



ITEM NUMBER:
DATE:

B-1
11/27/07

Atascadero City Council

Staff Report - Community Development Department

**PLN 2099-1108
Planned Development Overlay Zone #31:
BMX Facility Master Plan of Development
6575 Sycamore Rd
(Atascadero BMX)**

(Approval of the proposed project would allow a private BMX facility to be located at 6575 Sycamore Road)

RECOMMENDATIONS:

Planning Commission Recommends: Council:

1. Adopt Draft Resolution A certifying Proposed Mitigated Negative Declaration 2006-0015; and
2. Introduce for first reading, by title only, Draft Ordinance A approving Zone Text Change 2005-0108 to establish Planned Development Overlay Zone #31; and
3. Introduce for first reading, by title only, Draft Ordinance B approving Zone Map Change 2007-0143 based on findings; and
4. Adopt Draft Resolution B approving Conditional Use Permit 2005-0168 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring.

REPORT-IN-BRIEF:

The proposed project consists of a Zone Text Change to establish a new site-specific Planned Development #31 Overlay Zone and Zone Map Amendment to establish a Planned Development Overlay Zone #31 on the subject site with a corresponding Master Plan of Development (CUP) that would allow a private BMX facility to be located

at 6575 Sycamore Road. The specific project site is currently owned by the Atascadero Mutual Water Company and contains adjacent industrial and water facility uses.

DISCUSSION:

Situation and Facts:

1. Applicant / Representative: Atascadero BMX – Tom Jordan

2. Project Address: 6575 Sycamore Rd, Atascadero, CA 93422
APN 028-111-001, 003 (San Luis Obispo County).

3. General Plan Designation: I (Industrial)

4. Zoning District: IP (Industrial Park)

5. Site Area: 24 acres

6. Existing Use: Vacant at the proposed location

7. Environmental Status: Proposed Mitigated Negative Declaration 2007-0015

Background

On October 16, 2007, the Planning Commission held a public hearing for the proposed project and recommended that the City Council approve the proposed BMX facility on a 4-0 vote. The Commission recommended the following additional conditions which are included in the resolutions for approval:

Condition 14: The BMX track shall be used by non-motorized bikes only.

Condition 15: The facility shall be limited to one speaker for the announcer tower. Any additional amplified sound devices shall be prohibited.

The Parks and Recreation Commission held a meeting on November 15, 2007 to discuss the item. The Commission recommended that the City Council approve the proposed BMX track with the following condition added:

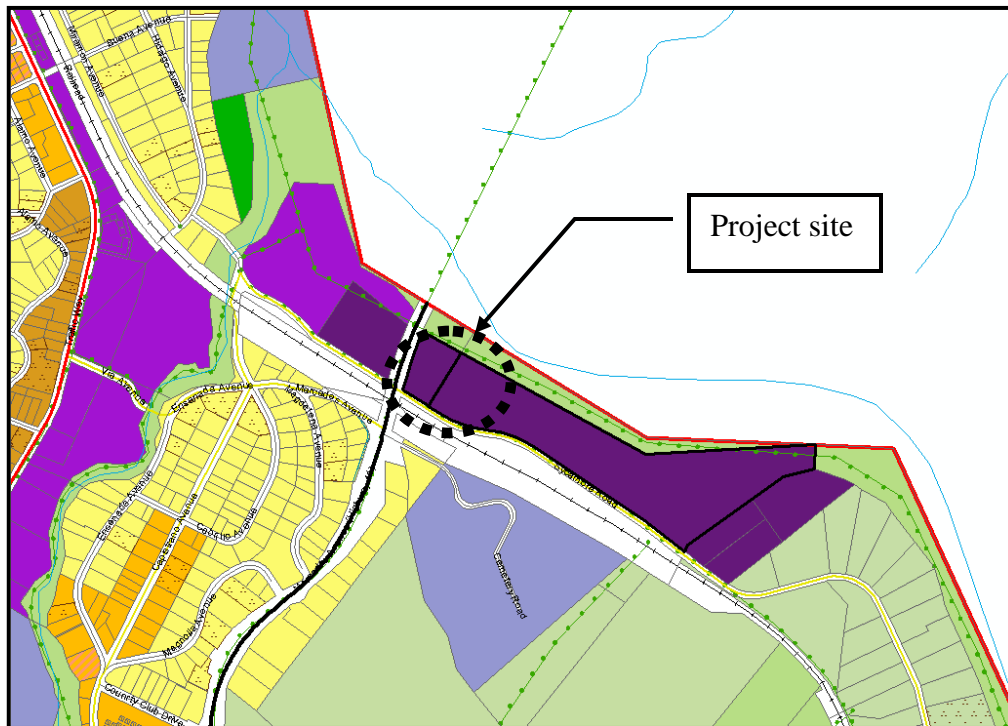
Condition 16: Should any soil amendments or additives be used on the track for controlling dust or any other effect, the material shall be reviewed and analyzed for environmental impacts and shall be approved by the Community Development Department prior to application.

