



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

In accordance with City Council Resolution No. 2023-001 and the requirements of AB 361, the Planning Commission Meeting will not be physically open to the public and Planning Commissioners will be teleconferencing into the meeting.

HOW TO OBSERVE THE MEETING:

To maximize public safety while still maintaining transparency and public access, the meeting will be available by clicking on the following link:

Planning Commission - 832 5023 8111 (No Passcode Required)

<https://us02web.zoom.us/j/83250238111?pwd=SG9OdGxyNHNTNmxRWEpHTzRQK0VnQT09>

The video recording of the meeting will be available through the City's website and on the City's YouTube channel.

HOW TO SUBMIT PUBLIC COMMENT:

Members of the public are highly encouraged to participate in live public comment through the Zoom platform using the link above or by calling **669-900-6833** (Meeting ID 832 5023 8111) to listen and provide public comment via phone.

If you wish to comment but not via a live platform, please email public comments to: pc-comments@atascadero.org by 12:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email.** The comments will be forwarded to the Planning Commission and made a part of the administrative record. If a comment is received after the deadline for submission but before the close of the meeting, the comment will still be included as a part of the administrative record of the meeting but will be forwarded to the Planning Commission the next business day. ***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.

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

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the Community Development Department 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 Planning Commission. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Planning Commission meetings that are either read into the record or referred to in their statement will be noted in the Minutes and available for review by contacting the Community Development Department. All documents are available for public inspection during City Hall business hours by appointment.



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

REGULAR MEETING
Tuesday, February 21, 2023
6:00 P.M.

City Hall Council Chambers
6500 Palma Avenue, 4th Floor
Atascadero, California 93422

CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson Jeff van den Eikhof
Vice Chairperson Tori Keen
Commissioner Jason Anderson
Commissioner Victoria Carranza
Commissioner Greg Heath
Commissioner Randy Hughes
Commissioner Dennis Schmidt

APPROVAL OF AGENDA

PUBLIC COMMENT (This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Commission may take action to direct the staff to place a matter of business on a future agenda.)

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 Commission or public wishes to comment or ask questions.)

1. APPROVAL OF THE DRAFT MINUTES OF FEBRUARY 7, 2023

- **Recommendation:** Commission approve the February 7, 2023 Minutes.

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PLANNING COMMISSION BUSINESS

PLANNING COMMISSION REORGANIZATION:

A. Election of Chairperson and Vice Chairperson

The Commission will select a Chairperson and Vice Chairperson.

COMMUNITY DEVELOPMENT STAFF REPORTS

None

PUBLIC HEARINGS

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant’s representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).

DISCLOSURE OF EX PARTE COMMUNICATIONS:

Prior to a project hearing, Planning Commission Members must disclose any communications they have had on any quasi-judicial agenda items. This includes, but is not limited to, Tentative Subdivision Maps, Parcel Maps, Variances, Conditional Use Permits and Planned Development Permits. This does not disqualify the Planning Commission Member from participating and voting on the matter, but gives the public and applicant an opportunity to comment on the ex parte communication.

2. 10850 LLC VESTING TENTATIVE TRACT MAP FOR 10850 EL CAMINO REAL (CONTINUED FROM 2/7/23)

The 10850 El Camino Real project was originally submitted and approved in 2017 establishing a Planned Development Overlay Zone (#34) on the site. The original Tentative Tract Map expired in 2019. The applicant applied to revive the original Tract Map in 2020. However, in 2022, the applicant modified their map to include 43 condominiums units. This alteration to the map necessitates approval of a new Tentative Tract Map. (SBDV22-0085)

Recommendation: Staff’s recommendation is for the Planning Commission adopt draft PC Resolution, approving Vesting Tentative Tract Map (TR 3187), approving a 31-lot subdivision and 43-residential airspace condominium units on resulting Lot 31 based on findings and subject to conditions of approval.

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COMMISSIONER COMMENTS AND REPORTS

DIRECTOR'S REPORT

ADJOURNMENT

The next regular meeting will be held on March 7, 2023 at 6:00 p.m. in person at City Hall, Council Chambers, 6500 Palma Ave, Atascadero, CA.

Please note: Should anyone challenge in court any proposed development entitlement listed on this Agenda, 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 Planning Commission at, or prior to, this public hearing.

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*City of Atascadero***WELCOME TO THE ATASCADERO PLANNING COMMISSION MEETING**

The Planning Commission meets in regular session on the first and third Tuesday of each month at 6:00 p.m. at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Commission in the order of the printed Agenda.

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 Community Development Department and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, www.atascadero.org. All documents submitted by the public during Commission meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the Community Development Department. Commission meetings are audio recorded, and may be reviewed by the public. Copies of meeting recordings are available for a fee. Contact the City Clerk for more information at (805) 470-3400.

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA

Under Agenda item, "PUBLIC COMMENT", the Chairperson will call for anyone from the audience having business with the Commission to approach the lectern and be recognized.

