

## **DRAFT ORDINANCE**

### **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9, PLANNING & ZONING, TO REVISE CHAPTER 5, ACCESSORY DWELLING UNITS, FOR CONSISTENCY WITH STATE LAW AND CLARITY RELATED TO DEVELOPMENT STANDARDS, AND DETERMINING THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

#### **ACCESSORY DWELLING UNITS (ZCH25-0064)**

**WHEREAS**, the City of Atascadero is considering Zoning Code Text Change Amendments to Title 9 of the Atascadero Municipal Code for consistency with newly enacted State laws and HCD comments regarding existing ordinance consistency with State law; and

**WHEREAS**, the State of California has adopted revisions, repeals, and amendments to Government Code Sections 66314 through 66323, in addition to Government Code Sections 66311.5, 66333, within the provisions of Assembly Bill 1154 and Senate Bill 543, which requires an update to existing City ordinances for consistency; and

**WHEREAS**, ADUs and Junior ADUs do not count as additional residential density per State law for the purposes of zoning compliance and CEQA; and

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to enact these amendments to Chapter 5 of Title 9, Planning and Zoning, of the 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**, the Planning Commission has determined that it is in the best interest of the City to enact these amendments to Chapter 5 of Title 9, Planning and Zoning, of the 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 Planning and Zoning Text Amendment application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Planning and Zoning Text Amendment; 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

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

**SECTION 1. Recitals.** The above recitals are true and correct and incorporated herein as if set forth in full.

**SECTION 2. Planning Commission Recommendation.** The Planning Commission of the City of Atascadero, on December 16, 2025, held a timely and properly noticed Public Hearing upon the subject Zoning Text Amendment and associated actions, at which hearing evidence, oral and documentary, was admitted on behalf of said Amendment, and the Planning Commission recommended that City Council approve said Amendment.

**SECTION 3. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on January 13, 2026, resolved to approve a Zoning Code Text Amendment to update Title 9, Chapter 5, Accessory Dwelling Units, for consistency with State law and clarity relating to development standards (ZCH25-0064).

**SECTION 4. Findings.** The City Council makes the following findings and determinations for approval of the proposed Zoning Text Amendment:

1. 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 amendment updates an existing chapter for consistency with State law. The updates are consistent with the City's Housing Element and are intended to implement revisions to the Government Code associated with Senate Bill 543 and Assembly Bill 1154.

2. 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 amendment will result in consistency with State law and clarify development standards for ease of understanding and implementation. Regulations in the Atascadero Municipal Code will continue to provide for the safe and orderly development of Accessory and Junior Accessory Dwelling Units consistent with State law.

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

**Fact:** The State of California does not recognize accessory or junior accessory dwelling units as primary units for the purposes of determining density nor as projects for the purposes of environmental review. Standards in the Atascadero Municipal Code intended to minimize the environmental impact of ADU development are not proposed to be modified as part of this amendment.

**SECTION 5. CEQA.** This ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

**SECTION 6. Approval.** The City Council of the City of Atascadero, in a regular session assembled on January 13, 2026, introduces, for first reading by title only, an Ordinance that would amend Title 9, Chapter 5 of the Atascadero Municipal Code consistent with the following:

EXHIBIT A: Amendments to Title 9, Chapter 5

**SECTION 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 January 13, 2026, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_.

CITY OF ATASCADERO:

\_\_\_\_\_  
Charles Bourbeau, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Dave Fleishman, City Attorney