



# ***Atascadero City Council***

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## ***Staff Report - City Manager's Office***

### **Planning Commission Requests**

#### **RECOMMENDATION:**

Council give staff direction on interpretation of abstention vote, drive-through policy development, and tree mitigation fee review.

#### **DISCUSSION:**

The Planning Commission has submitted three separate requests for the City Council. The requests are as follows:

- 1. City Council amend Title 2, Chapter 1, Section 15 of the Atascadero Municipal Code to qualify an abstention as a neutral vote.**

Currently an abstention, unless it is because of a conflict of interest, is considered an affirmative vote.

The City Attorney reviewed this section of the Atascadero Municipal Code and determined that it is not consistent with traditional practice and could be susceptible to legal challenge due to the lack of a reasonable basis supporting the rule. As the staff research is already complete, this item would be easy to place on an upcoming agenda.

- 2. City Council give the Planning Commission a policy on drive-throughs before any more drive-throughs are submitted for consideration by the Planning Commission. The Commission encourages the City Council to conduct public hearings in conjunction with their development of a policy.**

The City Council has already directed staff to place this on a future agenda.

Currently, the City's General Plan policy LOC 3.1.11, concerning El Camino Real, states:

*Transform the existing El Camino Real “strip” into a distinctive, attractive and efficient commercial, office and industrial park area which can provide for the long-term economic viability of the community.*

*Encourage retail businesses at efficient and attractive nodes along El Camino Real and Morro Road with mixed office and residential uses between those nodes.*

*Programs: (11) Amend and maintain the zoning ordinance to require Conditional use Permit approvals of bars, dance halls, night clubs, drive through restaurants, and service stations (all gasoline sales uses).*

The issue of drive-throughs relates to traffic, air quality, public health, disabled access and community character. Staff would need a significant amount of time to analyze all of these issues. Currently, staff is working on the Wal-Mart and Eagle Ranch General Plan amendments. Staff believes that August would be the earliest they would be able to focus on this issue.

### **3. City Council review tree mitigation fees.**

The current tree mitigation fees were adopted by Resolution No. 1998-034 on August 25, 1998.

The City’s development fees have been reviewed and updated several times by financial consulting firm Revenue & Costs Specialists (RCS). A public agency is required to conduct a valid development impact fee calculation and nexus report before adjusting development fees. If the Council directs staff to review these fees, the City would be required to hire a consulting firm to conduct a fee study.

Staff is requesting direction from the City Council if any/all of these requests are to be placed on a future agenda.

**FISCAL IMPACT:** Will depend on Council’s direction.

**ATTACHMENTS:** Three Requests from Planning Commission