



# **Atascadero Planning Commission**

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

**USE 22-0024**

**8850 Santa Rosa Road / Brown Butter Cookie Company**

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

Planning Commission adopt PC Resolution 2022 approving USE22-0024 allowing a Manufacturing, Repair, and Processing-Low Intensity use in the Commercial Retail (CR) zone, based on findings and subject to Conditions of Approval.

### Project Info In-Brief:

<b>PROJECT ADDRESS:</b>	8850 Santa Rosa Road	Atascadero, CA	<b>APN</b>	056-141-018
<b>PROJECT PLANNER</b>	Bailey Sullivan Assistant Planner	(805) 470-3404	bsullivan@atascadero.org	
<b>APPLICANT</b>	The Little Market Inc. Brown Butter Cookie Co. Traci Hozie			
<b>PROPERTY OWNER</b>	Henry Minardo			
<b>GENERAL PLAN DESIGNATION:</b>	<b>ZONING DISTRICT:</b>	<b>SITE AREA</b>	<b>EXISTING USE</b>	<b>PROPOSED USE</b>
General Commercial	Commercial Retail (CR)	0.83 Acres	Gym/ Vacant	Indoor Manufacturing, Repair, and Processing (Low Intensity)-Bakery for online and retail stores.
<b>ENVIRONMENTAL DETERMINATION</b>				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input type="checkbox"/> Negative / Mitigated Negative Declaration No. _____ <input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15301 <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				

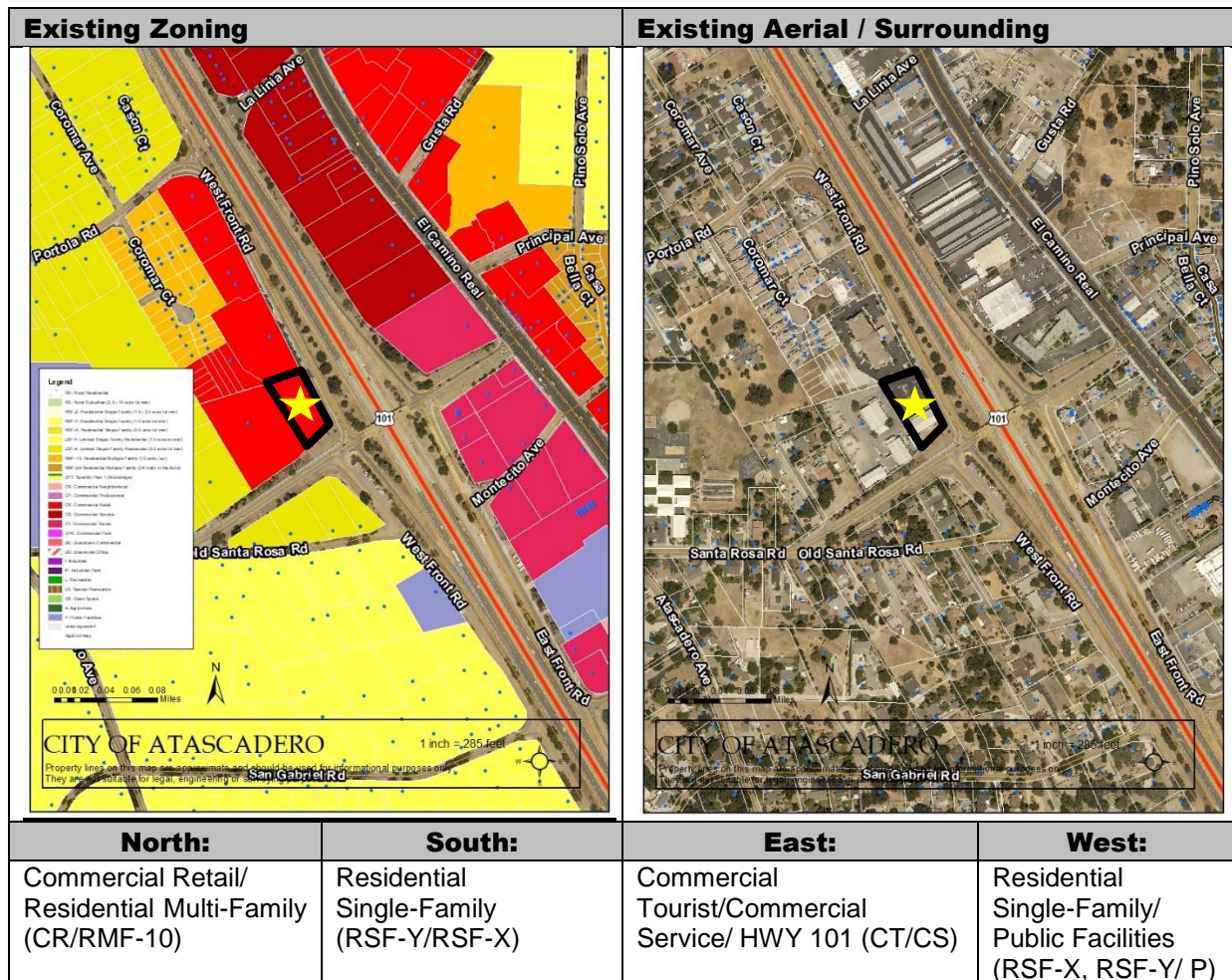
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**DISCUSSION:**

