turner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2)

a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

[SECONDARY UNITS AND URBAN INFILL: A LITERATURE REVIEW](#)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.



Atascadero City Council

Staff Report – Community Development

Ordinance Adopting Standards for the Implementation of SB 9: Urban Dwelling Units and Urban Lot Splits

RECOMMENDATION:

Planning Commission recommends Council:

1. Introduce for first reading, by title only, Draft Ordinance A amending Title 9: Planning and Zoning, to add Chapter 18: Urban Dwelling Units; and
2. Introduce for first reading, by title only, Draft Ordinance B amending Title 11: Subdivisions, establishing standards for Urban Lot Splits.

DISCUSSION:

Background:

On September 16, 2021 the Governor signed Senate Bill 9 (SB9) into law in an effort to streamline the development of housing to allow up to two primary dwelling units on many existing single-family zoned properties and allowing lot splits on existing single-family zoned sites with approval at the staff level. SB9 does three things:

1. Allows for the development of one additional primary (“Urban Dwelling Unit”) dwelling unit on the same lot as a primary residence on all single-family zoned parcels within the urbanized area of a city
2. Requires that cities allow for the approval of Urban Lot Splits of single-family properties within the urbanized area, and allowing up to two units on each of the new resulting lots without discretionary review state and local standards are met.
3. Allows the City to approve 24-month time extensions to Tentative Maps rather than the current 12-month limit

Many west-side properties are outside of the Urbanized Area and therefore are not eligible to utilize SB9.

The government code grants the City the authority to deny applications pursued in accordance with these government code sections based on health and safety issues or significant impacts on the physical environment. The law also allows cities to apply

objective standards associated with the construction of new units or the design of the subdivision. Much of the City of Atascadero has constraints to development based on a variety of factors. Fire safety, limited access, on-site wastewater overconcentration, historical resources, and sensitive environmental resources present concerns that require additional review and analysis.

SB 9 went into effect on January 1, 2022. In December of 2021, the City Council adopted an interim ordinance to ensure that applications received on or after the effective date could be processed with health, safety, and objective design standards enforced to address the unique characters of Atascadero (Attachment 1). To date, the City has reviewed two applications for an urban lot split. No applications to construct a new unit under SB9, independent from an Urban Lot Split have yet been pursued. SB 9 allows one to either add a new Urban Dwelling Unit on an existing parcel with an existing primary unit, or allows one to subdivide an eligible parcel and have two units on each resulting parcel, whether a pre-existing unit, a new Urban Dwelling Unit, or an accessory dwelling unit/junior accessory dwelling unit. Under SB9, an existing dwelling unit, a new urban dwelling unit, or an ADU/JADU count towards the total number of units.

The Planning Commission reviewed the proposed amendments at the August 2, 2022 meeting and recommended that the Council adopt the amendments as proposed, with the exception of adding flexibility to the minimum lot size for properties that are not served by sewer, similar to the recommendation for ADU's. The Commission recommended that the minimum lot size for consideration be reduced to $\frac{1}{2}$ are from $\frac{3}{4}$ acre when it can be demonstrated that surrounding lots within $\frac{1}{4}$ mile are at least one acre gross and can maintain a density of no more than one unit per $\frac{1}{2}$ acre given ADU and UDU potential allowances. The lot would still be required to meet all onsite wastewater system requirements as outlined in the City's adopted Local Area Management Plan (LAMP).

Please see the discussion regarding health and safety concerns and septic systems below.

Analysis:

State Law allows Cities to analyze potential health and safety, or other environmental factors when regulating the placement of Urban Dwelling Units and lot splits. Staff has identified the following as areas of concern:

1. Areas with no access to City sewer
2. Neighborhoods without accessible secondary emergency egress routes
3. Properties with average slopes of 30% or greater
4. Properties that include creeks, wetlands or sensitive habitat
5. Properties in locations of known archeological resources
6. Properties that include identified historic resources

These declared areas of concern have been taken into consideration in the proposed ordinance to help preserve the health and safety of our community. SB9 requires that the City approve a lot split or the addition of new units as a ministerial act. Therefore, the City may not utilize CEQA to evaluate topics such as environmental impacts, health and safety impacts, or impacts to historic resources. These topics must be guided through the implementation of objective standards. The proposed amendments to the Atascadero

Objective Standards

The government code allows cities to establish objective design standards for urban lot splits and the construction of new Urban Dwelling Units (UDUs). Other than lot size, lot splits must comply with the City's Subdivision Regulations and any new standards established for Urban Lot Splits. The Atascadero Municipal Code already contains standards for deep lot subdivisions (flag lots) and depth to width ratios and these standards are repeated in the sections specific to urban subdivisions for clarity. Additional standards were also included in the proposed ordinance and are recommended to ensure that adequate infrastructure is available, environmentally sensitive areas are protected, and neighborhood character is preserved.

The law also stipulates that development standards cannot hinder the ability of the owner to construct an additional 800 square-foot unit on an existing residential lot, or at least two units total on each lot created by an SB9 lot split. The law, however, does not dictate a maximum unit size. The findings made by the State for enactment of SB9 include justifications based on assumptions that infill units constructed under these provisions will be smaller and thus, affordable by design. As such, the City's interim ordinance included an 800 square-foot maximum for any new urban dwelling unit constructed on a parcel. The City Council, while adopting this standard for the interim, directed staff to provide additional discussion and adjust this number to allow for some flexibility to homeowners. The proposed language includes a maximum unit size of 1,000 square-feet, consistent with recommended maximum unit sizes for Accessory Dwelling Units. Consistency will enable more streamlined implementation of both laws and minimize confusion to the public. The 1,000 square-foot limit is still anticipated to produce housing that is affordable at the moderate-income rate.

The draft ordinance provides standards that incorporate objective criteria:

1. All Parcels must be connected to the City's public sewer system or meet standards for onsite wastewater systems, including minimum parcel size, and
2. All parcels with average slopes of 30% or greater must identify an accessible building envelope of 15% slope or less for the resulting vacant parcel, and
3. Parcels with jurisdictional waters, known archeological sites, or sensitive environmental resource areas shall be excluded from allowances of SB9, and
4. All parcels containing a qualifying historic resource or qualifying historic structure shall be excluded from SB9, and
5. Urban Dwelling Units (any residential unit created in accordance with these provisions) shall be a maximum of 1,000 square-feet of habitable area, and
6. All parcels proposing an urban lot split shall comply with the City's subdivision regulations and additional regulations as proposed specific to urban subdivisions, and
7. All properties shall show a minimum of one off-street parking space per unit unless specifically exempted by state law.