Staff also received a letter from the Public Utilities commission regarding the proximity of the proposed track to the existing Union Pacific Railroad mainline. The letter recommends adding mitigation measures to prevent users from utilizing the tracks as a path of travel to the facility. The track is separated from the proposed project site by Sycamore Road. No conditions of approval have been included in the draft resolution pertaining to this matter.

Surrounding Land Use and Setting:

North: Open Space / Salinas River
South: Cemetery / Residential

East: Industrial
West: Industrial / AMWC



The project site is within the Industrial General Plan Land Use Designation and is zoned Industrial Park. As outdoor recreation is not an allowed use within the Industrial Park Zone, the requested application includes a PD Overlay Zone Change to allow the facility at this site only and provide additional controls and standards for the proposed BMX track and subsequent use.

A public meeting was held on April 10, 2006 for the neighbors to hear the proposal, ask questions, and discuss any concerns they had with the proposed facility. Issues discussed at that meeting included:

- Noise
- Lights
- Traffic
- Parking
- Times of use

Analysis of these issues is discussed in the following section.

ANALYSIS:

Project Description:

The project consists of an application for a Zone Text Amendment, a Zone Map Change, and a Conditional Use Permit to establish a PD Overlay Zone that would allow a Bicycle Motor Cross facility on an existing lot owned by the Atascadero Mutual Water Company adjacent to the Salinas River and the Anza Trail. The Planned Development Overlay Zone Change would be site specific and include a Master plan of Development (CUP) that would include the construction of a dirt BMX track for non-motorized bikes, a registration and concession building, announcer's tower, portable restroom facilities, a utility building, and unimproved parking area.

The facility will be fenced and monitored by the Atascadero BMX Association. The BMX track and associated improvements will be managed, maintained, and operated solely by the Atascadero BMX Association. The City is participating as leasee at the request of the Atascadero Mutual Water Company. The City does not have plans to share operation of the facility and no public events or access will be provided.

Site Plan, Circulation, and Parking:

The proposed facility takes access off of Sycamore Road and 47 designated parking spaces will be provided on-site. In addition, an overflow parking area is proposed to be located under the Highway 41 Bridge. This area will provide parking for larger events and will accommodate approximately 58 additional cars. An encroachment permit from Caltrans will be required prior to issuance of permits for the overflow parking area. If an encroachment permit cannot be obtained, the facility will be limited to the main parking area shown on the Master Plan of Development.

Frontage Improvements:

No frontage improvements will be required by the City Engineer.

Landscape Design:

The applicant will provide landscaping along the borders of the proposed facility to screen the use and provide a buffer between the facility and the Anza Trail. Landscaping will include native drought tolerant species and will be maintained by the Atascadero BMX Association until such a time that they are established. Screening materials will consist of evergreen shrubs and shall be maintained to provide adequate screening of the use from Sycamore Road and the adjacent Salinas River and Anza Trail area.

Native Tree Mitigation/Preservation:

The project site contains a number of native oak trees along the Sycamore Road right-of-way. These trees are proposed to remain and will not be affected by the proposed improvements or continued use.

Site Drainage:

As the proposed track and improvements are located adjacent to the Salinas River, detention and siltation controls have been proposed which will mitigate negative impacts of storm water run-off. These basins will function regardless of the configuration of the BMX track.