Existing Surrounding Uses / Parcel Configurations:



**Project Description / Summary**

The proposed project consists of an application for a Minor Conditional Use Permit to allow for an indoor manufacturing, repair, and processing- low intensity bakery service in the Commercial Retail zoning district. The project consists of a bakery to support online and in-store retail sales. The 9,860 SF building is existing and was previously occupied by Champions Gym. The space is currently vacant.

The proposed Brown Butter Cookie Co. bakery is owned by the Little Market Inc. (DBA Brown Butter Cookie Co.), which operates retail storefronts in Cayucos, Paso Robles, and San Luis Obispo. Brown Butter Cookie Company proposes to utilize the vacant building as bakery space to support two of the three retail storefronts, along with their mobile food truck program (Cookies and Custard) and online services. This location will



not include a retail component and will not be open to the public. The primary use will be for baking, packaging, and shipping purposes.

### ***Analysis***

The proposed project is a Minor Conditional Use Permit for a bakery (Manufacturing, Repair, and Processing-Low Intensity service) in the Commercial Retail zone. The applicant proposes to use 100% of the floor space with the following tenant improvements:

- Replace existing floors with kitchen appropriate floor with coving in all food prep areas and put carpet in office areas;
- Install two (2) ovens with hoods;
- Install two (2) dishwashers;
- Install two (2) three-compartment sinks;
- Install two (2) mop sink and floor drains;
- Install two (2) grease traps;
- Install FRP on all wall surfaces in food prep areas; and
- Provide four (4) production tables

Proposed hours of operation are Monday through Friday 6:00 A.M.-8:00 P.M. and Saturday/Sunday 6:00 A.M.-3:00 P.M.

Manufacturing, Repair, and Processing-Low Intensity services (AMC 9-3.500), are defined as those producing or processing foods and beverages for human consumption where no retail component exists. The Atascadero Municipal Code (AMC 9-3.330) allows this use in the Commercial Retail zone with a Conditional Use Permit. The Planning Commission has the authority to approve or deny the CUP subject to findings, and to adopt conditions of approval.

### **Parking**

AMC 9-4.118 requires one (1) parking space per 500 square feet of active use area within a building for manufacturing and processing uses. Based on the municipal code's parking requirements, nineteen (19) parking spaces will be required. The existing parking lot has forty (40) parking spaces and two (2) accessible parking spaces. Existing parking meets the zoning code requirements.

### **Noise**

Brown Butter Cookie Company does not anticipate any noise to emanate from the building to the outdoors especially since there is no retail component. The only traffic noise that will be generated will be from the employees, which will include bakers and the packaging/shipment team. The adjacent properties include a building supply shop, which also participates in packaging and shipment, and a Holiday Inn hotel.



Existing Landscaping



Design & Landscaping

There will be no public access to the space. The applicant is proposing no design or landscaping changes at this time, as it will just be used as indoor manufacturing space. In Section 9-4.119 subsection (f) of the Atascadero Municipal Code, a minimum of 10% of the interior of all parking lots is required to be landscaped and shade trees are to be planted at approximately 30-foot intervals along parking rows. The site does not currently meet the shade tree requirements from the municipal code. Staff has added a condition that four (4) 15-gallon trees are to be planted onsite as shade trees for the parking lot. These trees can include Coast Live Oaks, Valley Oaks, Chinese Pistaches, London Sycamores, or Ornamental Pears.