Staff is recommending that objective property development standards be included in the ordinance to ensure neighborhood compatibility and to support quality design.

These design features include the following:

1. *Specific minimum architectural features*
2. *Minimum Open space requirements (open space refers to outdoor use areas such as gardens, patios, decks, porches and yards)*
3. *Reduced footprint of the second floor to increase building articulation and reduce overlook*
4. *Dedicated laundry and storage space in each unit*
5. *Maximum lot coverage standards*
6. *Shared driveway standards for narrow properties*
7. *Maximum size of attached garages and non-habitable space*

These design guidelines are in addition to State mandated elements of the law which include:

1. *Owner-occupancy requirements: At least 3-years owner occupancy following application approval for a lot split; and*
2. *Each resulting lot shall be approximately half the size of the original lot (40% minimum); and*
3. *No rental or deed restricted affordable housing may be demolished to accommodate any lot split or second unit; and*
4. *Setback exceptions may be allowed for existing structures on parcels proposed to be subdivided; and*
5. *Prohibition of short-term vacation rentals for new units created in accordance with SB9; and*
6. *Limits on number of primary units and accessory units on each lot; and*
7. *Prohibition of further **ministerial** subdivisions on a site with a prior urban lot split.*

SB9 recognizes that the additional development would create potential impacts to the environment and particularly to historic resources. Therefore, SB9 allows local jurisdictions to exclude properties that include listed historic resources from SB9 lots splits and the development of UDUs. State law requires that these properties be identified and designated by a state or local ordinance in order to exclude them from SB9 allowances.

At this time, the City's General Plan identifies Colony Homes and related structures as historic resources and identifies an implementation goal to document and include these structures in a future historic preservation ordinance. However, this General Plan program has yet to be implemented. Only City Hall and the Printery building, along with a handful of other sites in the City, are officially designated as historic resources.

Prior to adopting an ordinance that lists all of the Colony Homes as historic resources, community outreach to each of these Colony Home owners will need to be completed. The proposed ordinance contains language to prohibit the implementation of SB9 on properties with historic resources once an ordinance has been adopted. It is also important to note that when the City includes all eligible Colony Homes on a list of Historic Resources, it may also allow these properties to be eligible for benefits such as grants, tax reductions, and the use of the flexible standards found within the historic building code. It is also important to know that it is still possible to modify, expand, and build other units (such as ADUs, apartments, and accessory structures) in a historic structure or on the same site as a historic structure with certain design criteria incorporated.

The City may proceed with adoption of an SB9 ordinance, while separately proceeding with an ordinance that identifies and lists historic properties at a later date, following additional outreach. Staff plans to proceed with the historic listing process for applicable Colony Homes next year.

Health and Safety Considerations

State law grants local jurisdictions the authority to deny applications based on health and safety concerns that cannot be mitigated. SB9 allows for the City's building official to determine when Health and Safety factors shall limit development and subdivision under SB9 on a case by case basis. Specific criteria may also be adopted into a City ordinance for clarity where known impacts will occur that would preclude development or subdivision. The City of Atascadero contains a large area within heightened fire severity zones, however, state law specifically preempts this as a factor for denial providing the structure is built to current building and fire codes that are designed to mitigate this impact. The law does allow for consideration in neighborhoods that do not meet fire code for secondary access as this cannot be mitigated through unit construction. The proposed ordinance would prohibit urban dwelling units and urban lot splits in neighborhoods with dead end roads exceeding the length of state standards. Many of these sites are already outside of the urbanized area and therefore would not be eligible to use SB9. The potential for groundwater impacts due to an overconcentration of on-site wastewater systems is a potentially significant health and safety consideration. The City's Local Area Management Plan (LAMP) governs septic systems from a technical aspect based on regional board standards for individual parcels. The LAMP provides design parameters for a variety of site-specific characteristics but does not address potential regional impacts. The City has completed a regional focused analysis to help evaluate regional over-concentration. The analysis focused on determining wastewater system densities that would contribute to high nitrogen loading rates should systems be expanded or added to accommodate additional units.

- *The resulting analysis concluded that a minimum lot size of **one gross acre** would be required for both ADUs or UDUs (a density of ½ gross acre per unit) to ensure that established thresholds for nitrogen overconcentration would not be exceeded. No minimum lot size will be established for UDUs that are connected to City sewer, only setbacks and design standards would apply.*

The one-acre minimum assumes nitrogen concentrations based on a total of two (2) units on a 1-acre site with an on-site wastewater disposal system or multiple onsite systems. It is important to note that, for these purposes, JADUs are excluded as they are limited in size and similar to a master bedroom addition. Therefore, a one-acre parcel inside the Urbanized Area could have a principal unit, an ADU **OR** UDU, and a JADU. Properties 1 ½ acres inside the Urbanized Area or greater could have all 4.

Council also requested that staff explore an exception process that would allow some smaller parcels without City sewer access to construct UDUs if certain standards related to nitrogen loading could be met.

- *Staff recommended language in the draft code text that would allow UDUs on properties between $\frac{3}{4}$ and 1-acre to construct a UDU if the average lot size within a $\frac{1}{4}$ -mile radius is over 1-acre gross.*

The Planning Commission recommended that this property size exception be offered to parcels as small as $\frac{1}{2}$ acre.

The required septic density analysis would remain the same as previously recommended by staff requiring smaller parcels to be surrounded by considerable larger parcels to meet the density standards for allowance. In either scenario, this calculation is required to consider any potential future lot split possibilities in determining average gross acreage. Properties enacting this provision will also have to comply with all LAMP standards.