1. Give your name for the record (not required).
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.

This is when items not on the Agenda may be brought to the Commission's attention. A maximum of 30 minutes will be allowed for Public Comment Portion (unless changed by the Commission).

TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)

Members of the audience may speak on any item on the agenda. The Chairperson will identify the subject, staff will give their report, and the Commission will ask questions of staff. The Chairperson will announce when the public comment period is open and will request anyone interested to address the Commission regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Chairperson.
2. Give your name (not required).
3. Make your statement.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.
6. All comments limited to 3 minutes.

If you wish to use a computer presentation to support your comments, you must notify the Community Development Department at (805) 461-5035 at least 24 hours prior to the meeting. Digital presentations brought to the meeting should be on a USB drive or CD. You are required to submit to the Recording Secretary a printed copy of your presentation for the record. Please check in with the Recording Secretary before the meeting begins to announce your presence and turn in the printed copy.

The Chairperson will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Commission.

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CITY OF ATASCADERO PLANNING COMMISSION

DRAFT MINUTES

Regular Meeting – Tuesday, February 7, 2023 – 6:00 P.M.
City Hall (Teleconference)
6500 Palma Avenue, Atascadero, California

CALL TO ORDER - 6:00 p.m.

Vice Chairperson Keen called the meeting to order at 6:00 p.m. and Commissioner Hughes led the Pledge of Allegiance.

ROLL CALL

Present: **By Teleconference** – Commissioners Anderson, Carranza, Heath, Hughes, Schmidt, and Vice Chairperson Keen

Absent: Chairperson van den Eikhof (excused absence)

Vacant: None

Others Present: **By Teleconference** –
Annette Manier, Recording Secretary

Staff Present: **By Teleconference** –
Community Development Director, Phil Dunsmore
Deputy Community Development Director, Loreli Cappel
Senior Planner, Kelly Gleason
Assistant Planner, Sam Mountain

APPROVAL OF AGENDA

MOTION: **By Commissioner Carranza and seconded by
Commissioner Anderson to approve the Agenda.**

*Motion passed 6:0 by a roll-call vote.
(van den Eikhof absent)*

PUBLIC COMMENT

None.

Vice Chairperson Keen closed the Public Comment period.

CONSENT CALENDAR**1. APPROVE THE HOME DEPOT PHASE II ENTITLEMENT TIME EXTENSION AT 940 EL CAMINO REAL**

- Recommendation: Commission approve the Time Extension. (TEX22-0113)

A. APPROVAL OF THE DRAFT MINUTES OF JANUARY 17, 2023

- Recommendation: Commission approve the January 17, 2023 Minutes.

MOTION: By Commissioner Anderson and seconded by Commissioner Schmidt to approve the Consent Calendar.

*Motion passed 6:0 by a roll-call vote.
(van den Eikhof absent)*

PLANNING COMMISSION BUSINESS

None.

COMMUNITY DEVELOPMENT STAFF REPORTS

None.

PUBLIC HEARINGS**2. 10850 LLC VESTING TENTATIVE TRACT MAP FOR 10850 EL CAMINO REAL**

The 10850 El Camino Real project was originally submitted and approved in 2017 establishing a Planned Development Overlay Zone (#34) on the site. The original Tentative Tract Map expired in 2019. The applicant applied to revive the original Tract Map in 2020. However, in 2022, the applicant modified their map to include 43 condominiums units. This alteration to the map necessitates approval of a new Tentative Tract Map. (SBDV22-0085)

Recommendation: Staff's recommendation is for the Planning Commission adopt draft PC Resolution, approving Vesting Tentative Tract Map (TR 3187), approving a 31-lot subdivision and 43-residential airspace condominium units on resulting Lot 31 based on findings and subject to conditions of approval.

EX PARTE COMMUNICATIONS

None

Commissioner Carranza stated that she was hoping to reach out Nick Debar, but Planner Gleason stated that he would be available via text messaging for tonight's meeting.

Director Dunsmore discussed the background on the project site and provided a presentation. Staff answered questions from the Commission.

PUBLIC COMMENT

The following members of the public spoke: Paula Ramsum, John Belsher (Belsher Law, PC), and John Carnesale (developer). Mr. Carnesale addressed questions raised during public comment.

Vice Chairperson Keen closed the Public Comment period.

Senior Planner reached out to Nick DeBar, Public Works Director to answer questions.

MOTION: By Commissioner Anderson and seconded by Commissioner Hughes to approve Vesting Tentative Tract Map (TR3187) approving a 31-lot subdivision and 43-residential airspace condominium units on resulting Lot 31 based on findings and subject to conditions of approval.

Discussion ensued and the Commission did not vote.

Commissioner Schmidt suggested the item be continued and explained his reasons why: Conditions are old and carried forward. Additional time will allow Public Works and possibly legal counsel to be present and weigh in. This will also allow neighbors and the applicant additional time.