Floodway Impacts:

The proposed BMX track and associated accessory buildings are located within the Salinas River Floodway. The floodway is the channel of a river and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the designated height. Permanent structures and fill material are not allowed within the floodway, unless it has been demonstrated through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge, as they can affect the floodway volume and velocity of water causing downstream impacts. As such, staff has conditioned that the structures be portable and removed no later than December 1st following the end of the BMX season. In addition, the City will reserve the right to require removal of the structures during the BMX season should the City Engineer deem necessary based on any anticipated storm or flood vent. The project is also conditioned to have an engineering evaluation to demonstrate that the grading will not have an impact on the Floodway.

Neighborhood Concerns:

During the April 2006 neighborhood meeting, the following issues and concerns were discussed:

Noise:

The neighborhood had concerns regarding noise from users, spectators, and race announcers. Atascadero BMX Association is requesting amplified announcement similar to the announcement system utilized at Paloma Park for sports events. The amplified sound system is lower volume and utilizes one speaker, which will be positioned at the announcer's tower.

Lights:

No lighting is proposed for the facility. Events will not be held after dark.

Traffic:

The proposed facility has one access point off of Sycamore Road both for regular and overflow parking. Sycamore is a two lane road and Atascadero BMX anticipates an average of 25 cars during practice and local race times and 125 cars during a State or National event. The project is conditioned to provide a sight distance analysis of the proposed driveway location to ensure safe entrance and egress for the facility.

Parking:

Two parking areas are proposed for the use; 1) the designated parking area which can accommodate 47 vehicles and 2) the overflow parking area which can accommodate up to 58 additional vehicles. No parking will be permitted along Sycamore Avenue and no additional site area is proposed for parking.

Times of use:

The BMX season starts March 1st and ends December 1st. All structures will be removed during the off-season, as conditioned. The track may still be used for practice during the off-season, weather permitting.

Wastewater:

The facility will utilize portable restrooms that will be managed and maintained by the Atascadero BMX Association.

General Plan Consistency

The proposed project is consistent with the following General Plan Land Use and Open Space Element Goal:

LOC 12: Provide a wide range of recreational activities and leisure experiences for all age groups, designed to foster a healthy community for residents and visitors.

The Planning Commission found that the proposed project is consistent with the open space and recreation goals and policies of the General Plan. The project will provide additional recreation opportunities to residents and visitors of Atascadero.

Findings

Establishment of PD-31 (Zone Text Amendment):

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

Planned Development Overlay (Zone Map Amendment):

As specified in the City's General Plan and Zoning Ordinance, the following specific findings for the proposed Zone Change shall be made in order to approve the proposed project:

1. The proposed Zone Change is in conformance with the adopted General Plan goals, policies, and programs and the overall intent of the General Plan.
2. The proposed Zone Change is compatible with existing development, neighborhoods and the environment.
3. The proposed Zone Change will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.
4. The proposed Zone Change is consistent with the project-specific Mitigated Negative Declaration.

Conditional Use Permit (Master Plan of Development)

A Master Plan of Development is required for the project in the form of a Conditional Use Permit. The proposed Master Plan of Development sets development standards related to site design, landscape, signage, use, and specific development standards required by the Zoning Ordinance. The City Council must make the following five findings to recommend approval of the proposed Master Plan of Development:

1. The proposed project or use is consistent with the General Plan and the City's Appearance Review Manual.

Staff Comment: The use is consistent with the Planned Development Overlay Zone proposed and General Plan Land Use, Open Space and Conservation Element Goal 12.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the Planned Development Ordinance.

Staff Comment: As conditioned, the project satisfies all Conditional Use Permit and Planned Development Zoning Code provisions.

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.

Staff Comment: The proposed BMX facility will not be detrimental to the general public or working person's health, safety, or welfare.

4. That the proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development.

Staff Comment: The proposed project is compatible with the surrounding industrial uses and will be constructed on a portion of the Atascadero Mutual Water Company property that is currently undeveloped.

5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.

Staff Comment: The proposed project and use is consistent with the traffic projections and road improvements anticipated within the General Plan.

Proposed Environmental Determination

A Draft Mitigated Negative Declaration was prepared for the project and posted for public and agency review. The Environmental Analysis identified concerns regarding potential impacts to aesthetics, cultural resources, hydrology, land use and planning, noise, biological resources, and traffic. Mitigation measures pertaining to these resources are included.