While there is not greater risk of overconcentration of septic discharge with the Planning Commission recommended changes, reducing the possible lot size may give applicants a false confidence about the ability for the City to approve construction of a UDU. The overconcentration analysis will be done by staff and allowing greater flexibility will result in increased staff time with anticipated minimal ability for a property smaller than $\frac{3}{4}$ acre to meet the standards. The proposed code language allows for properties on septic that do not meet size requirements to provide a pre-treatment system, however, these requirements should be known up-front as there are significant costs associated with such systems. If there is greater perceived flexibility in lot size, this may result in design costs being incurred for an UDU without an understanding of full septic costs. In some cases, applicants may spend a substantial amount of money and utilize significant staff time only to find out that it may not be feasible to build an UDU with a standard wastewater system. For this reason, staff continues to recommend that the minimum lot size be no smaller than 0.75 gross acres.

Fees, improvements and Exactions.

New units built in accordance with SB9, whether on an existing site or on a new site created from an urban lot split, are subject to City Development Impact and Wastewater Capacity fees and do not qualify for exceptions granted under existing ADU laws. Frontage improvements can be required as a condition of occupancy of a new unit on a site following an urban lot split.

Findings:

The City is adopting a number of provisions that are directly related to unique characteristics of Atascadero and address the health, safety, and well-being of existing and future residents. As such, specific findings need to be made in accordance with State law. Findings related to specific local health and safety limitations are included in the attached Ordinances.

Conclusion:

In addition to recent changes to ADU policies, SB9 is a substantial expansion of state regulation that supersedes local zoning. Our General Plan, Zoning, and Subdivision standards are designed to reflect local conditions and local public input while taking into

consideration our available resources, infrastructure, and service limitations. The state laws are designed to increase affordable housing availability in all sectors and in all areas of the state. Keeping this in mind, it is critical to evaluate the proposed objective standards that speak to health, safety, neighborhood compatibility, and preservation of the environment. Staff has carefully evaluated SB9 and ADU laws and is continuing to seek legal input on these evolving topics. Our proposed code will be able to guide logical, sustainable development in the City that is responsive to local conditions while respecting state policies.

FISCAL IMPACT:

According to prior fiscal studies, in general, revenue from new residential development including property tax revenue, vehicle licensing fees, sales tax and other revenues are insufficient to cover the costs of providing services (police, fire, parks, recreation and other general government services) to the residents living in the new residential development. The lower the cost of the residential development, the less revenue it generated to provide the needed City services. Similar to other housing developed in the City, it is expected that this State required action will have a significant negative fiscal impact on the City.

For any applications submitted pursuant to this law, standard fees will be charged. The State recognizes that this law imposes an unfunded state-mandated local program.

ALTERNATIVES:

1. Council may recommend modifications to the proposed code amendments.
2. Council may determine that more information is needed on some aspect of the amendments and may refer the item back to staff to develop the additional information. Council should clearly state the type of information that is required and move to continue the item to a future date.

ATTACHMENTS:

1. Draft Ordinance A – Title 9, Chapter 18
2. Draft Ordinance B – Title 11 Updates

DRAFT ORDINANCE A

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, AMENDING TITLE 9, PLANNING AND
ZONING, TO ADD CHAPTER 18, URBAN DWELLING UNITS, TO THE
ATASCADERO MUNICIPAL CODE**

**URBAN DWELLING UNITS
(ZCH21-0006B)**

WHEREAS, The City of Atascadero is considering Zoning Text Change Amendments to Title 9 of the Atascadero Municipal Code to accommodate Senate Bill 9; and

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

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

WHEREAS, state law allows cities to designate requirements for UDUs based on health and safety standards, such as the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety; and

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

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

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

WHEREAS, the City has a responsibility to ensure that groundwater quality is not degraded by an overconcentration of nitrogen to ensure safe drinking water for the community both from the municipal water supplier and private individual wells; and

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

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

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

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

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

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact these amendments to Title 9, Planning and Zoning, of the Atascadero Municipal Code for consistency with State law and to maintain a clear and legible set of Zoning Regulations that is easily interpreted by the public and staff; and

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

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

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on September 13, 2022, resolved to introduce for first reading, by title only, an Ordinance that would add Chapter 18 to Title 9 related to Urban Dwelling Units, as shown in Exhibit A, attached hereto and incorporated herein by this reference.

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

A. Findings for Zone Text Amendment:

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

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

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

FACT: The proposed text contains provisions that address the unique characteristics of Atascadero and provide for safe and orderly development of Urban Dwelling Units consistent with State law.

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

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

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

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

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

SECTION 5. Approval. Title 9 (Planning and Zoning) of the Atascadero Municipal Code is amended to add Chapter 18, Urban Dwelling Units, as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on September 13, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

Chapter 18

9-18.001: Urban Dwelling Units. The following sections establish standards for the development of Urban Dwellings Units (UDUs) consistent with Section 65852.21 of the Government Code. Urban Dwelling units that comply with this chapter are considered not to exceed the density limits prescribed within this title for residential zoning districts.

9-18.010	Purpose
9-18.020	Definitions
9-18.030	General Requirements
9-18.031	Applicability
9-18.032	Development Standards
9-18.053	Development Fees

9-18.010 Purpose.

- (a) The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to Urban Dwelling Units (UDUs). This chapter is intended to implement Government Code Section 65852.21, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods while meeting statewide housing goals and responding to wildfire and wastewater constraints.
- (b) The City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community.
- (c) Implementation of this chapter is meant to expand housing opportunities for very-low, low and moderate-income and/or elderly households by increasing the number of affordable by design and rental units available within existing neighborhoods.

9-18.020 Definitions.

As used in this chapter:

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

Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.

Existing Structure. For the purposes of this chapter and implementation of Gov't Code Section 65852.21, an existing accessory structure or existing primary structure is defined as a structure, or the confines of a structure, that has received a passed final inspection prior to January 1, 2020.

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

Individual Property Owner. A natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. This does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified non-profit corporation (as defined by Revenue and Taxation Code Section 214.15).

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

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

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

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

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

Urban Dwelling Unit (UDU). A primary dwelling unit established or proposed to be developed in accordance with the standards, procedures, and requirements set forth under Government Code section 65852.21 and this chapter, either as a primary or second primary unit on a parcel.

Urbanized Area (UA). An urbanized area is a census boundary designated by the US Census Bureau.

Urban Lot Split. A lot split that divides one single family parcel into two lots consistent with Government Code section 65852.21 and consistent with Title 11.