Commissioner Anderson withdrew his motion.

MOTION: **By Commissioner Schmidt and seconded by Commissioner Anderson to continue the item, to a date certain of February 21, 2023.**

Planner Gleason read the response from Public Works Director DeBar, and he indicated that he did not believe any conditions would be added, but would be deleting conditions that were already covered under the construction permit.

Motion passed 5:1 by a roll-call vote.
(van den Eikhof absent) (Keen voted no)

Vice Chairperson Keen recessed the meeting at 7:21 p.m. for a break.***Vice Chairperson Keen reconvened the meeting at 7:28 p.m. with all present.*****3. BARREL CREEK PLANNED DEVELOPMENT (CONTINUED FROM 1/17/2023)**

The Barrel Creek project proposes a mixed-use development at the intersection of Del Rio Road and San Ramon Road. The project includes a request for a General Plan Amendment, Zone Map Amendment, creation of a Planned Development Overlay Zone, Master Plan of Development, Tentative Tract Map, and Tree Removal Permit. The project also includes a Master Sign Program that includes

exceptions to the standard sign regulations and a height exception. Project addresses include 6010, 6020, 6030 Del Rio Road and 1505, 1855 San Ramon Road. A Notice of Intent to Adopt a Mitigated Negative Declaration (EDN2022-0005) was posted on 12/29/22 for public review. An update was posted and recirculated for review on February 2, 2023. The public review period will end on 2/22/23 and is available at www.atascadero.org/environmentaldocs.

Recommendation: Staff's recommendation is for the Planning Commission to adopt resolutions recommending that the City Council approve the Barrel Creek project. (DEV21-0066)

EX PARTE COMMUNICATIONS

Vice Chairperson Keen stated that she knows the Architect Scott Martin, and has had conversation about the project. All other Commissioners had no ex parte.

Planner Gleason provided the staff report and answered questions from the Commission. Planner Gleason stated that is item is tentatively scheduled for City Council final approval on February 28, 2023.

PUBLIC COMMENT

The following members of the public spoke: Darin Cabral (RRM Design Group), Richard Franco (representing Californians Allied for a Responsible Economy or CARE CA), Godfrey Weschair (CARE CA), and Peter Laughlin.

Vice Chairperson Keen closed the Public Comment period.

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt Draft PC Resolution A, recommending that the City Council certify the Mitigated Negative Declaration prepared for the Barrel Creek Project; with staff's conditions as proposed and no modifications, and

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt Draft PC Resolution B, recommending that the City Council approve a General Plan Amendment modifying the General Plan Designation of the Barrel Creek project site from Suburban Estates (SE) to Medium Density Residential (MDR) and Commercial Park (CPK), and moving the Urban Services Line to accommodate the project boundary, with staff's conditions as proposed and no modifications and

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt Draft PC Resolution C, recommending that the City Council introduce for 1st reading, by title only, an Ordinance that would approve a Zone Map Change modifying the zoning map designation of the Barrel Creek project from Residential Suburban (RS) to Residential Multi-Family 10 (RMF-10) and Commercial Park (CPK), with staff's conditions as proposed and no modifications and

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt Draft PC Resolution D, recommending that the City Council introduce for 1st reading, by title only, an Ordinance that would approve a Zoning Text Amendment to establish Planned Development Overlay Zone No. 38 (PD38) over the Barrel Creek project site, with staff's conditions as proposed and no modifications and

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt Draft PC Resolution E, recommending that the City Council approve a Conditional Use Permit establishing a Master Plan of Development and Vesting Tentative Tract Map for Tract 3177, approving a commercial and residential subdivision for the Barrel Creek site with associated tree removal, Master Sign Program, and height exceptions with staff's conditions as proposed and no modifications.

*Motion passed 6:0 by a roll-call vote.
(van den Eikhof absent)*

COMMISSIONER COMMENTS AND REPORTS

Commissioner Carranza asked if we have specific questions about the Barrel Creek project, who she could contact. Director Dunsmore stated that she can email him or Kelly Gleason, and she can also direct her concerns prior to the Council meeting.

Commissioner Schmidt talked about an issue at Brown Butter Cookie Company, and traffic on Santa Rosa Road. Director Dunsmore addressed his concerns.

Commissioner Hughes stated that the utilities are complete at the new Taco Bell, so that site is close to being ready to open.

DIRECTOR'S REPORT

Director Dunsmore introduced Sam Mountain, new Assistant Planner in the Community Development Department.

Director Dunsmore talked about upcoming Commissioner training, and the Downtown Infrastructure Workshops.

Director Dunsmore reminded the Commission that these meetings will be in person, (no longer virtual) beginning March 1st.

ADJOURNMENT – 8:21 p.m.

The next regular meeting is scheduled for February 21, 2023, at City Hall, 6500 Palma Avenue, Atascadero.