The Planning Commission has recommended that mitigation measure 8.h.i.1 to allow structures to be reestablished at the site on March 1st to coincide with the start of the BMX season. This modification has been included in the attached resolutions. A finding has been included that the proposed mitigation measure is equivalent to the previously proposed measure.

FISCAL IMPACT

It is staff's understanding that the proposed BMX facility will not be operated as a public facility, and no staff or operational costs will be incurred. Additionally, all liability will be the responsibility of the Atascadero BMX Association.

Conclusion

The proposed application includes a BMX facility located along the Salinas River area on property owned by the Atascadero Mutual Water Company. The facility will be maintained and operated by the Atascadero BMX Association. The site has been designed to minimize impacts to the adjacent Salinas River area and historic Anza Trail. The City Engineer has determined that the proposed facility will not have a negative impact on the floodway with mitigation measures and conditions incorporated.

The Planning Commission is recommending that the City Council recommend approve the proposed project as conditioned.

ALTERNATIVES

1. The Council may recommend modifications to the project and/or Conditions of Approval for the project.
2. The Council may determine more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop additional information. The Council should clearly state the type of information required and move to continue the item to a future date.
3. The Council may deny the project. The parcel would retain its designation of Industrial Park. The Council should specify the reasons for denial of the project and recommend an associated finding with such action.

ATTACHMENTS:

Attachment 1:	Location, General Plan, and Zoning Map
Attachment 2:	Proposed Mitigated Negative Declaration and Initial Study
Attachment 3:	Draft Resolution A
Attachment 4:	Draft Ordinance A
Attachment 5:	Draft Ordinance B
Attachment 6:	Draft Resolution B

Attachment 2: Proposed Mitigated Negative Declaration and Initial Study

See Following

DRAFT RESOLUTION A

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, CERTIFYING
PROPOSED MITIGATED NEGATIVE DECLARATION 2007-0015
PREPARED FOR ZCH 2005-0108, ZCH 2007-0143, AND CUP 2005-0168
ON APN 028-111-001, 003
(6575 Sycamore Rd. / ABMX)**

WHEREAS, an application has been received from Atascadero BMX Association – Tom Jordan, 8255 Graves Creek Rd, Atascadero, CA 93422, (Applicant) and Atascadero Mutual Water Company, 5005 El Camino Real, Atascadero, Ca 93422, (Property Owner), to consider a project consisting of a Zone Text Amendment to establish a custom PD Overlay Zone (PD-31) and a Zone Map Change to apply PD-31 to the subject site with corresponding Master Plan of Development located at 6575 Sycamore Rd, (APN 028-111-001, 003); and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2007-0015 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission of the City of Atascadero held a public hearing on October 16, 2007 following the close of the review period to consider the Initial Study and Proposed Mitigated Negative Declaration; and,

WHEREAS, the Planning Commission has determined that the project will have no significant impacts with project specific mitigation measures incorporated; and,

WHEREAS, the City Council of the City of Atascadero held a public hearing on November 27, 2007, following the close of the review period, to consider the Initial Study and Proposed Mitigated Negative Declaration; and,

NOW THEREFORE, the City Council of the City of Atascadero, hereby resolves to certify Proposed Mitigated Negative Declaration 2007-0015 based on the following Findings, and as shown in Exhibit A:

1. The Proposed Mitigated Negative Declaration has been completed in compliance with CEQA; and,
2. The Proposed Mitigated Negative Declaration was presented to the Planning Commission, and the information contained therein was considered by the Planning Commission, prior to recommending action on the project for which it was prepared; and,

3. The project does not have the potential to degrade the environment when mitigation measures are incorporated into the project; and,
4. The project will not achieve short-term to the disadvantage of long-term environmental goals; and,
5. The project does not have impacts which are individually limited, but cumulatively considerable; and,
6. The project will not cause substantial adverse effects on human beings either directly or indirectly; and,
7. Mitigation Measure 8.h.i.1 has been modified to allow reestablishment of the portable structures starting March 1st. This mitigation measure is equivalent to the previously proposed mitigation measure and no additional impacts are created.