9-5.030: General Requirements

- (a) Building Permit Required. A building permit application shall be required for the construction, occupancy or conversion of any UDU.
- (b) Ministerial Review Process. An application for development of a UDU will be reviewed as a ministerial permit, without discretionary review or a hearing, if it meets all the requirements set forth in this section, and after payment of all applicable fees.
- (c) Water Service. All UDUs shall be served by a public water system
- (d) Wastewater Service. To avoid health and safety impacts to ground water quality and nitrogen loading, UDUs shall be served by the City sanitary sewer system when located on lots with a gross area less than one (1) acre, except when:
 - (1) The parcel is 0.75 gross acres or greater and all of the following criteria can be met:
 - i. it can be demonstrated that all properties within a ¼ mile radius are of sufficient size, considering possible future lot splits and full development potential, to provide a minimum density of at least 0.5 acres per unit within the ¼ mile radius.
 - ii. It shall be demonstrated that a new or expanded onsite wastewater disposal system can accommodate the additional unit while meeting requirements of the City's Local Area Management Plan (LAMP).
 - (2) UDUs that do not meet the above requirements and do not have the ability to connect to City sewer must be served by an on-site wastewater system that includes pre-treatment and shall be subject to the approval of the City Engineer and must be approved and constructed in accordance with the City's LAMP standards

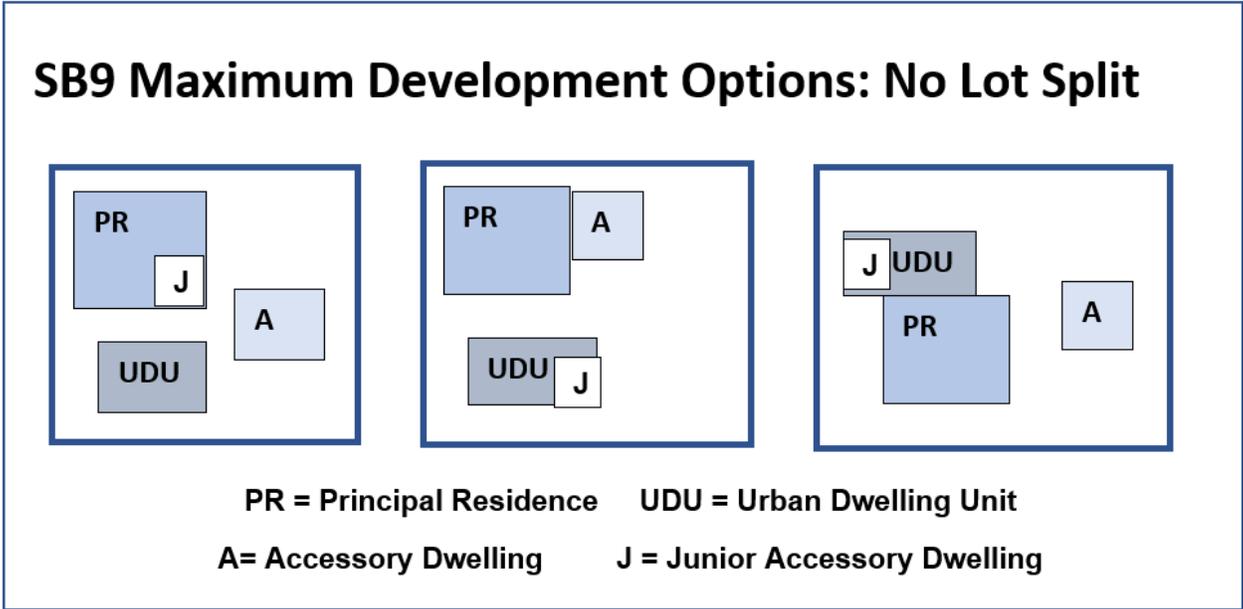
- (e) The maximum amount of paving for parking and access for any principal, primary, accessory, and junior accessory unit in a front setback area is limited to fifty percent (50%) of the front yard setback area.
- (f) Design. The design of an UDU shall be consistent with any objective design standards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

9-10.031 Applicability

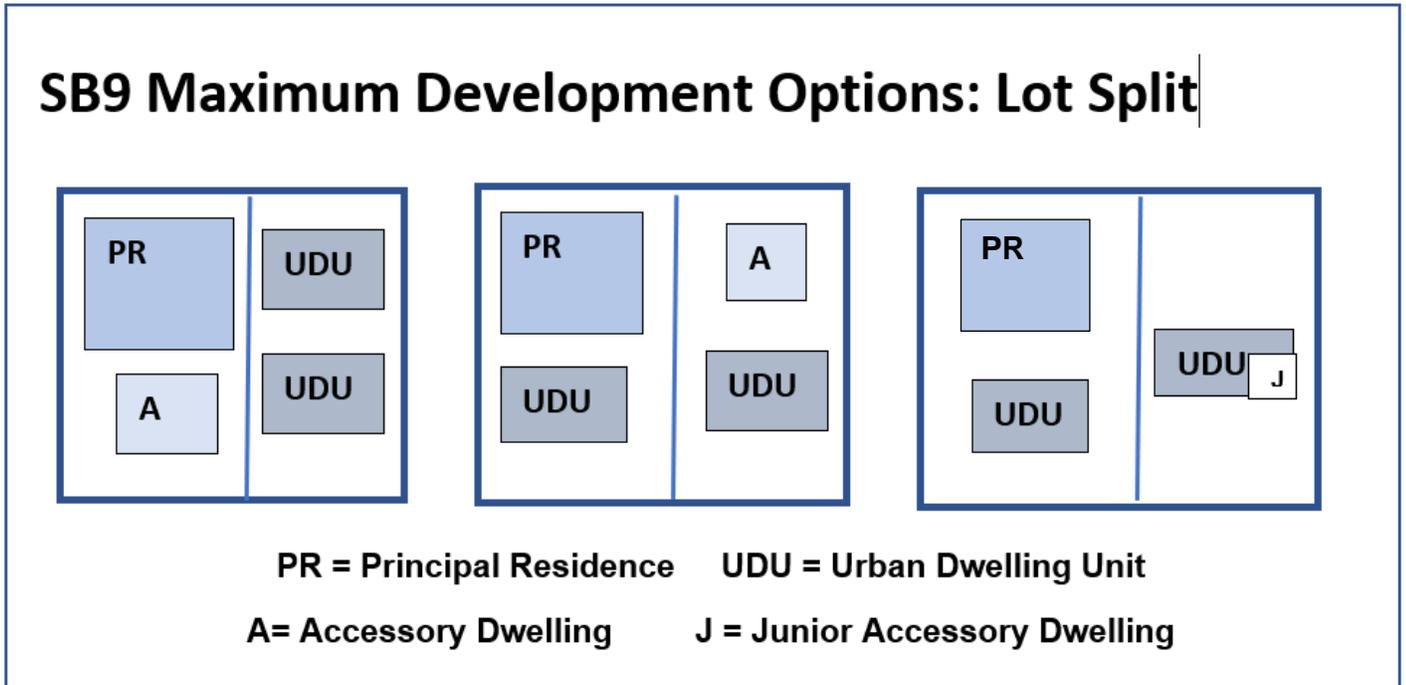
- (a) Location Requirements. An application for development of an Urban Dwelling unit must meet all the following location requirements:
 - (1) The subject parcel must be located in an area zoned for residential single-family use and be within or partially within the Urbanized Area, as designated by the US Census Bureau.
 - (2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes, but is not limited to, certain farmland, wetlands, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, on a site with a historic resource, and within or adjacent to habitats for protected species.