Trash Enclosure

March 8, 2022 City Council adopted new trash enclosure standards. Staff has added a condition that the trash enclosure meet the newly adopted standards.

Signs

The applicant is proposing a small sign on the front door of the building. No large-scale signs are being proposed, as this will not be a retail storefront. Staff has added a condition that all signs shall meet municipal code standards.



**ENVIRONMENTAL DETERMINATION:**

The proposed project is Categorically Exempt (Class 1) 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 15301, because it involves an interior remodel and no expansion of an existing use.

**FINDINGS:**

To approve USE 22-0024, the Planning Commission must make the following findings. These findings and the facts to support these findings are included in the attached resolution.

*Conditional Use Permit (AMC Section 9-2.110(b).(3).(iv))*

1. The proposed project or use is consistent with the General Plan;
2. The proposed project or use satisfies all applicable provisions of this title;
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;
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and
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; and

**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



## **ITEM 2**

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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 2022
2. Aerial Photo
3. Existing Site Layout
4. Proposed Tenant Improvements
5. Elevation
6. Proposed Kitchen and Oven Improvements
7. Site Photos



**ATTACHMENT 1: Draft Resolution 2022  
USE 22-0024**

**DRAFT PC RESOLUTION 2022**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A  
CONDITIONAL USE PERMIT (USE22-0024) ALLOWING A  
MANUFACTURING, REPAIR, AND PROCESSING- LOW INTENSITY  
USE IN THE COMMERCIAL RETAIL ZONING DISTRICT  
APN 056-141-018  
(Brown Butter Cookie Company)**

**WHEREAS**, an application has been received from Applicant, Traci Hozie; Brown Butter Cookie Co. to consider a Conditional Use Permit (USE 22-0024) to allow Manufacturing, Repair, and Processing-Low Intensity Service Use in the Commercial Retail zoning district; and

**WHEREAS**, the site’s General Plan Designation is Commercial Retail (CR); and

**WHEREAS**, the site’s Zoning is General Commercial (GC); and

**WHEREAS**, the proposed project qualifies for a Categorical Exemption consistent with CEQA section 15301: Existing Facilities; 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 Minor 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 Conditional Use Permit; and

**WHEREAS**, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on March 15, 2022, studied and considered the Conditional Use Permit USE 22-0024.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Atascadero, California, makes the following findings, determinations and recommendations with respect to the proposed Conditional Use Permit:

**SECTION 1. CEQA**. The Planning Commission finds as follows:

1. The proposed project has been found Categorical Exempt under Class 1, Section 15301, existing facilities, of the California Environmental Quality Act.

**SECTION 2. Findings.** The Planning Commission finds as follows:

*Conditional Use Permit:*

1. The proposed use is consistent with the General Plan; and

**Fact:** The proposed Manufacturing, Repair, and Processing-Low Intensity service use at this location is consistent with the General Commercial designation of the General Plan and the General Plan Land Use Element Goals LOC 13 for a sound economic base and LOC 14 for attracting new businesses, Policies 14.2 and Land Use Program 1.1.7.

2. The proposed project satisfies all applicable provisions of the Title (Zoning Ordinance); and

**Fact:** As conditioned, the project satisfies the provisions of the Atascadero Municipal Code. The existing parking is adequate to serve the proposed use.

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

**Fact:** The proposed use is not 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.

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

**Fact:** The proposed use would fill a vacant space located in a commercial retail zone. The change of use will remain consistent with the character of the neighborhood, as there are no proposed outdoor changes to the building.

5. That the proposed 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.

**Fact:** The project is located at the corner of Santa Rosa Road and West Front Road.





The use is consistent with surrounding uses and will not bring excessive traffic to the area.