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:

ADOPTED:

CITY OF ATASCADERO

By: _____
Dr. George Luna, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

Exhibit A: Proposed Mitigated Negative Declaration 2007-0015

See following

DRAFT ORDINANCE A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE ATASCADERO MUNICIPAL CODE BY APPROVING ZONE CHANGE 2005-0108 TO ESTABLISH A PLANNED DEVELOPMENT OVERLAY #31 (6575 Sycamore Rd. / ABMX)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Atascadero BMX Association – Tom Jordan, 8255 Graves Creek Rd, Atascadero, CA 93422, (Applicant) and Atascadero Mutual Water Company 5005 El Camino Real, Atascadero, CA 93422, (Property Owner) to consider a project consisting of a Zone Text Amendment to establish a custom PD Overlay Zone (PD-31) and a Zone Map Change to apply PD-31 to the subject site with corresponding Master Plan of Development located at 6575 Sycamore Rd, (APN 028-111-001, 003); and,

WHEREAS, Article 28 of the Atascadero Municipal Code allows for the creation of Planned Development Overlay Zones to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0015 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Zoning Code Text to protect the health, safety, and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on October 16, 2007 studied and considered Zone Change 2005-0108, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on November 27, 2007 studied and considered Zone Change 2005-0108, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

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

SECTION 1. Findings for Approval of a Zone Text Change Creating a PD-31 Planned Development Overlay District. The City Council finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 27, 2007 resolved to introduce for first reading by title only, an Ordinance that would amend the City Zoning Code Text with the following:

9-3.676 Establishment of Planned Development Overlay Zone #31

This Planned Development Overlay Zone on APN 028-111-001, 003 in the Industrial Park Zone for the establishment of a Bicycle Motor Cross track and associated improvements. Uses on other areas of the site, if listed as an allowed or conditionally allowed use, shall only be subject to the standards and requirements of the Atascadero Municipal Code. The following development standards are applicable to the establishment of a BMX facility and shall be met by the entitled project within the PD-31 Overlay Zone:

- a) All site development shall require the approval of a Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned.
- b) Any subsequent amendments for the site shall be consistent with an approved Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned.
- c) The facility and all improvements including drainage basins, erosion control measures, landscaping, signage, structures, and waste water facilities shall be maintained by the Atascadero BMX Association or their designee(s). If the use is discontinued, all improvements will be removed to the satisfaction of the City Engineer and the Community Development Director.
- d) The Atascadero BMX Association will ensure that all structures and improvements conform to the Floodway standards set forth in the Atascadero Municipal Code Title 9, Chapter 11 and as regulated by the Federal Emergency Management Agency.

- e) Parking shall be limited to designated areas of the site. Overflow parking shall only be used for larger events. No parking will be permitted on Sycamore Avenue or any other undeveloped portion of the surrounding Atascadero Mutual Water Company property.
- f) The landscape buffer between the historic Anza Trail and the BMX facility shall be maintained by the Atascadero BMX Association or their designee(s). All buffer landscaping shall be maintained in a way which screens the BMX facility from the historic trail.

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

INTRODUCED at a regular meeting of the City Council held on _____, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on _____, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: _____
Dr. George Luna, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT ORDINANCE B

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING ZONE
CHANGE 2007-0143, AMENDING THE OFFICIAL ZONING MAP
DESIGNATION OF APN 028-111-001, 003 FROM IP (INDUSTRIAL PARK)
TO IP /PD-31 (INDUSTRIAL PARK / PLANNED
DEVELOPMENT OVERLAY #31)
(6575 Sycamore Rd. / ABMX)**

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Atascadero BMX Association – Tom Jordan, 8255 Graves Creek Rd., Atascadero, CA 93422, (Applicant), and Atascadero Mutual Water Company, 5005 El Camino Real, Atascadero, CA 93422, (Property Owner) to consider a project consisting of a Zone Text Amendment to establish a custom PD Overlay Zone (PD-31) and a Zone Map Change to apply PD-31 to the subject site with corresponding Master Plan of Development located at 6575 Sycamore Rd, (APN 028-111-001, 003); and,

WHEREAS, the site’s General Plan Designation is I (Industrial); and,

WHEREAS, the site’s current zoning district is IP (Industrial Park); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0015 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Official Zoning Map to protect the health, safety, and welfare of its citizens by applying orderly development of the City; and,

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 16, 2007 studied and considered Zone Change 2007-0143, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on November 27, 2007 studied and considered Zone Change 2007-0143, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