MINUTES PREPARED BY:

Annette Manier, Recording Secretary
Administrative Assistant



Atascadero Planning Commission

Staff Report – Community Development Department

10850 LLC Vesting Tentative Tract Map (SBDV22-0085)

RECOMMENDATION(S):



Planning Commission adopt draft PC Resolution, approving Vesting Tentative Tract Map (TR 3187), approving a thirty-one-lot subdivision and forty-three (43) residential airspace condominium units on resulting Lot 31 based on findings and subject to conditions of approval.

Project Info In-Brief:

PROJECT DESCRIPTION	The proposed project is for a condo map at 10850 El Camino Real on APN 045-351-008 to allow for a subdivision of one lot into 31 lots and 43 airspace condominium units on the resulting Lot 31.			
PROJECT ADDRESS:	10850 El Camino Real	Atascadero, CA	APN	045-351-008
PROJECT PLANNER	Mariah Gasch	470-3446	mgasch@atascadero.org	
APPLICANT	10850, LLC			
PROPERTY OWNER	10850, LLC			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
High Density Residential (HDR)	Residential Multi-Family (RMF-24)	3.78 net acres	Multi-Family Project	Single-Family Residential/ Multi-Family Condominiums
ENVIRONMENTAL DETERMINATION				
<input checked="" type="checkbox"/> Negative / Mitigated Negative Declaration No. 2017-0009				



DISCUSSION:
Existing Surrounding Uses

Existing Zoning		Existing Aerial / Surrounding	
			
North:	South:	East:	West:
RMF-24	RMF-24	RMF-24 / Public	Highway 101

Background

The 10850 El Camino Real project was originally submitted and approved in 2017 establishing a Planned Development Overlay Zone (#34) on the site. The original Tentative Tract Map expired in 2019. The applicant applied to revive the original Tract Map in 2020. However, in 2022, the applicant revised their map to include 43 condominiums units. This alteration to the map necessitates a new Tentative Tract Map.

The project was presented at the February 7, 2023 Planning Commission meeting where the Commission and interested members of the public reviewed the project, provided comment and asked questions. The Planning Commission voted to continue the item to the February 21st meeting and asked staff to remove all conditions that are not related to the approval of this map. Staff has attached the revised resolution as Attachment 1.

Summary

The development at 10850 El Camino Real (formerly known as “Hartberg”) was approved by the Planning Commission in 2017. The zoning of the approved project is residential multi-family (RMF), which permits between 20 to 24 units per acre. The minimum lot size in the RMF zone is ½ acre. To achieve the desired unit mix, allow for smaller lot sizes, and specific development standards, the applicant requested a planned development overlay zone be applied to the property.



The Planned Development Overlay allows for flexibility in density, setbacks, lot sizes, and other creative arrangements in exchange for high quality architectural design, high quality landscaping, affordable housing, and open space. The proposed density for the project is 20 units per acre, consistent with the RMF-24 zoning district. The approved project includes a new local street that intersects El Camino Real to provide access to all residential units.

The project approved in 2017 consisted of a total of 75-unit residential units that included:

- 48 apartments at a total of 3-stories in height;
- 20 attached townhomes, 2-stories in height;
- 7 single-family residential cottages;
- On-site parking is to be provided;
- Landscaping, and on-site amenities including BBQ area, patio and gardens

The project area is approximately 3.79 acres with a gentle slope of 6%. Construction of the units is ongoing.

The project was originally approved with 48 senior apartments. The project description has changed from 48 proposed apartments to **43** condominium units. The development is no longer proposed to be required to senior housing. Therefore, the floor plan was modified to meet the density required by the City's Municipal Code.

The previous staff report from February 7th is attached as Attachment 3.

ENVIRONMENTAL DETERMINATION:

The City of Atascadero prepared an Initial Study to determine if the proposed project would have a significant adverse effect on the environment. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. Consequently, a Mitigated Negative Declaration was prepared for the Project. (See Attachment 2.) Mitigated Negative Declaration No. 2017-0009 was adopted by the City Council on August 8th, 2017.

FINDINGS:

To recommend approval of the proposed project, findings are required to be made by the Planning Commission. The City's General Plan and Zoning Ordinance identify the specific findings that must be made to approve Vesting Tentative Tract Map TR 3187. All findings and the facts to support these findings are included in the Draft Resolution.

ALTERNATIVES:

1. The Planning Commission may include modifications to the project and/or conditions of approval for the project. Any proposed modifications including



conditions of approval, should be clearly re-stated in any vote on any of the attached resolutions.

2. The Planning Commission may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The Commission should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
3. The Planning Commission may deny the project. The Commission must specify what findings cannot be made, and provide a brief oral statement, based on the Staff Report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the Planning Commission.