**SECTION 3. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on March 15, 2022, resolved to approve Conditional Use Permit Use 22-0024 subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Proposed Tenant Improvements

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: ( )  
ABSENT: ( )  
ABSTAINED: ( )  
ADOPTED:

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Jeff van den Eikhof  
Planning Commission Chairperson

ATTEST:

\_\_\_\_\_  
Phil Dunsmore  
Planning Commission Secretary



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**ATTACHMENT 2: Aerial Photo  
USE 22-0024**

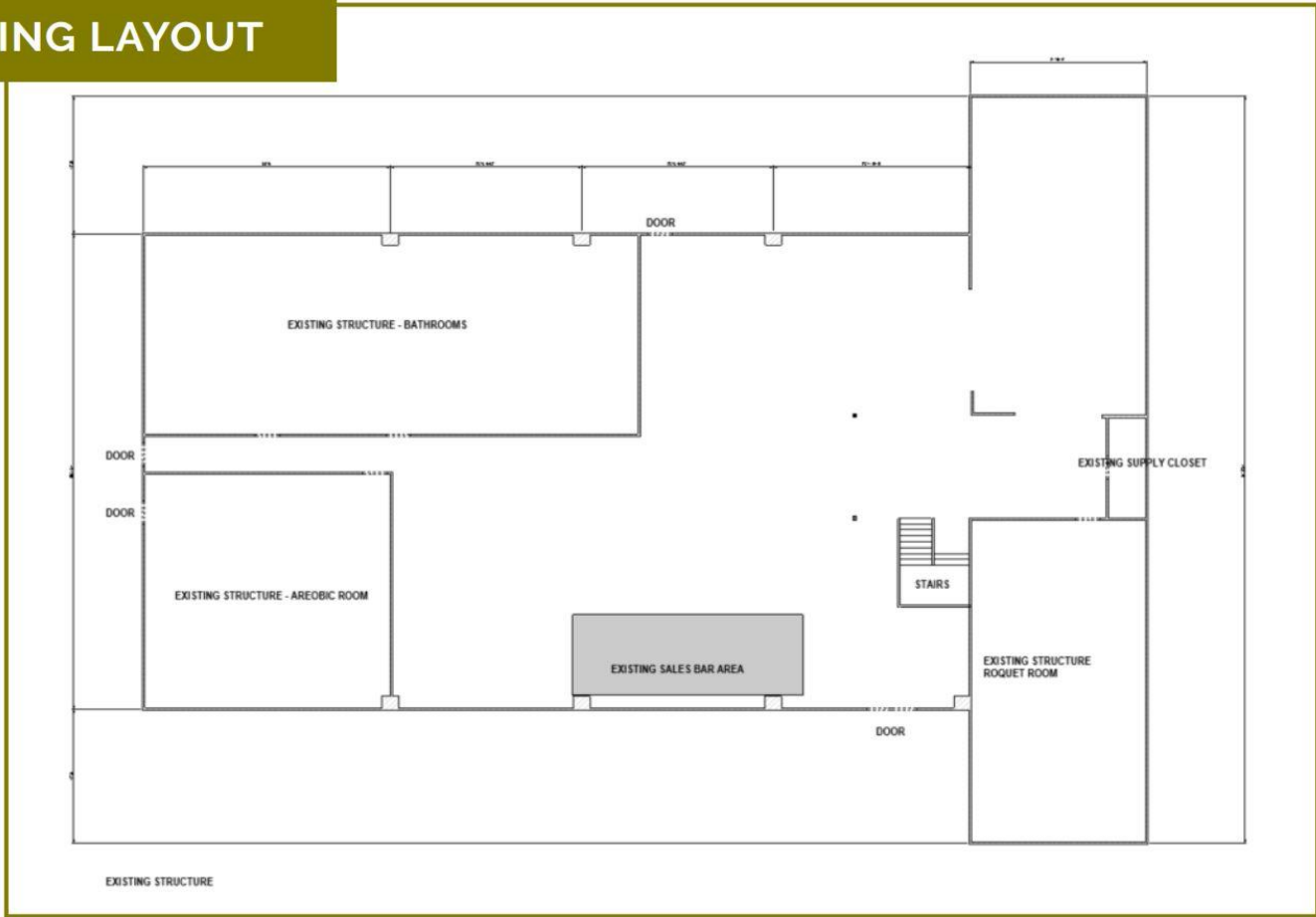


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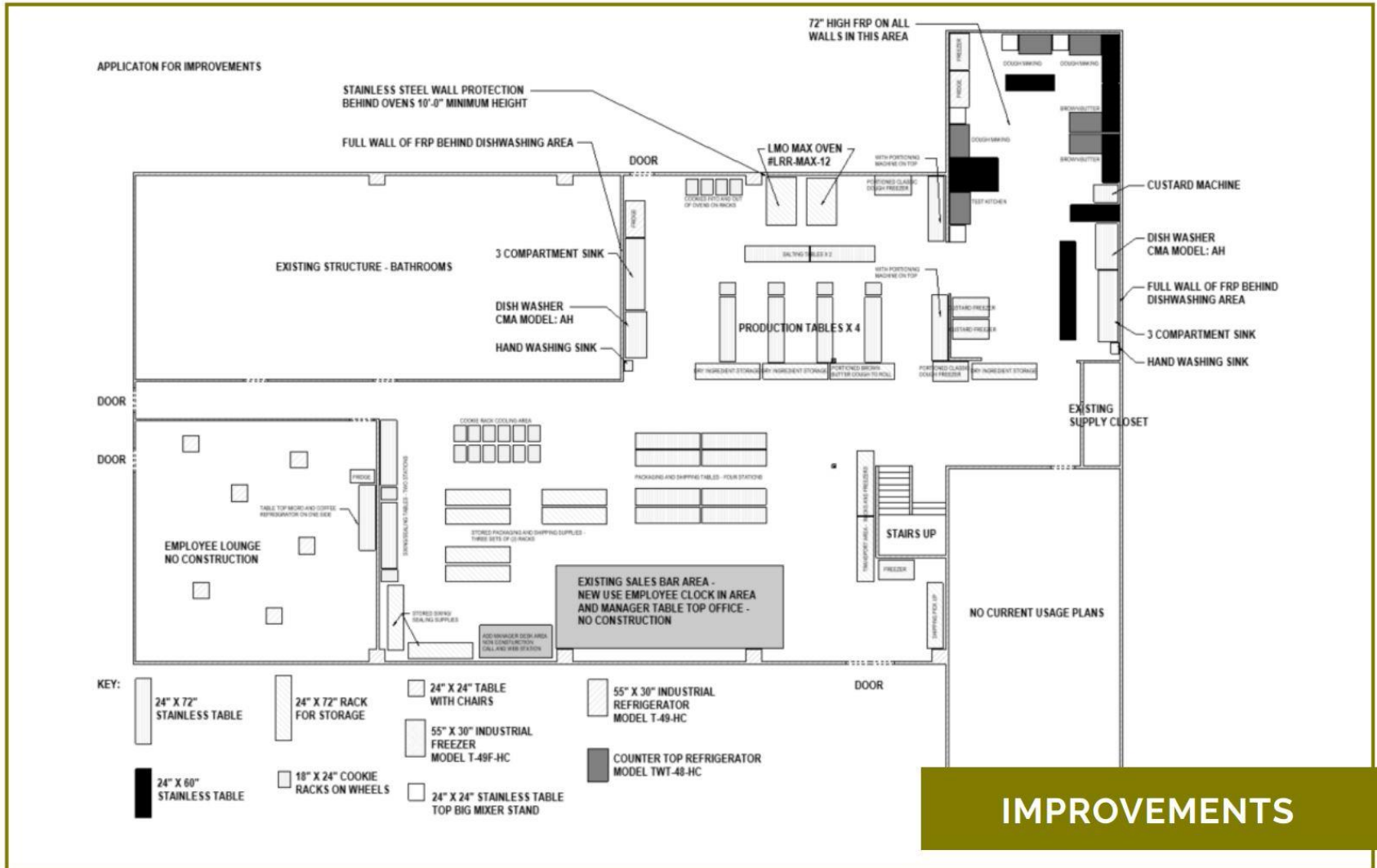
**ATTACHMENT 3: Existing Site Layout  
USE 22-0024**

**EXISTING LAYOUT**



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**ATTACHMENT 4: Proposed Tenant Improvements**  
**USE 22-0024**



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**ATTACHMENT 5: Elevations  
USE 22-0024**