(3) Number of UDUs.

- i. No more than two primary dwelling units may be developed on any parcel; and
- ii. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no Urban Dwelling Unit shall be permitted on any lot in a single-family zoning district if: 1) an Urban Lot Split has been approved pursuant to Title 11; and 2) two units (Principal Dwelling Unit, UDU, ADU, or JADU) have already been approved for construction on either resulting lot; and
- iii. The maximum development of any dwelling units is shown below if no Urban Lot Split has been recorded:



- iv. The maximum development of any dwelling units is shown below if an Urban Lot Split has been recorded:



- v. If multiple units exist on a site that were constructed prior to designation as an accessory, junior accessory, or Urban Dwelling Unit, those units must be designated as one of the permitted housing unit types prior to further development of the property.

- (4) UDUs and Urban Lot Splits shall not be allowed in Planned Developments.
- (5) No UDUs shall be allowed inconsistent with the California Code of Regulations Section 1273.08

9-5.032 Development Standards. Standards for the development of UDUs shall be governed by this Chapter. Each UDU shall be subject to compliance with the California Building Code and the following standards:

- (a) Limitation on Demolition and Alterations. A proposed Urban Dwelling Unit must not involve demolition or alteration of:

- (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - (3) Housing that has been occupied by a tenant in the last three years.
 - (4) More than 25% of the existing exterior structural walls, unless the housing has not been occupied by tenants within the last three years.
- (b) Limitation on Parcels Withdrawn from Rental Market. A proposed Urban Dwelling Unit must not involve property withdrawn from rental market pursuant to GC §7060 and following, within 15 years before the date that the development proponent submits an application.
- (c) Development Standards. A proposed Urban Dwelling Unit must comply with the following development standards:
- (1) Maximum Size. The maximum size of UDUs shall be as follows:
 - i. The maximum size of a proposed Urban Dwelling Unit must not exceed 1,000 square feet in floor area.
 - ii. Any dwelling unit other than the principal dwelling unit, that was established on the lot prior to the submittal of a complete application for a development pursuant to this chapter may not be altered or expanded to a size greater than 1,000 square-feet, exclusive of any attached garage, storage space, or enclosed porch. No additional unconditioned space can be added if greater than the maximum allowances described in section (7) below. If existing units exceed the maximum size thresholds, no expansion or additions shall occur.
 - (2) Setbacks. Minimum setbacks shall be as follows:
 - i. Primary street frontage: 25-feet.
 - ii. Secondary street frontage: 12.5-feet.
 - iii. Corner street frontage: 10-feet.
 - iv. Access way (flag or easement): 10-feet.
 - v. Side: 5-feet unless the unit is 16-feet or less in height, then the setback shall be reduced to 4-feet
 - vi. Rear: 10-feet unless the unit is 16-feet or less in height, then the setback shall be reduced to 4-feet
 - vii. No minimum setback is required for the conversion of an existing permitted structure or a structure constructed in the same location and to the same dimensions as an existing permitted structure.

- (4) Height. All UDUs shall comply with the height limitations of the underlying zoning district except all units that are closer than 10-feet to the rear property line or 5-feet from a side property line shall be a maximum of 16-feet.
- (5) Parking. There must be at least one off-street parking space per proposed Urban Dwelling Unit unless specifically exempted by state law. If required parking spaces are eliminated as part of the construction of the UDU, replacement parking shall be required.
- (6) Open Space. Private open space shall be provided for each residential unit at a ratio of three hundred (300) square feet for each unit that provides 2 or less bedrooms. Each bedroom in excess of two (2) shall require an increase of private open space by fifty (50) square feet. The required front yard setback area shall not be used to satisfy the open space requirement; however, side and rear setback areas, decks, and patios may be utilized. The minimum length and width of the private open space area shall not be less than ten (10) feet.
- (7) Unconditioned Spaces. A garage or other unconditioned space may be attached to a UDU providing any attached space with a non-R occupancy shall be limited to 250 square-feet, except as follows:
 - i. Any non-R occupancy space may be up to 450 square feet if it is on a different level than the UDU and used for vehicle parking and the entirety of the UDU is located on a different floor with the exception of an entry and stairs.
 - ii. If an existing accessory structure is converted to an ADU and the size of the unconditioned space exceeds the maximum limit, the existing space can remain but may not be expanded.
- (8) Second Story. Two (2) story units built in accordance with Urban Dwelling Unit standards shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of any attached garage.
- (9) Architectural Features: Use of at least five (5) of the following architectural features on all street facing elevations, and at least three (3) of the following architectural features on all interior and rear yard elevations, as appropriate for the building type and style, is required.
 - i. Dormers;
 - ii. Gable roof form;
 - iii. Recessed entries (at least 3 feet);
 - iv. Covered porch entries with a minimum projection of 6-feet;
 - v. Cupolas or towers;
 - vi. Pillars or posts;
 - vii. Eaves (minimum 12-inch projection);