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

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to IP/ PD-31. The City Council finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.
4. The proposed project offers certain redeeming features to compensate for the requested zone change.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 27, 2007, resolved to introduce for first reading by title only, an Ordinance that would rezone the subject site consistent with the following:

Exhibit A: Location Map/Zone Map Amendment Diagram

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

INTRODUCED at a regular meeting of the City Council held on _____, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on _____, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: _____
Dr. George Luna, Mayor

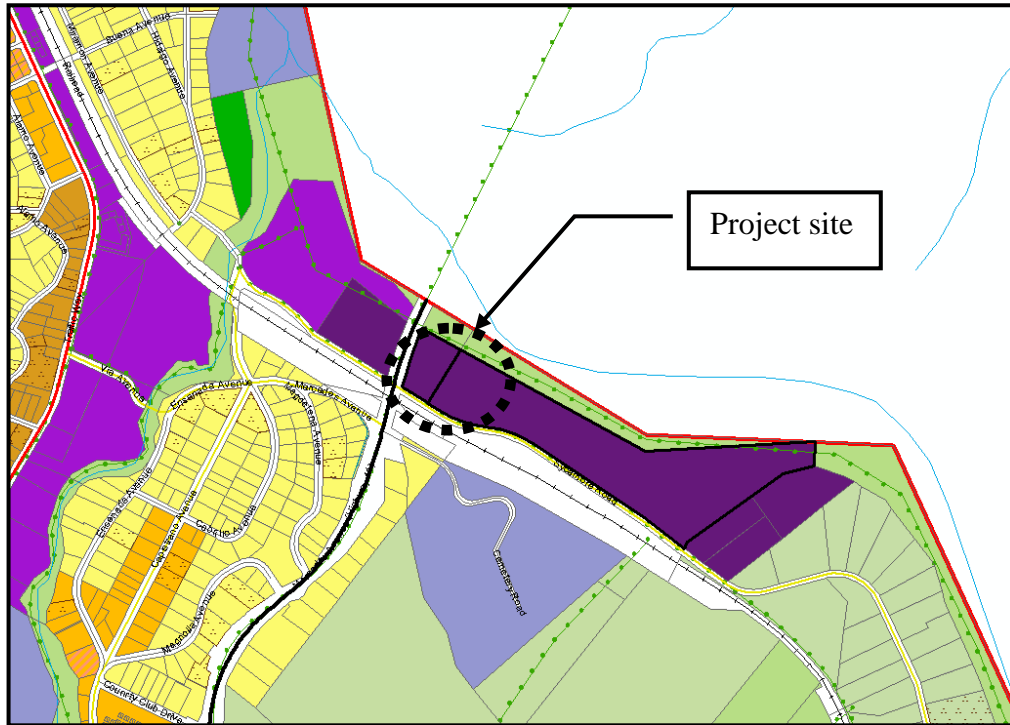
ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

Exhibit A: Location Map / Zone Map Amendment Diagram



Existing Designation:

- Industrial
- Industrial Park

Proposed Designation:

- Industrial
- Industrial Park/ PD-31

DRAFT RESOLUTION B

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT 2005-0168, A MASTER PLAN OF
DEVELOPMENT FOR A BMX FACILITY ON APN 028-111-001, 003
(6575 Sycamore Rd. / ABMX)**

WHEREAS, an application has been received from Atascadero BMX Association – Tom Jordan, 8255 Graves Creek Rd., Atascadero, CA 93422, (Applicant) and Atascadero Mutual Water Company, 5005 El Camino Real, Atascadero, CA 93422, (Property Owner) to consider a project consisting of a Zone Text Amendment to establish a custom PD Overlay Zone (PD-30) and a Zone Map Change to apply PD-31 to the subject site with corresponding Master Plan of Development located at 6575 Sycamore Rd. (APN 028-111-001, 003); and,

WHEREAS, the Planning Commission has recommended that the site's Zoning District be changed from IP (Industrial Park) to IP/PD-31 (Industrial Park / Planned Development Overlay-30); and,

WHEREAS, the Planned Development #31 Overlay Zone requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0015 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject 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 Master Plan of Development; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 16, 2007 studied and considered the Conditional Use Permit 2005-0168 (Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on November 27, 2007 studied and considered the Conditional Use Permit 2005-0168

(Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

NOW, THEREFORE, the City Council of the City of Atascadero takes the following actions:

SECTION 1. Findings for Approval of Conditional Use Permit. The Planning Commission finds as follows:

1. The proposed project or use is consistent with the General Plan and the City's Appearance Review Manual; and,
2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD-31 Overlay Zone; and,
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and,
4. The proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development; and,
5. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.
6. The Master Plan of Development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area; and
7. Benefits derived from the Master Plan of Development and PD Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements; and,

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 27, 2007 resolved to approve Conditional Use Permit 2005-0168 (Master Plan of Development) and Tree Removal Permit subject to the following:

- EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program
- EXHIBIT B: Master Plan of Development / Site Plan
- EXHIBIT C: Grading Plan
- EXHIBIT D: Erosion Control Plan
- EXHIBIT E: Landscape Plan

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:

ADOPTED:

CITY OF ATASCADERO

By: _____
Dr. George Luna, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program
Planned Development-30 / Atascadero BMX
6575 Sycamore Rd

Conditions of Approval / Mitigation Monitoring Program 6575 Sycamore Rd. Planned Development Overlay #31	Timing FM: Final Map License BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	Responsibility/Monitoring PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney	Mitigation Measure
Planning Services			
1. The approval of this use permit shall become final and effective for the purposes of issuing building permits thirty (30) days following the City Council approval of the Zone Text Amendment and Zone Map Change applications upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	FM	PS	
2. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan of Development.	BP / FM	PS, CE	
3. Approval of this Conditional Use Permit shall be valid for twenty four (24) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.	BP / FM	PS	
4. The applicant 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 project.	Ongoing	PS	
5. All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development contained herein.	BP / FM	PS, CE	
6. All site development and future use shall comply with the standards of the Planned Development-31 Overlay District.	BP	PS, BS	
7. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B.	BP/FM	PS, BS, CE	
8. All landscaping shall be drought tolerant and shall be designed to screen the proposed use from adjacent residences and the historic Anza trail. Buffering of the historic Anza trail shall consist of a minimum 6-feet of landscaping and shall be maintained by the Atascadero BMX Association and/or those responsible for the proposed BMX track as specified by the licensing agreement with the City.	GP/BP	PS	

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9. No exterior lighting shall be permitted as part of this project	BP	PS	
10. The developer and/or subsequent owner(s) shall assume responsibility for the continued maintenance of all landscape and common areas.	FM / Ongoing	PS	
11. Fencing around the project boundaries shall be brown or green vinyl clad chain link fencing.	FM/BP	PS, CA	
12. Parking shall be limited to the areas shown on the grading / site plan. No parking will be permitted along Sycamore Rd. or on any other property or any other portion of the Atascadero Mutual Water company property.	Ongoing	PS	
13. If the use is ever discontinued for more that 9 months, the site shall be restored to its natural state at the cost of the applicant. A restoration plan shall be submitted to the City for review and approval.	Ongoing	PS	
14. The BMX track shall be used by non-motorized bikes only.	Ongoing	PS	
15. The facility shall be limited to one speaker for the announcer tower. Any additional amplified sound devices shall be prohibited.	Ongoing	PS	
16. Should any soil amendmets or additives be used on the track for controlling dust or any other effect, the material shall be reviewed and analyzed for environmental impacts and shall be approved by the Community Development Department prior to application.	Ongoing	PS	
City Engineer Project Conditions			
17. A sight distance analysis shall be completed prior to the issuance of building permits. Sight distance from the site access driveway shall comply with City standards and obstructions shall be moved or modified as necessary.	GP, BP	CE	
18. The project engineer shall provide a report analyzing impacts of dirt movement and structures within the floodway and will show that the proposed improvements will not impact the floodway.	GP, BP	CE	
19. All structures shall be designed to be movable. All structures shall be removed from the floodway between December 1 st and March 1 st . The applicant shall be prepared to move all structures between October 15 th and April 15 th if deemed necessary by the City Engineer.	GP, BP	CE	
20. An encroachment permit from Caltrans shall be required prior to issuance of any building permits showing overflow parking under the existing Highway 41 bridge. Should a Caltrans encroachment permit not be obtained, the BMX	GP, BP	CE	