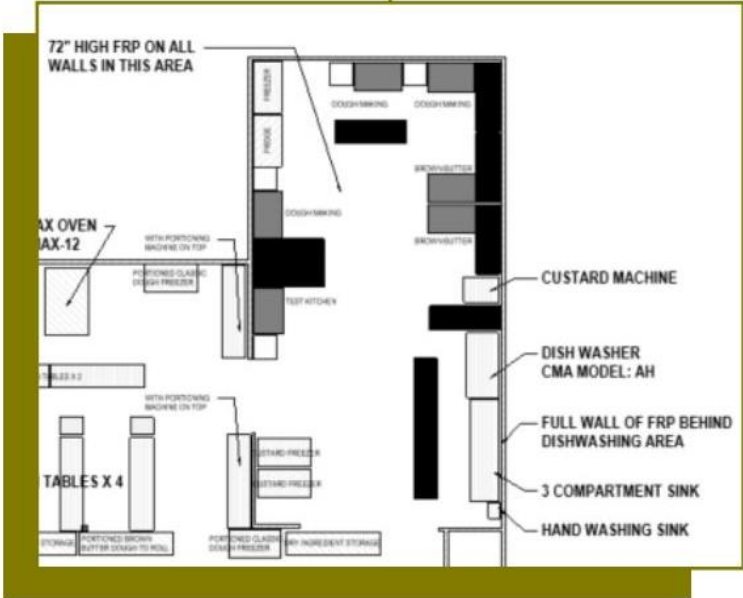


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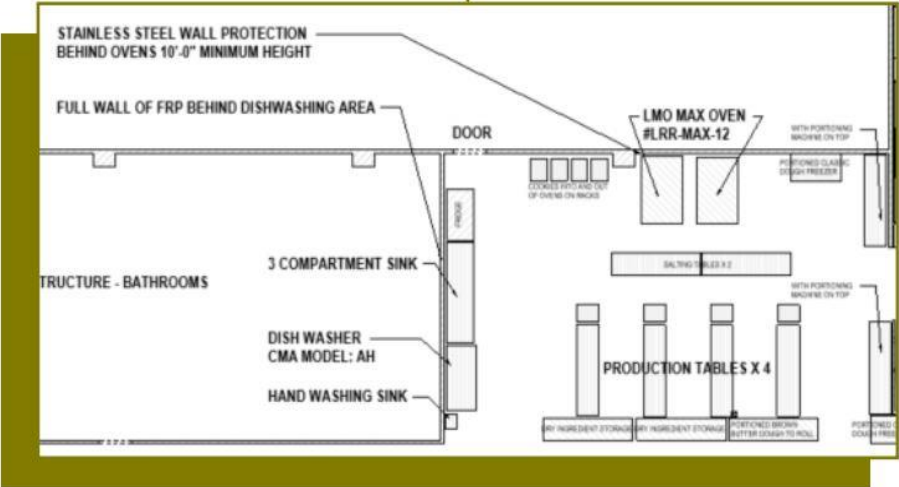
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**ATTACHMENT 6: Improvements (Kitchen and Ovens)  
USE 22-0024**

# IMPROVEMENTS - KITCHEN



# IMPROVEMENTS - OVENS



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**ATTACHMENT 7: Site Photos**  
**USE 22-0024**

**Existing Building**



**Parking Lot**



**Rear of Existing Building**



**Sides of Existing Building**





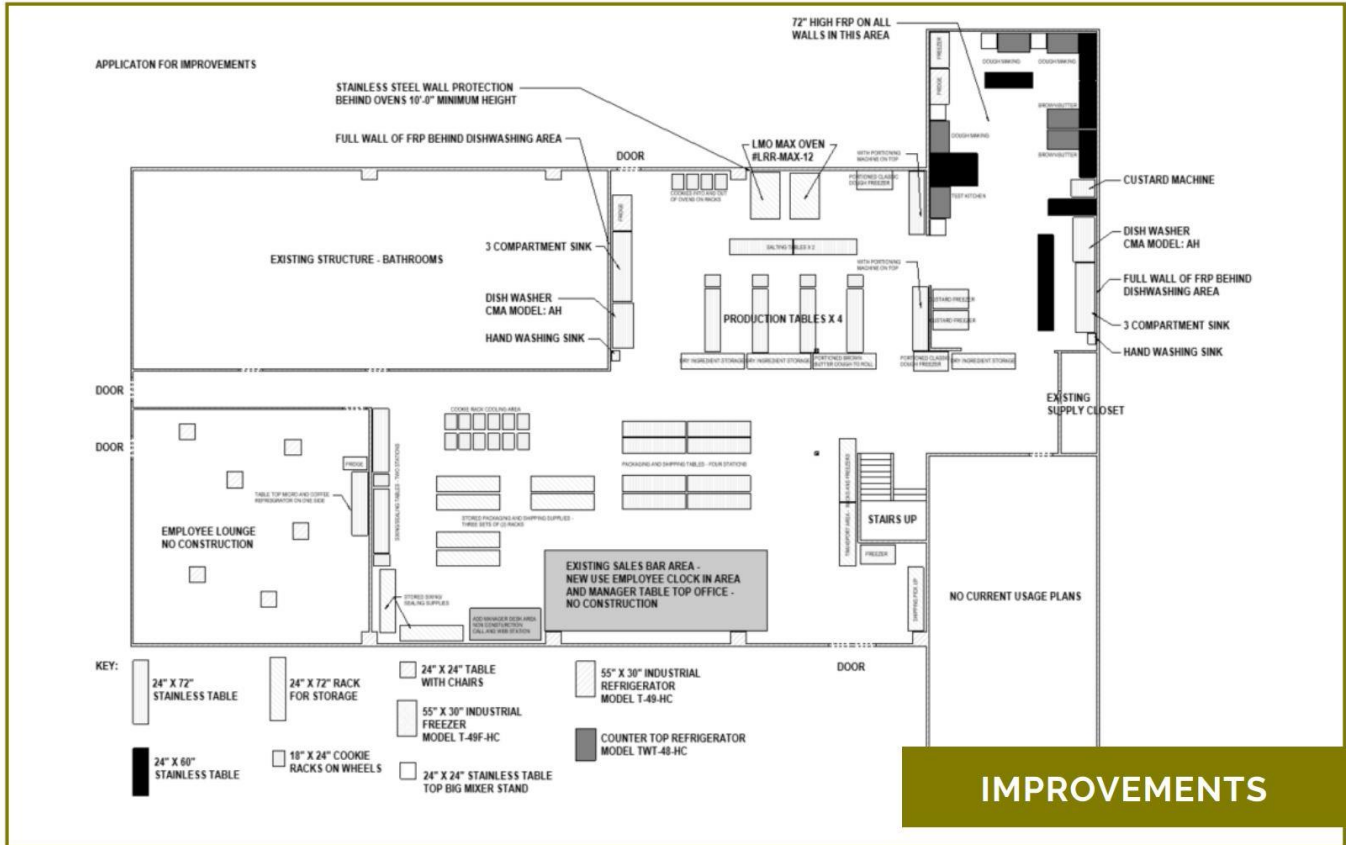
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**Exhibit A: Conditions of Approval**  
**USE 22-0024**

<b>Conditions of Approval / Mitigation Monitoring Program</b>	<b>Timing</b>	<b>Responsibility /Monitoring</b>
<b>8850 Santa Rosa Road</b>  <b>USE 22-0024</b>	BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
<b>Planning Services Conditions</b>		
1. This Conditional Use Permit shall allow for the establishment of a Manufacturing, Repair, and Processing-Low Intensity Service use at 8850 Santa Rosa Road described on the attached exhibits and located on APN 056-141-018, regardless of owner.	<b>Ongoing</b>	<b>PS</b>
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the Planning Commission approval, unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	<b>Ongoing</b>	<b>PS</b>
3. 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%, and/or (2) result in a superior site design or appearance.	<b>BL</b>	<b>PS</b>
4. 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. If the use is established and becomes vacant, establishment of a similar use shall be done in accordance with the City's non-conforming use code.	<b>BL</b>	<b>PS</b>
5. 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 this conditional use permit.	<b>Ongoing</b>	<b>CA</b>
6. Off-street parking shall be provided at a minimum ratio of 1 space per 500 sq. ft. of floor area.	<b>Ongoing</b>	<b>PS</b>
7. Tenant Improvements shall be consistent with what is shown in Exhibit B. Colors and materials shall match the existing façade.	<b>Ongoing</b>	<b>PS</b>
8. All signs shall meet municipal code standards.	<b>Ongoing</b>	<b>PS</b>
9. Four (4) 15-gallon trees are to be planted onsite as shade trees for the parking lot. These trees can include Coast Live Oaks, Valley Oaks, Chinese Pistaches, London Sycamores, or Ornamental Pears.	<b>Ongoing</b>	<b>PS</b>
10. Trash enclosure must meet newly adopted trash enclosure standards.	<b>Ongoing</b>	<b>PS</b>



**Exhibit B: Proposed Tenant Improvements**  
**USE 22-0024**



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