- viii. Off-sets in building face (minimum 16 inches);
 - ix. Window trim;
 - x. Bay or oriel windows;
 - xi. Balconies;
 - xii. A minimum of 2 decorative patterns on exterior finishes (e.g., scales/shingles, wainscoting, board and batten, and similar features); and
 - xiii. Decorative cornices and roof lines (e.g., for flat roofs).
- (10) Lot Coverage. Lot coverage of all primary dwelling units shall not exceed forty percent (40%) of the net lot area.
- (11) Storage and Laundry. Each unit shall include the following:
- i. Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement);
 - ii. Dedicated space for laundry facilities with hookups.
- (12) Undergrounding of Utilities. All new utilities shall be installed underground, per Title 8.
- (13) Driveways. Where the street frontage of a lot is 80 feet or less, all units on the lot shall share the same drive approach and driveway.
- (d) Frontage Improvements. All required frontage improvements shall be completed prior to, or concurrently with, the building permit for an Urban Dwelling Unit
- (e) Denial Based Upon Adverse Impacts. The City will deny a proposed Urban Dwelling Unit if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (f) Election of development standards. If necessary, objective zoning, subdivision, or design standards will be set aside for the construction of new units in the following order until the site can contain two 1,000 square foot units:
- (1) Lot Coverage
 - (2) Second Floor Area limitations
 - (3) Storage and Laundry
 - (4) Architectural Features
 - (5) Private open space

- (6) Setbacks to the degree allowed by State law
- (7) Shared Driveway requirements

9-5.053 Development Fees

- (a) Urban Dwelling Units shall be subject to single-family impact fees, and all other development and utility connection fees, adopted and in effect at the time of permit application.

DRAFT ORDINANCE B

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, AMENDING TITLE 11, SUBDIVISIONS,
RELATED TO URBAN LOT SPLITS**

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

WHEREAS, the City of Atascadero is considering Text Amendments to Title 11 of the Atascadero Municipal Code to accommodate Senate Bill 9; and

WHEREAS, the State of California has adopted Government Code Sections 65852.21 and 66411.7 which mandates that cities update and adopt standards and requirements related to urban dwelling units (UDUs) and urban subdivisions; and

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

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject Municipal Code text amendments was held by the Planning Commission of the City of Atascadero on August 2, 2022, at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact amendments to Title 11, Subdivisions, of the Atascadero Municipal Code for consistency with the General Plan and new state laws related to urban subdivisions and to maintain a clear and legible set of Subdivision Regulations that is easily interpreted by the public and staff; and

WHEREAS, a timely and properly noticed Public Hearing upon the Municipal Code text amendments was held by the City Council of the City of Atascadero on September 13, 2022. at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and

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

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on September 13, 2022, resolved to introduce for first reading, by title only, an Ordinance that would amend Title 11 of the Atascadero Municipal Code, as shown in Exhibit A, attached hereto and incorporated herein by this reference.

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

A. Findings for Subdivision Code Amendment:

1. **FINDING:** The amendments to Title 11 comply with all provisions of California Government Code Section 65913.2.

FACT: The proposed code updates are consistent with the provisions and intentions of Government Code Section 65913.2 related to fair housing practices.

2. **FINDING:** The proposed amendments are not more restrictive than the regulations included in the Subdivision Map Act for subdivisions requiring a tentative and final map.

FACT: The proposed amendments are consistent with newly adopted State law governing Urban Subdivisions and do not add restrictions above and beyond those specifically allowed by State law to ensue public health, safety, and welfare.

3. **FINDING:** Per Subdivision Map Act Section 66412.3, the amendments consider the housing needs of the region while balancing against the public service needs of residents and the available fiscal and environmental resources.

FACT: The proposed amendments implement new State law (California Government code Section 66411.7: Urban Lot Splits) and include provisions the increase housing while maintaining public health and safety. Additional units not anticipated in the General Plan or City budget will impact City services and fiscal health, however, the newly adopted State law is recognized as an unfunded mandate.

4. **FINDING:** The amendments are consistent with State law and enacts Government Code Section 66411.7: Urban Lot Splits.

FACT: The proposed amendments implement new State law (California Government code Section 66411.7: Urban Lot Splits) and include provisions the increase housing while maintaining public health and safety.

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

SECTION 5. Approval. Title 11 (Subdivisions) of the Atascadero Municipal Code, is amended as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on September 13, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

11-6.24 Minimum lot sizes.

Minimum lot sizes shall be as established in the zoning ordinance for the underlying zoning district for which a subdivision or other action pursuant to this title is proposed, or as permitted as an urban subdivision consistent with Government Code 66411.7 and AMC 11-6.27.

(The following section is a new addition to the Municipal Code)

11-6.27: Urban subdivisions. *An urban subdivision, or urban lot split is the division of one single family zoned residential parcel into two lots, consistent with the Government Code 66411.7 and this code.*

(a) Ministerial Review Process. An urban lot split parcel map application will be reviewed ministerially, without discretionary review or a hearing, if it meets all the requirements set forth in this section and in accordance with the procedures set forth in Chapter 11-14 of this code.

(b) Location Requirements. An urban lot split parcel map application must meet all the following location requirements:

- (1) The subject parcel must be located in an area zoned for single-family use, owned by an Individual Property Owner (as defined in Title 9, Chapter 18) and be within or partially within the Urbanized Area, as designated by the US Census Bureau.
- (2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, and habitats for protected species.
- (3) The subject parcel must not be located within a historic district or property, as set forth in Government Code section 65852.21(a)(6).

(c) Limitation on Demolition and Alterations. A proposed urban lot split must not involve demolition or alteration of:

- (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- (3) Housing that has been occupied by a tenant in the last three years.

(d) Limitation on Parcels Withdrawn from Rental Market. A proposed urban lot split must not involve property withdrawn from rental market under GC §7060 and following, within 15 years before the date that the development proponent submits an application.

(e) Development Standards. A proposed urban lot split must comply with the following development standards:

(1) No more than two dwelling units may be developed on either resulting lot. Existing residential units, Accessory dwelling units (ADUs), and junior ADUs (JADUs) (ADU's and JADU's are defined in title 9, chapter 5) shall be included in the maximum number of units.

(2) All UDUs must be consistent with the standards of Chapter 18 of Title 9.

(3) All parcels proposing an urban lot split must comply with the following design standards:

(i) Lot lines shall be at the top of slope banks.

(ii) Side lot lines shall be perpendicular to the street on straight streets, or radial to the street on curved streets.