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facility will be limited to only the main parking area shown on the plans.			
Mitigation Measures			
<u>Mitigation Measure 1.c.1:</u> Landscape buffering shall be provided between the BMX facility and the Anza trail. Landscaping shall include evergreen native shrubs such as Ceanothus, Manzanita and Flannel Bushes. Advertisements and signage will be placed so that no signs are visible from Sycamore Rd or the historic Anza trail.	BP	PS	1.c.1
<u>Mitigation Measure 1.d.1:</u> Lighting will be limited to low-level safety lighting. No track or event lighting will be permitted.	BP / Ongoing	PS	1.d.1
<u>Mitigation Measure 3.b.1: Dust Control Measures -</u> The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for degradation of air quality. However, construction and proposed activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. <u>APCD staff recommend the following measures be incorporated into the project to control dust during construction and throughout the life of the proposed use:</u> <ul style="list-style-type: none"> <input type="checkbox"/> Reduce the amount of the disturbed area where possible; <input type="checkbox"/> Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible; <input type="checkbox"/> All dirt stock-pile areas should be sprayed daily as needed; and <input type="checkbox"/> All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used. 	BP	PS/CE/BS	3.b.1
<u>Mitigation Measure 3.b.2:</u> The track will be watered and maintained to control dust off of both the track and associated improvements such as the parking areas.	BP	PS/CE	3.b.2

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<p>Mitigation Measure 4.e.1: Grading and excavation work shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:</p> <ol style="list-style-type: none"> 1. All existing trees outside of the limits of work shall remain. 2. Earthwork shall not exceed the limits of the project area. 3. Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done. 4. Vehicles and stockpiled material shall be stored outside the drip line of all trees. 	BP	PS	4.e.1
<p>Mitigation Measure 4.c.1: The riparian shall be fenced off during initial construction. The permanent fencing to be installed shall denote the limits of future activity and use.</p>	BP	PS	4.c.1
<p>Mitigation Measure 5.a.1: The historic Anza trail will be relocated outside the project boundary and shall be constructed in a manner which is consistent with current use of the trail.</p>	BP	PS	5.a.1
<p>Mitigation 5.d.1: Should any human remains be discovered on the property, all work on the project should stop and the County Coroner contacted. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) should be contacted at (916) 653-4082.</p>	BP	PS	5.d.1
<p>Mitigation Measure 6.b.1: All detention and erosion control measures shall remain in place for the life of the project. Any subsequent earthwork and/or redesign of the BMX course shall be compatible with the originally approved grading plan for the site. Any additional grading in excess of 50 cu yds shall require additional permits through the City.</p>	BP / Ongoing	CE	6.b.1
<p>Mitigation Measure 6.b.2: Construction activities are subject to review for compliance with City drainage and grading regulations. Drainage will not be permitted to create or intensify any hazards for persons or property in the vicinity.</p>	BP	CE	6.b.2
<p>Mitigation Measure 8.h.i.1: All structures will be portable. Structures will be removed from the site no later than December 1st and may not be re-established at the site until March 1st. In the case of a storm or flood event during the BMX season, or at any other time as instructed by the City Engineer, all structures shall be removed and shall not be returned until permitted by the City Engineer.</p>	Ongoing	CE	8.h.i.1
<p>Mitigation Measure 8.h.i.2: No net fill material shall be permitted at the project site. Any imported fill must be accompanied by equivalent export of existing material from the site. Any export material shall be approved by the City Engineer and a traffic plan with designated export routes and receiver sites shall be submitted to the Community Development Department and the City Engineer for review and approval.</p>	BP / Ongoing	CE	8.h.i.2
<p>Mitigation Measure 11.d.1: All construction and subsequent use activities shall comply with the City of Atascadero Noise Ordinance for hours of operation.</p>	Ongoing	PS	11.d.1

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Mitigation Measure 11.d.2: Amplified sound will be limited to low-level building mounted equipment on the announcer's tower. Amplified sound will only be used for events and not for routine practices. Signage shall be posted by the applicant at the front gate alerting users of the rules for amplified sound and a contact number for the applicant's designee will be listed so that any use of amplified sound outside the allowed times can be reported.	Ongoing	PS	11.d.2

EXHIBIT C: Grading Plan