ATTACHMENTS:

1. Draft Resolution
2. Mitigated Negative Declaration No. 2017-0009



ATTACHMENT 1: Draft Resolution
SBDV22-0085

DRAFT PC RESOLUTION

**RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ATASCADERO, CALIFORNIA,
APPROVING SBDV22-0085
(VESTING TENTATIVE TRACT MAP TR 3187)
FOR A 32 LOT SUBDIVISION WITH 43 AIRSPACE CONDOMINIUMS ON LOT 31
LOCATED AT 054-351-008**

10850 EL CAMINO REAL / 10850, LLC

WHEREAS, an application has been received from 10850, LLC (Applicant/ Owner), 701 Shadow Lane #300, Las Vegas, NV, 89106, to consider a 32-lot subdivision including 43 airspace condominiums units on a 3.79 acre site located at 10850 El Camino Real, Atascadero, CA 93422 (APN 045-351-008); and

WHEREAS, the site has a General Plan Designation of High Density Residential (HDR); and

WHEREAS, the site is in the Residential Multi-Family 24 (RMF-24) zoning district; and

WHEREAS, the existing site has a gross area of 3.79 acres; and

WHEREAS, the minimum lot size in the Residential Multi-Family 24 zone is 0.5 acres; and

WHEREAS, the resulting lots from the subdivision are consistent with Planned Development Overlay #34; 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 Subdivision and Conditional Use Permit application was held by the Planning Commission of the City of Atascadero, at which hearing evidence, oral and documentary, was admitted on behalf of said Subdivision; and

NOW, THEREFORE, the Planning Commission of the City of Atascadero takes the following actions:

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



SECTION 2. Public Hearings. The Planning Commission held a duly noticed public hearing to consider the project on February 7, 2023 and considered testimony and reports from staff, the applicants, and the public.

The Planning Commission held a duly noticed public hearing to consider the project on February 21, 2023 and considered testimony and reports from staff, the applicants, and the public.

SECTION 3. Findings. The Planning Commission makes the following findings, determinations and approvals.

a. **Findings for Approval of a Tentative Tract Map**

1. **FINDING:** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan; and

Fact: The proposed subdivision has been designed and includes proposed improvements that are consistent with the City’s adopted General Plan, in addition to the requirements that have been codified for the Planned Development Overlay Zone No. 34.

2. **FINDING:** The site is physically suitable for the type of development; and

Fact: The proposed site is suitable for this type of development as the grades are gently sloping. Based on the approved grading plan, the subdivision contains a number of lots and residential units that are consistent with the density of the underlying Residential Multi-Family Zoning District (RMF-24), of a maximum of twenty four (24) units per acre.

3. **FINDING:** The site is physically suitable for the proposed density of development; and

Fact: The site is directly adjacent to neighborhoods that are zoned Residential Multi-Family 24, which allow for the development of parcels with a maximum density of twenty-four (24) units per acre. Therefore, the project is consistent with the surrounding neighborhood and is suitable for the proposed density.

4. **FINDING:** The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

Fact: The project has been analyzed, consistent with the California Environmental Quality Act (CEQA), through certified Mitigated Negative Declaration, Environmental Document No. 2017-0009. With the incorporation of mitigation measures, in addition to project conditions, the proposed project’s impacts will be mitigated to a threshold of less than significant. Therefore, the project will not create substantial environmental damage.



5. FINDING: The design of the subdivision or the type of improvements will not cause serious health problems; and

Fact: The proposed project and the types of improvements include a subdivision for a total of 70 residential units over 32 lots. Since the project is residential in nature, and the improvements have been reviewed for consistency with the threshold established by the City, through adopted ordinances, and City policies, the proposed project will not cause serious health problems.

6. FINDING: The design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision.

Fact: The installation of public improvements is necessary, prior to recordation of a Final Map, in order to ensure orderly development of the surrounding area.

7. FINDING: The proposed projector use satisfies all applicable provisions of the Title 9 of the Atascadero Municipal Code this title.

Fact: Public improvements are included, as conditioned by the City Engineer, are required and consistent with the City’s adopted General Plan, Master Facilities Plan, and Municipal Code. Therefore, the proposed improvements are necessary to ensure orderly development of the surrounding area.

SECTION 4. CEQA. The project is consistent with Mitigated Negative Declaration No. 2017-0009 adopted by City Council on August 8th 2017.

SECTION 5. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on February 21, 2023, resolves to approve 10850 El Camino Real Tentative Tract Map TR 3187 (SBDV22-0085), subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Vesting Tentative Tract Map TR 3187

On motion by Commissioner _____, and seconded by Commissioner _____ the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

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

CITY OF ATASCADERO, CA

Jeff van den Eikhof
Planning Commission Chairperson



Attest:

Phil Dunsmore
Planning Commission Secretary



EXHIBIT A: Conditions of Approval
SBDV 22-0085

Conditions of Approval	Timing
<p>10850 El Camino Real SBDV22-0085</p>	<p>BL: Business License FM: Final Map GP: Grading Permit BP: Building Permit PIP: Public Improvement Plans FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</p>
<p>Planning Conditions</p>	
<p>1. SBDV22-0077 (Vesting Tentative Tract Map TR 3187) shall be for the subdivision of 10850 El Camino Real; A portion of Lot 4, Block 35 of the City of Atascadero, County of San Luis Obispo, State of California, according to the map recorded October 21, 1914 in Book 3, Page 46 of Maps, in the office of the county recorder of said county. (Assessor's Parcel Number's 054-351-008), as generally shown in attached Exhibit B, regardless of owner. The Tract Map allows for:</p> <p>a. The subdivision of one existing parcel into 32 parcels, and b. A 43-unit airspace subdivision on resulting Parcel 31</p>	<p>Ongoing</p>
<p>2. The appeal period is fourteen (14) days following the Planning Commission approval unless prior to the time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.</p>	<p>Ongoing</p>
<p>3. Approval of this Tentative Tract Map shall be valid for a period of twenty-four (24) months, consistent with Section 66452.6(a)(1) of the California Subdivision Map Act. The approved Tentative Tract Map may be extended consistent with Section 66452.6(e) of the California Subdivision Map Act. Any requested map extension shall be consistent with Section 11-4.23 of the Atascadero Municipal Code</p>	<p>FM</p>
<p>4. The applicant shall deed restrict the following affordable housing units within the development prior to or concurrently with recordation of a Final Map for the project:</p> <ul style="list-style-type: none"> • 3 units dedicated to persons of very low income; • 6 units dedicated to persons of low income; <p>Prior to the issuance of building permits:</p> <ul style="list-style-type: none"> • Applicant shall construct six (6) units dedicated to persons of moderate income and record deed restrictions for these units; or • Pay an in-lieu fee of 5.00% of the construction valuation of six (6) market rate units. <p>For sale units shall be deed restricted for 30 years. Units that are designated affordable that are rental units shall be restricted for 55 years.</p>	<p>FM</p>
<p>5. The emergency services and facility maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance costs shall be funded through a community facilities district established by the City at the developer's cost. The funding mechanism must be in place prior to or concurrently with acceptance of the final maps. The funding mechanism shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any Final Map. The administration of the above mentioned funds shall be by the City. Developer agrees to participate in the Community Facilities District and to take all steps reasonably required by the City with regard to the establishment of the district and assessment of the property.</p> <ul style="list-style-type: none"> • All Atascadero Police Department service costs to the project. • All Atascadero Fire Department service costs to the project. 	<p>FM</p>



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<ul style="list-style-type: none"> Off-site common City of Atascadero park facilities maintenance service costs related to the project. 	
<p>6. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance cost shall be funded through a Homeowners Association established by the developer subject to City approval or similar maintenance entity. The Homeowners Association or similar maintenance entity must be in place prior to, or concurrently with, acceptance of any Final Map. The Homeowners Association or similar entity shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any Final Map. The administration of the above mentioned funds, and the coordination and performance of maintenance activities, shall be the responsibility of the Homeowners Association.</p> <ul style="list-style-type: none"> All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project. All parks, trails, recreational facilities and like facilities. All open space and native tree preservation areas. All drainage facilities and detention basins. All creeks, flood plains, floodways, wetlands, and riparian habitat areas. All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities. All frontage landscaping and sidewalks along public streets per municipal code requirements. 	<p>FM</p>
<p>7. Prior to Final Map, the applicant shall submit CC&Rs for review by the Community Development Department. The CC&R's shall record with the Final Map and shall include the following:</p> <ul style="list-style-type: none"> Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping. A detailed list of each individual homeowner's responsibilities for maintenance of the individual units. Individual unit's responsibility for keeping all trash receptacles within the unit's garage. Include provisions for ensuring parking within garages. <p>CC&R's may include the entire project under one document or may be tiered should separate governing documents be desired for the single-family and multi-family portions of the project.</p>	<p>FM</p>
<p>8. A condo plan shall be prepared and reviewed by the City prior to recordation. The condo plan shall record concurrently with the final map and shall be listed on the face of the map.</p>	<p>FM</p>
<p>9. The Applicant shall enter into a Subdivision Agreement with the City and bond for all subdivision improvements (public and certain private improvements) that are not completed prior to recordation of the first Final Map and each subsequent phased Final Map. The Subdivision Improvement Agreement and bond shall be approved by the City Council and prepared in accordance with City regulations.</p>	<p>FM</p>
<p>10. An engineer's Estimate of Probable Cost shall be submitted for review and approval by the City Engineer to determine the amount of the bonds.</p>	<p>FM/ PIP</p>



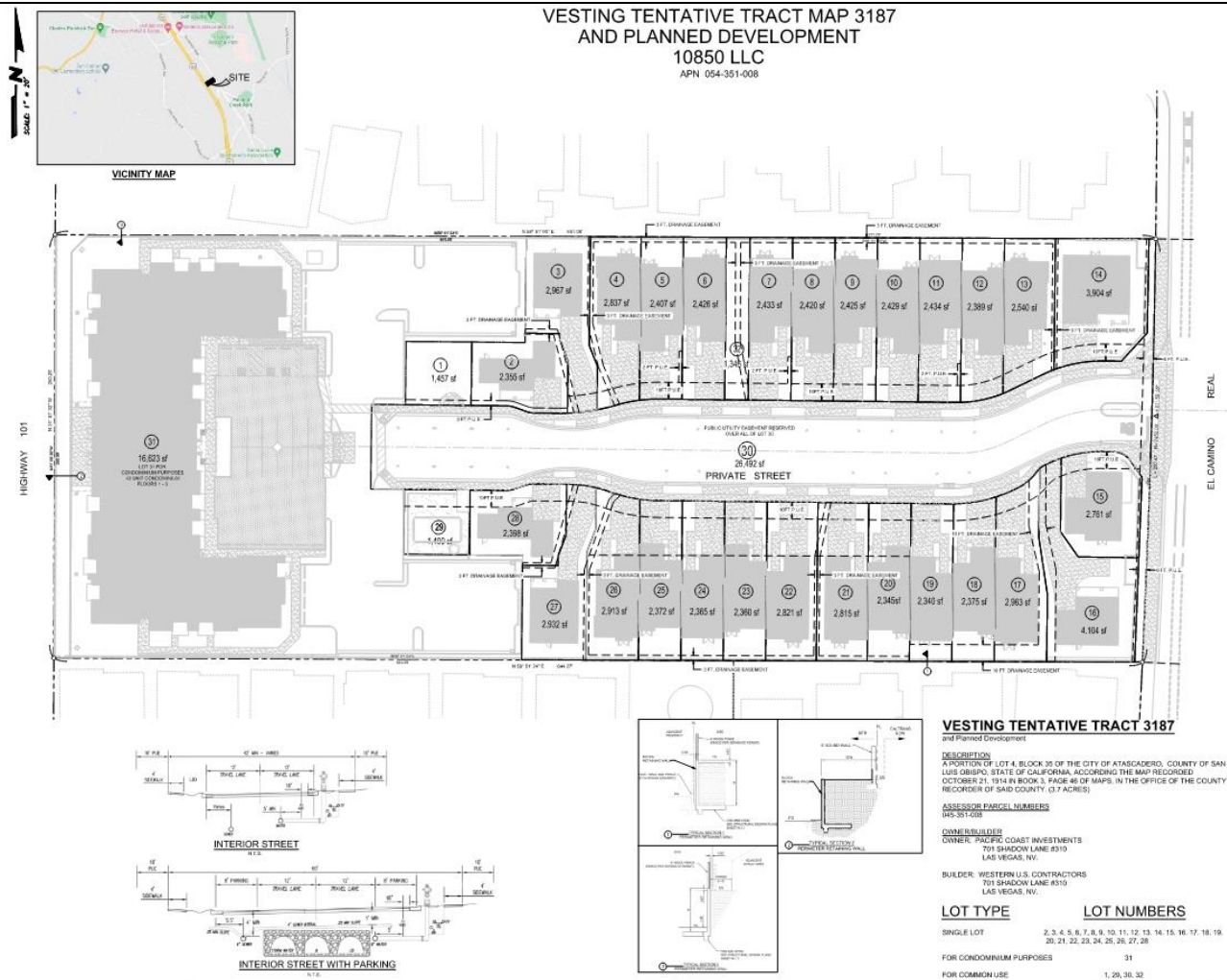
<p>Conditions of Approval</p> <p><i>10850 El Camino Real</i> SBDV22-0085</p>	<p style="text-align: center;">Timing</p> <p>BL: Business License FM: Final Map GP: Grading Permit BP: Building Permit PIP: Public Improvement Plans FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</p>
<p>11. If the tract monuments are not set prior to recordation of the Final Map, the Surveyor shall submit a letter stating the cost required to set the tract monuments and the Applicant shall submit a Monumentation Bond in an equal amount, to the satisfaction of the City Engineer.</p>	<p style="text-align: center;">FM</p>
<p>12. Prior to recording the Final Map, the Applicant shall have the map reviewed by the public utility providers for power, telephone, gas, cable TV, and the Atascadero Mutual Water Company. The Applicant shall obtain a letter from each utility company stating that the easements and rights-of-way shown on the map for public utility purposes are acceptable.</p>	<p style="text-align: center;">FM</p>
<p>13. Documents that the City of Atascadero requires to be recorded concurrently with the Final Map (e.g.: off-site rights-of-way dedications, easements not shown on the map, agreements, etc.) shall be listed on the certificate sheet of the map.</p>	<p style="text-align: center;">FM</p>
<p>14. The on-site road shall be privately owned and maintained. The Final Map shall dedicate an easement over the road for access, drainage, public utilities, private water and private wastewater purposes.</p>	<p style="text-align: center;">FM</p>
<p>15. In lieu of dedicating 0.94 acres of public park space, a parkland dedication fee (Quimby Act Fee) must be paid prior to the recordation of a Final Map.</p>	<p style="text-align: center;">FM</p>
<p>16. Vesting Tentative Subdivision Map for all lots proposed in Tract 3187 was deemed complete on February 21, 2023, for the purposes of vested development rights and fees consistent with the Subdivision Map Act of the State of California.</p>	
<p>17. The Subdivider shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning the subdivision.</p>	<p style="text-align: center;">Ongoing</p>
Public Works Conditions	
<p>18. The property owner shall dedicate a 6-foot wide Public Utility Easement (PUE) contiguous to the El Camino Real right-of-way to the satisfaction of the utility purveyors and City Engineer.</p>	<p style="text-align: center;">FM</p>
<p>19. The water system may require easements outside of the road rights-of-way for water system facilities to the satisfaction of the AMWC and City Engineer.</p>	<p style="text-align: center;">FM</p>
<p>20. The subdivider shall complete street improvements in accordance with City Standard Details and Standard Specifications and to the satisfaction of the City Engineer. The following minimum requirements shall be incorporated into the project consistent with approved Site Improvement Plans for Tract 3099 (now Tract 3187), City permit number B18-15625 and all revisions:</p> <ul style="list-style-type: none"> a. New sidewalk, curb & gutter shall be installed across the property frontage and shall match the existing adjacent frontage improvements. b. The on-site private road shall be designed and constructed with a structural section based on "R" value testing, utilizing the Traffic Index = 5.5 (with a 20-yr design life). The Applicant shall be responsible for providing all testing and calculations. Calculations shall include the safety factor defined in the State Highway Design Manual. The minimum asphalt thickness shall not be less than 3-inches. c. Street pavement shall be widened to meet the new frontage improvements. El Camino Real pave-out shall be designed and constructed with a structural section based on "R" 	<p style="text-align: center;">PIP</p>



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<p>value testing, utilizing the Traffic Index = 10 (with a 20-yr design life). The minimum asphalt thickness shall not be less than 3-inches.</p> <p>d. Curb returns at El Camino Real shall maintain a 30-foot radius.</p> <p>e. Directional ADA compliant curb ramps shall be installed at the El Camino Real intersection, to the satisfaction of the City Engineer.</p> <p>f. Street striping, signage, traffic signals, and any traffic control improvements shall be in accordance with the CA Manual on Unified Traffic Control Devices (CA-MUTCD), and to the satisfaction of the City Engineer.</p> <p>g. Street lighting may be required at the intersection and/or locations as determined by the City Engineer.</p> <p>h. The bike lane shall be extended along the project side of El Camino Real to the southerly intersection of La Costa Ct.</p> <p>If the applicant wishes to record the final map prior to completion of subdivision improvements, a subdivision improvement agreement and bonding for remaining improvements shall be required. An engineer's estimate of costs for remaining improvements shall be submitted to City Engineer or his designee for review and approval and will serve as the basis for required bonding amounts to be included in the subdivision improvement agreement to be provided to the developer.</p>	
<p>21. The Applicant shall extend the water distribution system to the satisfaction of the AMWC and City Engineer.</p>	<p>FM</p>
<p>22. Each lot shall be served with a separate water lateral and meter in accordance with the AMWC requirements.</p>	<p>FM</p>
<p>23. Where the water distribution system requires an above ground facility, said facility shall be located in an easement contiguous to the road right-of-way and shall include visual screening, to the satisfaction of the AMWC, Community Development Director, and City Engineer.</p>	<p>FM</p>
<p>24. Each lot shall be served with individual utilities (water, power, gas, telephone & cable TV) to the satisfaction of the City Engineer.</p>	<p>FM</p>
<p>25. Final site improvement plan must reflect this map (TR 3187). If current plans are inconsistent with the new tract map, the improvement plans shall be updated upon recordation of the map to reflect the recorded map.</p>	<p>FM/PIP</p>
<p>General Conditions</p>	
<p>26. Approval of this entitlement shall be final and effective consistent with Atascadero Municipal Code (AMC) section 9-1.111 seq. et. al.</p>	



Exhibit B: Vesting Tentative Tract Map TR 3187
SBDV22-0085



**ATTACHMENT 2: Mitigated Negative Declaration No. 2017-0009
SBDV22-0085**

See Mitigated Negative Declaration No. 2017-0009 at the following link:

<http://records.atascadero.org/WebLink/DocView.aspx?id=80549&dbid=0&repo=Atascadero&searchid=9eb34242-39cd-48b6-9d2c-5bda8599807d>

ATTACHMENT 3: February 7, 2021 Staff Report
SBDV22-0085

See staff report from February 7, 2023 at the following link:

<http://records.atascadero.org/WebLink/DocView.aspx?id=115754&dbid=0&repo=Atascadero>