(iii) Lots with a ratio of depth to width greater than 3:1 shall not be permitted.

(iv) All new lots shall have a minimum primary frontage width of 40-feet, unless approved as a flag lot subdivision.

(v) Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is 80 feet or less, all units on the lot (or all units on both lots created through an urban lot split) shall share the same drive approach and driveway.

(vi) Flag lot subdivisions may be approved subject to the following:

A. The original lot shall have frontage on a dedicated street with a minimum width of at least 65 feet;

B. The accessway to the rear shall be at least twenty (20) feet wide (developed to City standards), except where the accessway is more than one hundred fifty (150) feet long, it shall be at least twenty-four (24) feet wide with twenty (20) feet of pavement.

C. The lot farthest from the street shall own the accessway in fee. Other lots using the accessway shall have an access and utility easement over it and a maintenance agreement shall be recorded with the final parcel map.

D. A reflectorized house number master sign shall be located at the intersection of the street and accessway and individual reflectorized address signs shall be placed on the right-hand side of the driveway to each individual lot.

(4) All parcels with average slopes of 30% or greater must identify an accessible building envelope with a slope of 15% or less for the resulting vacant parcel.

(5) All utilities shall be separate for units residing on separate parcels. Multiple units on the same parcel may share utility connections unless prohibited by city code for residential uses.

(6) One street tree per 30-feet of primary frontage shall be installed.

(f) Denial Based Upon Adverse Impacts. The City will deny a proposed urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(g) Any units constructed on a lot that was created by an urban lot split are subject to the standards and requirements of Title 9, Chapter 18 including, but not limited to, prohibition of short-term rentals, size limitations, and owner occupancy.

(h) Compliance with the Subdivision Map Act. Urban lot splits must conform to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as expressly provided in this section.

(i) Dedication and Frontage Improvements. A dedication of rights-of-way or the construction of offsite improvements for the parcels being created cannot be required as a condition of issuing a parcel map. All required frontage improvements shall be completed prior to or concurrently with a building permit for an urban dwelling unit on either resulting lot.

~~(j) Fire Department & Utility Easements. An easement must be provided over the front parcel to the rear parcel for access to the public right of way, providing public services and facilities, maintenance of utilities, and (if required) fire department access.~~

(k) Owner Occupancy. The applicant for an urban lot split must be an existing owner and occupant of the subject lot and must sign an affidavit stating that the applicant will occupy one of the housing units on site as their principal residence for a minimum of three years from the date of the approval of the urban lot split. This does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(l) Residential Use Requirement. All uses allowed on a site subdivided as an urban lot split must be limited to residential uses. This does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(m) Non-Conforming Zoning Conditions. Nonconforming zoning conditions are not required to be made conforming before approving an application.

(n) Prior Urban Lot Split. The parcel being subdivided may not have not been established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel may have used the urban lot split process as provided for in this section.

(o) Size Requirements. The urban lot split meets all of the following size requirements:

(1) Both newly created parcels must be no smaller than 1,200 square feet and must comply with the LAMP criteria for subdivisions for properties served by on-site wastewater systems;

(2) Both newly created parcels must be of approximately equal lot area, which for purposes of this paragraph means that one parcel may not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(p) Deed Covenant Required. Prior to recordation of any final map for an Urban Lot Split, a covenant shall be recorded that provides notification as necessary to describe the limitations of this chapter including, but not limited to, the following:

- (1) Notification that the parcel is subject to standards required by Government Code 66411.7 and this code, which may include, but are not limited to, size of residence, design standards, rental requirements, etc.
- (2) No unit on either property may be used as a short-term rental unit (stays 30-days or less).

(q) Appeals.

For the purposes of this chapter, decisions of the Community Development Director or Building Official to approve or deny an application may be appealed in compliance with section 9-1.111 of the Atascadero Municipal Code.

(r) Conflict.

If any section within this chapter conflicts with Government Code sections 65852.21 or 66411.7, then the Government Code sections will apply.



Atascadero City Council

Management Report – Community Development

2022 Economic Hardship Program: Time Extensions For Construction Permits

RECOMMENDATION:

Council adopt Draft Resolution authorizing staff to allow for one-year time extensions to construction permits that meet eligibility standards.

DISCUSSION:

Following the disruptions to the business community due to Covid, a series of economic changes continue to impact the development community, potentially delaying the timelines for construction of both commercial and residential development projects. Construction labor and materials costs remain at an all-time high, while interest rates for loans continue to climb. Additionally, supply chain delays have resulted in substantial delays in project completion. These delays have been problematic because in general, building permits expire after six months unless work has commenced and the project continues to receive passing inspections for major components of the project.

In 2020, the State of California passed Assembly Bill 2913. AB 2913 provides that building permits issued by local jurisdictions after January 1, 2019, remain valid for up to one year provided work commences within a year of issuance. Local building officials may also grant, in writing, one or more six-month extensions of this initial period provided the permittee demonstrates "justifiable cause for the extension." If the work authorized by the permit begins within the relevant period of validity, the permit will remain in effect as long as the work is not abandoned (i.e., suspended for at least six months).

Unfortunately, there does not appear to be a requirement that local jurisdictions adopt ordinances or policies reflecting the provisions of AB 2913, and there are nuances in the bill that exempt many construction permits from eligibility. Also, the legislative history suggests the law was initially intended to apply only to residential construction.

In recent months, several developers have approached the City requesting additional time to pull or complete their approved construction permits, asking to pause future phases of development until lending opportunities and supply costs stabilize. At this time, it may be necessary for the City to adopt local policies that allow for automatic

extensions of construction permits that meet specific criteria. These extensions may allow for substantial cost savings to developers as they are able to avoid the costs of re-applying for new permits or having to draft all new plans to update their projects to revised building codes.

Consequently, it is prudent for the City to adopt a local policy that implements the intent of AB 2913 and applies our own standards to the potential extension of both residential and commercial construction permits during this time period. An opportunity for a one-year time extension for both issued and non-issued construction permits that meet eligibility requirements is being proposed at this time.

Current Construction Permit timelines

Construction permit timelines are governed by the California Building code and allow for permits to be valid for 180 days (6 months). The Building code authorizes the Building Official to issue one or more time extensions of 180 days each when the developer can demonstrate extenuating circumstances.

