



## **CITY OF ATASCADERO PLANNING COMMISSION AGENDA**

**In accordance with City Council Resolution No. 2022-071 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](mailto: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](mailto: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](http://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](http://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**

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**REGULAR MEETING**  
**Tuesday, November 1, 2022**  
**6:00 P.M.**

**City Hall Council Chambers**  
**6500 Palma Avenue, 4<sup>th</sup> 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. APPROVE THE DRAFT MINUTES OF OCTOBER 4, 2022**

- **Recommendation:** Commission approve the October 4, 2022 Minutes.

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## **PLANNING COMMISSION BUSINESS**

### **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. TENTATIVE SUBDIVISION MAP AT 10165 EL CAMINO REAL**

The proposed project is for a condo map on APN 030-461-044 to allow for a subdivision of one parcel into two and 76 airspace condominium units on the resulting rear parcel. The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15315; Minor Land Divisions.

*Recommendation:* Staff's recommendation is for the Planning Commission to review the proposal and approve the project. (SBDV22-0077).

## **COMMISSIONER COMMENTS AND REPORTS**

### **DIRECTOR'S REPORT**

### **ADJOURNMENT**

*The next regular meeting will be held on November 15, 2022, at 6:00 p.m.*

*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](http://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, October 4, 2022 – 6:00 P.M.  
City Hall (Teleconference)  
6500 Palma Avenue, Atascadero, California

### **CALL TO ORDER** - 6:00 p.m.

Chairperson van den Eikhof called the meeting to order at 6:01 p.m. and Commissioner Carranza led the Pledge of Allegiance.

### **ROLL CALL**

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

Absent: None

Vacant: None

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

Staff Present: **By Teleconference** –  
Community Development Director, Phil Dunsmore  
Senior Planner, Kelly Gleason  
Associate Planner, Mariah Gasch

### **APPROVAL OF AGENDA**

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

*Motion passed 7:0 by a roll-call vote.*

### **PUBLIC COMMENT**

None.

***Chairperson van den Eikhof closed the Public Comment period.***

**CONSENT CALENDAR****1. APPROVE THE DRAFT MINUTES OF SEPTEMBER 20, 2022**

- Recommendation: Commission approve the September 20, 2022 Minutes.

**MOTION:** By Commissioner Carranza and seconded by Commissioner Hughes to approve the Consent Calendar.

*Motion passed 7:0 by a roll-call vote.*

**PLANNING COMMISSION BUSINESS**

None.

**COMMUNITY DEVELOPMENT STAFF REPORTS**

None.

**PUBLIC HEARINGS****2. CONDITIONAL USE PERMIT FOR 10875 COLORADO ROAD (CONTINUED FROM SEPTEMBER 20, 2022)**

The proposed project is for a residential dog kennel on APN 045-441-029 to establish a hobby dog breeding kennel. The project qualifies for a Class 1 (CEQA Section 15301; Existing Facilities) exemptions.

Recommendation: Staff's recommendation is to review the proposal and approve or deny the project. (USE22-0070).

**EX PARTE COMMUNICATIONS**

- Commissioner Anderson met with the Lawrence's, Barbara Sims, and John Fortney.
- Commissioner Carranza emailed the Lawrence's back because she was out of town, drove by the property, and did some observations from the street.
- Commissioner Heath met with the Lawrence's and a few of the neighbors.
- Commissioner Hughes stopped by and spoke with the Lawrence's.
- Vice Chairperson Keen stated that she received the email from the Lawrence's, but did not respond and had no ex parte.
- Chairperson van den Eikhof visited the site, met with the applicant, and walked around the neighborhood.
- Commissioner Schmidt stated that approximately one year ago, his company surveyed the neighbor's property (John Fortney). Dennis had never been at the site. At that time, Mr. Fortney spoke with him about neighbors and conflicts with utilities and easements. After the last meeting when he was absent, he began reading the incoming correspondence, and asked if he should recuse himself based on this information. After discussion with Director Dunsmore, it was determined that Commissioner Schmidt did not need to recuse himself.

Planner Gasch provided the staff report. Planner Gasch, Director Dunsmore, and Planner Gleason answered questions from the Commission.

### **PUBLIC COMMENT**

The following members of the public spoke: Chelsea Lawrence, Nick Lawrence, Nick and Chelsea's son, Straith (no last name given), Barbara Sims, Larry Burelle, John Fortney, and Elaine Burelle.

Chelsea and Nick Lawrence requested that the Commission consider allowing four litters per year (instead of two as suggested by staff), and consider allowing the dogs to stay out past 9:00 p.m. The Lawrence's explained their permit process through County Animal Services, and then answered questions from the Commission.

***Chairperson van den Eikhof closed the Public Comment period.***

Commissioner Schmidt suggested we have the applicant come back in a year and be reviewed by the Commission.

**MOTION: By Vice Chairperson Keen and seconded by Commissioner Hughes to adopt PC Resolution A approving a Conditional Use Permit (CUP) USE22-0070, to establish a dog breeding & kennel facility located at 10875 Colorado Road with the following changes to conditions:**

- **Condition 6 – Allow no more than 6 adult dogs.**
- **Condition 7 - Allowing two litters of puppies on the premises at one time, and no more than four litters in a calendar year.**
- **Remove the condition stating the dogs must be in by 9 p.m. Complaints regarding Noise Ordinance will be in place as usual.**
- **Condition 12 – Portion of b. – Remove “Dogs shall be allowed outdoors when one or more of the property owners are present on the subject property.”**

***Motion passed 4:3 by a roll-call vote.***  
*(Anderson, Carranza, Heath voted no)*

Director Dunsmore stated that this action is appealable to the City Council within 14-days with an application and fee.

***Chairperson van den Eikhof recessed the meeting at 8:11 p.m. for a break.***

***Chairperson van den Eikhof reconvened the meeting at 8:17 p.m. with all present.***

### **3. AMENDMENT TO BUILDING ENVELOPES AT 9015 AND 9020 BOSQUE COURT**

The proposed project is for an Amendment to the CEQA document (MND2016-0001) that created building envelopes at 9015 and 9020 Bosque Court on APNs 056-211-054, 058 to increase buildable area. The project is consistent with the previously adopted environmental documents 2016-0001.

*Recommendation:* Staff's recommendation is to review the proposal and approve the project with conditions. (AMND22-0065).

#### **EX PARTE COMMUNICATIONS**

None.

Planner Gasch provided the staff report and answered questions from the Commission.

#### **PUBLIC COMMENT**

The following members of the public spoke: Leif Erickson and Trevor Marks.

*Chairperson van den Eikhof closed the Public Comment period.*

**MOTION:** By Commissioner Schmidt and seconded by Commissioner Hughes to adopt Draft Resolution approving an Amendment (AMND22-0065) to allow the expansion of previously approved building envelopes on Lots 1 and 5 of Tract 3085 based on findings and subject to conditions of approval.

*Motion passed 7:0 by a roll-call vote.*

#### **COMMISSIONER COMMENTS AND REPORTS**

None.

#### **DIRECTOR'S REPORT**

Director Dunsmore stated that the Planning Department is currently recruiting for Assistant Planner, Bailey Sullivan's replacement.

Director Dunsmore answered questions re: the corner lot at El Camino Real and Traffic Way, and stated that the next meeting would be cancelled. Director Dunsmore stated that the Commission will soon review the RV Storage Yard on Sycamore that went to the Design Review Committee.

#### **ADJOURNMENT – 8:52 p.m.**

The next regular meeting scheduled for October 18, 2022 will be cancelled. The next regular meeting is scheduled for November 1, 2022 at City Hall, 6500 Palma Avenue, Atascadero.



**MINUTES PREPARED BY:**

\_\_\_\_\_  
Annette Manier, Recording Secretary  
Administrative Assistant



# ***Atascadero Planning Commission***

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## ***Staff Report – Community Development Department***

### **California Manor II Vesting Tentative Tract Map SBDV22-0077**

#### **RECOMMENDATION(S):**

Planning Commission adopt draft PC Resolution, approving Vesting Tentative Tract Map (TR 3204), approving a two-lot subdivision and seventy-six (76) residential airspace condominium units on resulting Lot 2 based on findings and subject to conditions of approval.

#### Project Info In-Brief:

<b>PROJECT DESCRIPTION</b>	The proposed project is for a condo map at 10165 El Camino Real on APN 030-461-044 to allow for a subdivision of one lot into two and 76 airspace condominium units on the resulting rear lot.			
<b>PROJECT ADDRESS:</b>	10165 El Camino Real	Atascadero, CA	<b>APN</b>	030-461-044
<b>PROJECT PLANNER</b>	Mariah Gasch	470-3446	mgasch@atascadero.org	
<b>APPLICANT</b>	Above Grade Engineering			
<b>PROPERTY OWNER</b>	Atascadero California Manor, LP			
<b>GENERAL PLAN DESIGNATION:</b>	<b>ZONING DISTRICT:</b>	<b>SITE AREA</b>	<b>EXISTING USE</b>	<b>PROPOSED USE</b>
High Density Residential	RMF-24	4.73 acres	Low-income affordable, 95-unit apartment building	Subdivide into two lots with 76 new condominium units
<b>ENVIRONMENTAL DETERMINATION</b>				
<input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15315				



**DISCUSSION:**  
Existing Surrounding Uses

Existing Zoning		Existing Aerial / Surrounding	
<b>North:</b>	<b>South:</b>	<b>East:</b>	<b>West:</b>
RMF-24	RMF-24	RMF-24	El Camino Real and RMF-10

**Background**

The subject site is approximately 4.7 acres and currently developed with one 95-unit, low-income affordable multi-family building. The units are income restricted and rented at the low-income level (residents must qualify based on 80% of the area median income). The property is to be divided into two lots, with Lot 1 (2.95 acres) fronting El Camino Real for the existing multi-family building and a 1.78-acre lot (Lot 2) in back to house a new three story, 76-unit, low-income senior (55+) housing development. The new building will contain 12 studios, 58 one-bedroom units, and 6 two-bedroom units. The proposal also includes community amenities such as on-site rental office, community rooms with kitchens and meeting areas, tenant storage rooms, laundry facilities on each floor, and a landscaped courtyard area. Both the existing and the new building are to share 151 parking spaces.

This development project (new building and site amenities) was approved by the Planning Commission on November 16, 2021. At the time, the applicant was requesting a two-lot subdivision, dividing only the front lot from the rear, without an airspace subdivision for the sale of individual units. The current proposal includes 76 airspace residential units for the new building on Parcel 2. The applicant does not intend to sell units individually but this map would allow them to be bought and sold individually if the owner chooses to. In either case, the project is subject to a 55-year deed restriction for their affordable units



and senior population. The project is 100% affordable with all new and existing units being subject to the deed restriction. If the condominiums were to sell, they would still be subject to the approved deed restriction.

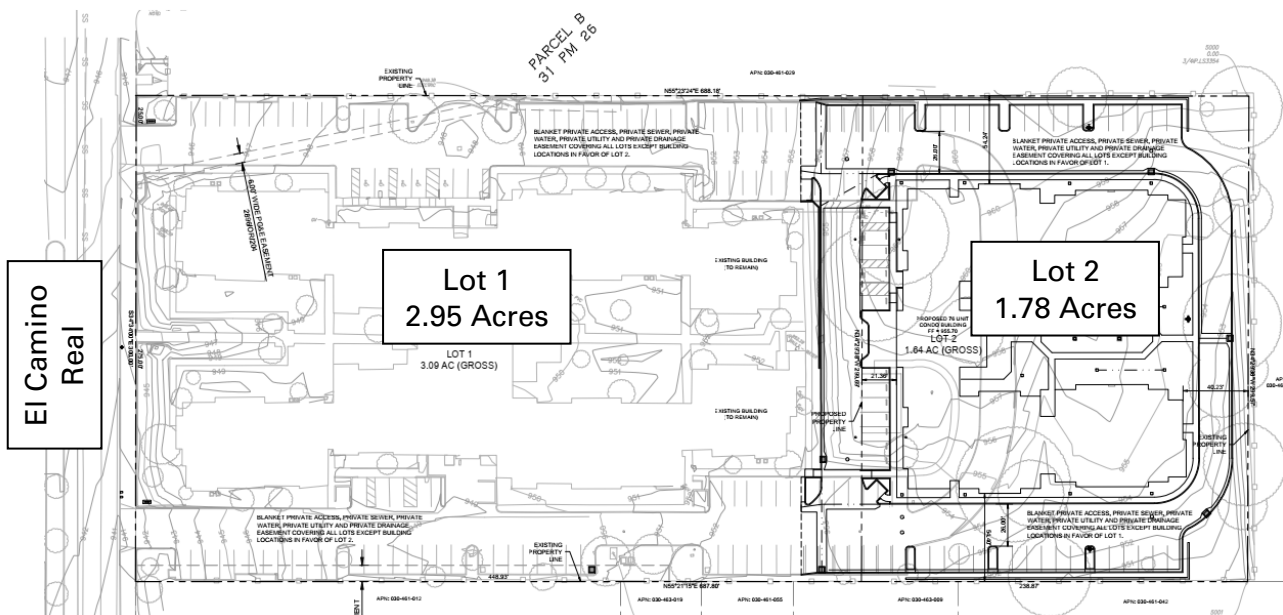
## Analysis

### Subdivision

The project includes one existing lot that is proposed to be subdivided into two lots. Lot 1 along El Camino Real is 2.95 acres while Lot 2 is 1.78 acres. The minimum lot size in the RMF zone is 0.5 acres. Lots 1 and 2 both exceed the minimum lot size standard. Atascadero Municipal Code (AMC) 11-6.06 requires that the lot farthest from the street own the accessway in fee, creating a flag lot configuration. The map approved in 2021 included a flag from Lot 2 to El Camino Real. However, in this scenario, the flag does not serve a purpose and may complicate the future use of the project. The flag would need to be located along one of the side property lines which would place it on top of Lot 1's parking spaces and necessitate a separate easement for access adjacent to the flag. The zoning code allows the advisory agency (Planning Commission in this case) to exempt this requirement with findings that an easement is sufficient to serve the proposed rear parcel and that the flag is in an area that is not feasible to provide access. Staff recommends that the Planning Commission approve an exception and not require that the rear lot own an accessway to El Camino Real. Staff has also added a condition requiring that on-site easements for ingress, egress, pedestrian traffic, drainage, utilities, etc., shall be shown on the Final Map, and that separate easement documents be recorded concurrently with the Final Map detailing access and utility rights and maintenance responsibilities.

### Proposed Map

VESTING TENTATIVE TRACT MAP - TR 3204  
10165 EL CAMINO REAL, ATASCADERO, CA, 93422 (APN: 030-461-044)



## Density

The project is located in a High-Density Residential land use designated area defined by the General Plan as:

*“These areas are intended for a minimum of 20 and a maximum of 24, multi-family residences per acre, including mobile homes parks. The minimum lot area is 0.5 acres net, although smaller lot sizes may be allowed through a planned development overlay process. Zoning standards require adequate parking, setbacks, landscaping, on-site recreation areas, individual storage, and building and parking area screening from abutting lower density single-family areas. Maximum densities shall be reduced based on lot slopes. All development within this district is subject to appearance review.”*

### *Lot one size and density discussion*

The rear lot (Lot 2) will be 1.78 acres in size, and thus allows a maximum base density of 43 units. However, per CA Government Code Section 65915, the applicant can receive a density bonus of 80% above what is allowed by the zoning code for designating 100% of units for low-income households. Therefore, the maximum density under the state density bonus law is 77 units. Per City code, a Conditional Use Permit is required for multi-family developments of 12 units or greater. The 76 proposed units are consistent with the General Plan, Atascadero Municipal Code (AMC), and state law. The building was approved by Conditional Use Permit on November 16, 2021. The Use Permit remains valid and expires on November 16, 2023. Approval of this entitlement will reset the expiration date to November 1, 2024.

## Housing Needs

According to the General Plan Housing Element (2021), the Regional Housing Needs Allocation (RHNA) in Atascadero for 2018-2028 identifies a need for 105 low-income housing units. This 76-unit 100% low-income affordable development would provide significant progress toward meeting the City’s identified RHNA should the project become funded and constructed. It is also important to note that this will be senior (55+) housing only. The US Census Bureau’s 2019 ACS 5-Year Estimate for Atascadero identifies 1,045 renters 55 years or older in the City, or 24% of all renters.

General Plan Policy HOS 1.3 states:

*Encourage the production of housing, with particular emphasis on housing affordable to persons with disabilities, elderly, large families, female-headed households with children, and homeless individuals.*

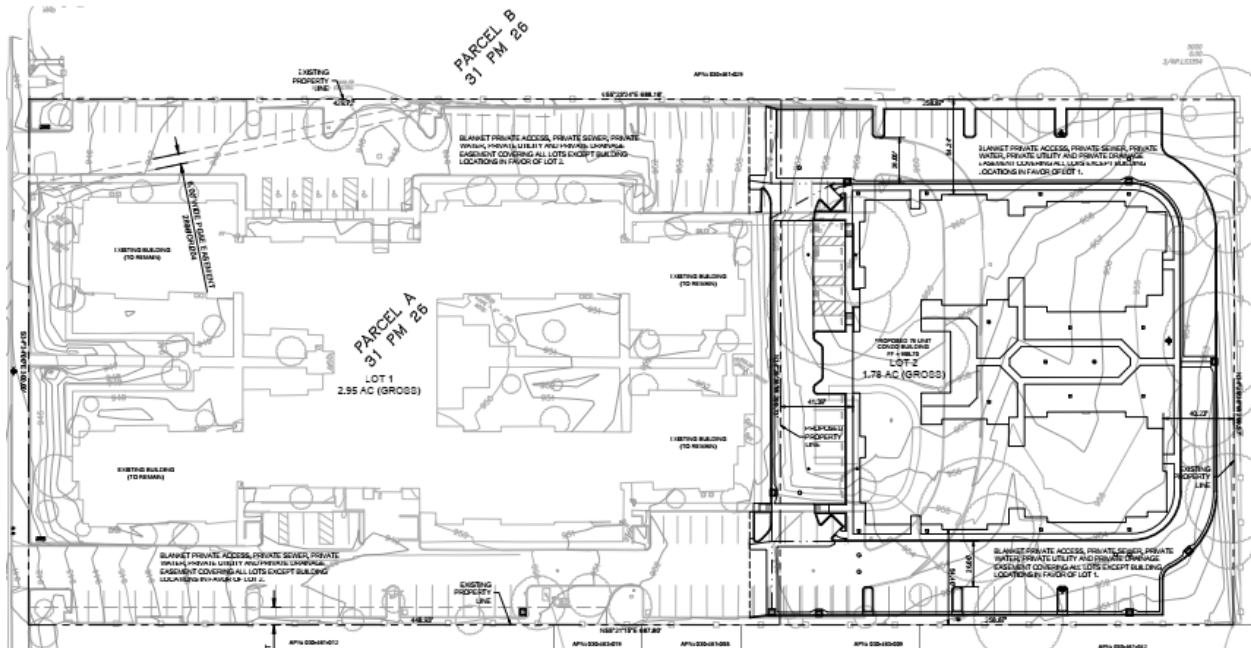
This project would provide 76 units of deed-restricted affordable housing to elderly residents of Atascadero.



Site Design and Architecture

The existing building is a three-story, multi-family residential development with frontage on El Camino Real. It is rented as 100% low-income affordable apartments and has 95 total units. The new building to be developed will share driveway access from El Camino Real with the existing building. The proposed 3-story, 68,775 square-foot, U-shaped building will contain 76 new units with laundry and storage onsite. The applicant proposes to maintain the new units as a low-income affordable senior (55+) complex for a minimum period of 55-years. In order to be eligible for the development concessions and density bonus, the City conditioned the previously approved Use Permit with a condition requiring that all units be deed restricted as affordable for a term of 55 years. The condition is repeated in the attached resolution of approval for consistency.

Proposed Tract Map  
VESTING TENTATIVE TRACT MAP - TR 3204  
10165 EL CAMINO REAL, ATASCADERO, CA, 98422 (APN: 080-461-044)



West Elevation





East Elevation



North Elevation



South Elevation



Housing Accountability Act

The Housing Accountability Act (HAA), Government Code Section 65589.5, establishes limitations on a local government's ability to deny, reduce the density of, or make infeasible, housing development projects that are consistent with objective local development standards and contribute to meeting housing need. In order to do any of the previously stated, local governments must make specified written findings based upon a preponderance of evidence that a specific, adverse health or safety impact exists. However, local governments are not prohibited from requiring a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies. Those standards must meet the following criteria:

- Be appropriate to, and consistent with, meeting the local government's share of the Regional Housing Needs Allocation (RHNA) or meeting the local government's need for emergency shelters as identified in the Housing Element of the General Plan.



- Be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development or to facilitate and accommodate the development of the emergency shelter project.
- Meet the definition of “objective.” Objective standards are those that involve no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

Therefore, the Planning Commission cannot condition this project in such a way that would make it challenging for the applicants to build the desired number of units allowed by the Density Bonus. The design of the site and building were previously reviewed and approved by the Planning Commission on November 16, 2021. The current application is for the approval of the subdivision only.

### **ENVIRONMENTAL DETERMINATION:**

The proposed project is Categorically Exempt (Class 15) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15315, because it is a minor land subdivision.

### **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 3204. An additional finding has been included to exempt the project from the flag lot subdivision requirements and instead allow for an access easement. 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



**ATTACHMENT 1: Draft Resolution**  
**SBDV22-0077**

**DRAFT PC RESOLUTION**

**RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ATASCADERO, CALIFORNIA,  
APPROVING SBDV22-0077  
(VESTING TENTATIVE TRACT MAP TR 3204)  
FOR A TWO LOT SUBDIVISION WITH 76 AIRSPACE CONDOMINIUMS ON PARCEL  
2 LOCATED AT 030-461-004**

**CALIFORNIA MANOR II  
ATASCADERO CALIFORNIA MANOR, LP  
(SBDV22-0077)**

**WHEREAS**, an application has been received from Atascadero California Manor, LP (Applicant/ Owner), 1370 Jensen Ave. #B, Sanger, CA 93657 to consider a two-lot subdivision including seventy-six (76) airspace condominiums units for the development of California Manor II Apartments, a low-income affordable senior housing complex; 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 4.73 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 2.95 acres and 1.78 acres; 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 November 1, 2022 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.

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

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

**Fact:** The High-Density Residential land use designation is designed to encourage housing types that increase density in the city. The minimum lot size in an HDR area is 0.5 acres net. The two resulting lots from this subdivision will be 2.95 and 1.78 acres, respectively. The HDR General Plan designation will remain for both lots.

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

**Fact:** The site is flat and no physical changes are required.

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

**Fact:** The subdivision is of a lot that has an existing large multifamily apartment building. Although not an equal split, both new lots will be large enough in size to accommodate both current and proposed building densities.

**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 lot to be subdivided is already heavily developed. The new building will involve the removal of some large oak trees but otherwise will not substantially damage the environment or wildlife.

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

**Fact:** The improvements proposed will not cause health problems and are appropriate for HDR land use and zoning standards.

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

**Fact:** The applicant is required to record new easements prior to recordation of the Final Map.



**2. Findings for Approval of a Dep Lot Subdivision without a flag**

**FINDING:** An easement is sufficient to serve the proposed rear parcel and that the flag is in an area that is not feasible to provide access.

**Fact:** An easement will provide sufficient access to the rear lot. A flag over Lot 1 has the potential to create issues in the future for potential owners. The flag would be located over parking spaces and if future owners wanted to take advantage of the flag it could impact access and functionality to both properties.

**SECTION 4. CEQA.** The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15315, Class 15: Minor Land Divisions.

**SECTION 5. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on November 1, 2022, resolves to approve California Manor II Apartments Vesting Tentative Tract Map TR 3204 (SBDV22-0077), subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Vesting Tentative Tract Map TR 3204
- EXHIBIT C: Preliminary Grading Plan
- EXHIBIT D: Preliminary Utility Plan

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 22-0077**

<b>Conditions of Approval</b>  <b>California Manor II Apartments</b> <b>10165 El Camino Real</b> <b>SBDV22-0077</b>	<b>Timing</b>  BL: Business License FM: Final Map GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy
<b>Planning Services</b>	
1. SBDV22-0077 (Vesting Tentative Tract Map TR 3204) shall be for the subdivision of 10165 El Camino Real; A portion of Parcel A of Parcel Map AT81-183, as recorded in book 31, page 26 of parcel maps, in the County of San Luis Obispo, California. (Assessor's Parcel Number's 030-461-044), as generally shown in attached Exhibit B, regardless of owner. The Tract Map allows for:  a. the subdivision of one existing parcel into two parcels, and  b. a 76-unit airspace subdivision on resulting parcel 2	<b>Ongoing</b>
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.	<b>Ongoing</b>
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	<b>FM</b>
4. The Community Development Department shall have the authority to approve minor changes to the project that (1) result in a superior site design or appearance, and/or (2) address a construction design issue that is not substantive to the Tentative Tract Map.	<b>FM</b>
5. 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.	<b>Ongoing</b>
6. The Subdivider shall pay all applicable Quimby Act fees to the City in accordance with the fee schedule and policies in effect at the time of subsequent applications.	<b>FM</b>
7. A deed restriction shall be entered between the City of Atascadero and the applicant deed restricting all 171 units to low income affordable and ages 55+ for a term of no less than 55 years. This deed restriction shall be recorded prior to the issuance of building permits.	<b>BP</b>
8. On-site easements for access for both lots in perpetuity, pedestrian traffic, drainage, utilities, parking, etc., shall be shown on the Final Map, and created by separate easement documents to be recorded concurrently with the Final Map. The easement document shall include a stipulation that the easements cannot be modified without approval of the City of Atascadero's Community Development Department.	<b>FM</b>
<b>Public Works Conditions</b>	
9. At building permit submittal, provide City Stormwater Control Plan form and supplementary report addressing post construction requirements and Drainage Analysis supporting the sizing of the underground storage chambers according the City Standards and Specifications Section 5.0. Include a 100-year storm overland escape path on plans. Exhibits/plans to support draft drainage report assumption that the overflow would go towards El Camino Real. Design to	<b>BP</b>

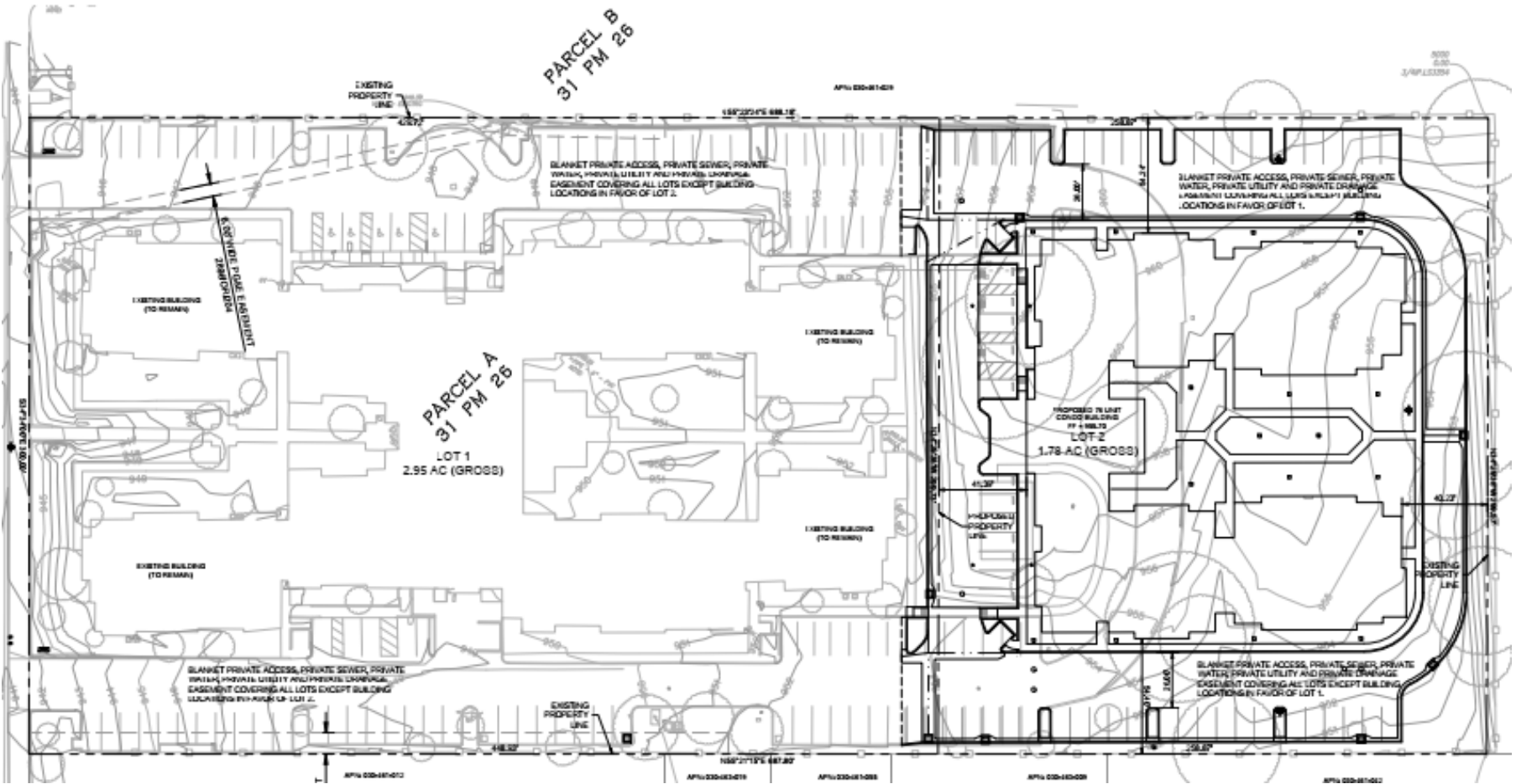


<p><b>Conditions of Approval</b></p> <p><i>California Manor II Apartments</i>  <b>10165 El Camino Real</b>  <b>SBDV22-0077</b></p>	<p><b>Timing</b></p> <p>BL: Business License  FM: Final Map  GP: Grading Permit  BP: Building Permit  FI: Final Inspection  TO: Temporary Occupancy  FO: Final Occupancy</p>
<p>ensure no cross-lot drainage into neighboring property is introduced as a result of the raising on the site at the east/back of the property.</p>	
<p>10. Underground storage shall have a manhole and isolator row provided for maintenance purposes. SWCP forms (ATAS-SWP-1001, ATAS-SWP-1003, ATAS-SWP-2002, ATAS-SWP-3001, ATAS-SWP-3002) shall be completed and submitted to the City Engineer prior to a Final Inspection of Building(s).</p>	<p><b>FI</b></p>



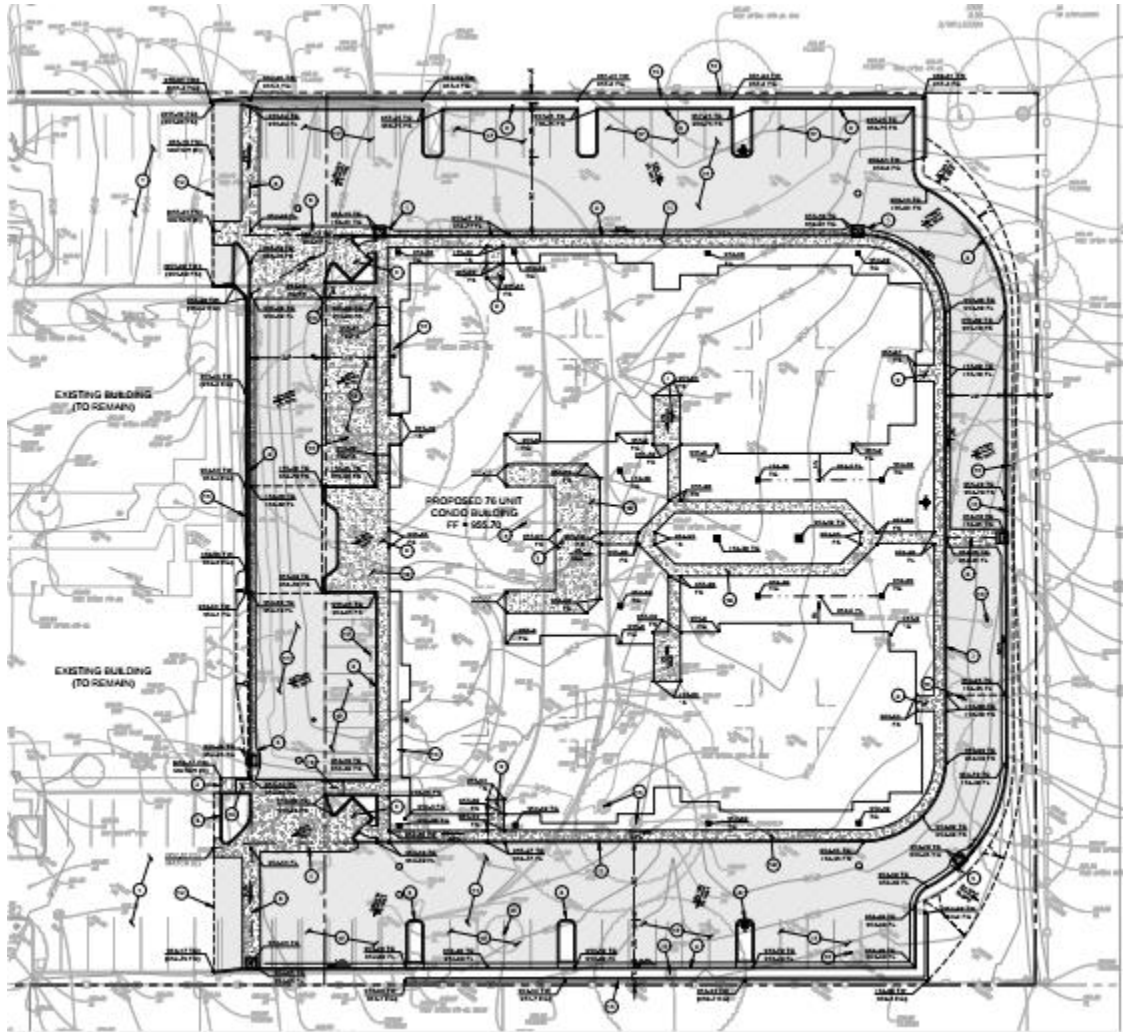
Exhibit B: Vesting Tentative Tract Map TR 3204  
SBDV22-0077

VESTING TENTATIVE TRACT MAP - TR 3204  
10165 EL CAMINO REAL, ATASCADERO, CA, 93422 (APN: 030-461-044)



ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO COMMUNITY DEVELOPMENT DEPARTMENT AT  
<http://www.atascadero.org>  
6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**Exhibit C: Preliminary Grading Plan**  
**SBDV22-0077**



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**Exhibit D: Preliminary Utility Plan**  
**SBDV22-0077**