Issued construction permits are valid for 6 months from time of issuance unless the project has passed an inspection and is demonstrating progress. Each passed inspection automatically allows for an additional 6 months of time before another inspection is due. Applicants may also request a 6-month extension.

For permits that have not yet been issued, the City allows for permits to sit “dormant” for 6 months prior to further action by an applicant (either issuance or response to plan corrections), unless a time extension has been requested and granted by the Building Official. The City allows multiple time extensions to be granted, upon the discretion of the building official. However, every three years, there is a new addition of the California Code of Regulations that is adopted. In some cases, multiple extensions would allow for new permits to be issued under a previous adoption of the California Building Code.

In order to provide surety and assist development in these challenging times, a formal dormant permit program is being proposed. This would automatically allow all permits that meet specific criteria to be extended.

The following extension criteria is proposed:

Project Time Extension Eligibility

Project meeting all of the following eligibility criteria will be automatically eligible for the time extension program:

1. Permit Status:
 - a. Permit shall be an active permit that has been issued; or
 - b. Permit shall be an active permit that is ready to issue. (Permit must be kept up-to-date through plan review and no further plan review or corrections are needed.)
2. All plan review fees and other applicable fees must be paid in full prior to approval of the extension; and

3. The project shall be reviewed and approved under the 2019 Code standards.
4. Project site must be in good standing with no active code enforcement action; and
5. A written request for the time extension has been received by the City prior to the permit expiration date; and
6. The Building Official or designee has reviewed and certified that the permit meets the eligibility requirements; and
7. A signed agreement pertaining to the extension must be signed by the property owner.

Time Extension Program

All permits that have met the eligibility requirements as outline above shall be eligible for the following time extension program:

1. All projects accepted to the program will be permit ready, but allowed to wait in dormant status until agreed upon date, which will be no later than January 1, 2024.
2. At determined date, which will be no later than January 1, 2024, the permits must be issued in good standing and the time clock determined by the CBC of 180 days for a passed inspection will apply.
3. No project will be allowed to exceed the January 1, 2024 date for issuance.
4. All construction timelines after January 1, 2024 shall comply with CBC guidelines.
5. All maps, design review or other approvals date of expiration will apply. If said approvals expire, this permit time extension expires and will not stand. Extensions of such will be honored, but must be in active status at all times.
6. Code enforcement action taken against a permit in the time extension program may disqualify the permit from the program and regular time frames would apply to said permit.
7. All permits shall be subject to all City fees in place at the time of permit application acceptance by the City. School fees, water meter fees and other non-City fees are subject to change at any time and are not controlled by the City and shall be subject to rate in place at time of payment.

RECOMMENDATION:

Staff is recommending that the City Council adopt a resolution that allows the Chief Building Official or their designee to issue a one-year extension to construction permits that meet the program guidelines

FISCAL IMPACT:

There are no known fiscal impacts as a result of the adoption of the Draft Resolution. However, there are significant potential fiscal impacts as a result of the possible cancelling of large development projects due to current interest rates, construction costs, and supply chain delays.

ATTACHMENT:

Draft Resolution

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
AUTHORIZING THE BUILDING OFFICIAL TO GRANT ONE-YEAR
TIME EXTENSIONS TO ELIGIBLE CONSTRUCTION PERMITS**

WHEREAS, the State of California passed Assembly Bill 2913 in 2020 to provide relief to developers in the form of automatic one-year time extensions for construction permits for certain eligible construction permits that were issued after January 1, 2019; and

WHEREAS, due to circumstances associated with supply chain issues, labor shortages, materials costs, and increases to interest rates, some development projects have been delayed beyond typical timeframes; and

WHEREAS, it is in the best interest of the City of Atascadero to encourage and facilitate stability in its business community, and to assist key development projects in moving forward; and

WHEREAS, the changes to the economy due to Covid, inflation and increasing interest rates has resulted in unexpected project delays and project cancellations; and

WHEREAS, there are several significant development projects that may face substantial additional costs should their permits expire; and

WHEREAS, the City of Atascadero encourages the timely completion and continuation of approved development projects; and

WHEREAS, the granting of an additional year of time, consistent with the intent of AB 2913, to maintain an open construction permit or to obtain permits for both residential and commercial projects can provide economic support and substantial cost savings to certain development projects; and

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council finds that the extension of certain construction permits will assist in the economic development goals of the City.

SECTION 3. The City Council authorizes the City Building Official to provide a one-year time extension to development projects as follows:

Project Time Extension Eligibility

Project meeting all of the following eligibility criteria will be automatically eligible for the time extension program:

1. Permit Status:
 - a. Permit shall be an active permit that has been issued; or
 - b. Permit shall be an active permit that is ready to issue. (Permit must be kept up-to-date through plan review and no further plan review or corrections are needed.)
2. All plan review fees and other applicable fees must be paid in full prior to approval of the extension; and
3. The project shall be reviewed and approved under the 2019 Code standards.
4. Project site must be in good standing with no active code enforcement action; and
5. A written request for the time extension has been received by the City prior to the permit expiration date; and
6. The Building Official or designee has reviewed and certified that the permit meets the eligibility requirements; and
7. A signed agreement pertaining to the extension must be signed by the property owner.

Time Extension Program

All permits that have met the eligibility requirements as outline above shall be eligible for the following time extension program:

1. All projects accepted to the program will be permit ready, but allowed to wait in dormant status until agreed upon date, which will be no later than January 1, 2024.
2. At determined date, which will be no later than January 1, 2024, the permits must be issued in good standing and the time clock determined by the CBC of 180 days for a passed inspection will apply.
3. No project will be allowed to exceed the January 1, 2024 date for issuance.
4. All construction timelines after January 1, 2024 shall comply with CBC guidelines.
5. All maps, design review or other approvals date of expiration will apply. If said approvals expire, this permit time extension expires and will not stand. Extensions of such will be honored, but must be in active status at all times.
6. Code enforcement action taken against a permit in the time extension program may disqualify the permit from the program and regular time frames would apply to said permit.
7. All permits shall be subject to all City fees in place at the time of permit application acceptance by the City. School fees, water meter fees and other non-City fees are subject to change at any time and are not controlled by the City and shall be subject to rate in place at time of payment.

ITEM NUMBER: B-3
DATE: 09/13/22
ATTACHMENT: 1

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of September, 2022.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk