



Atascadero Planning Commission

Staff Report – Community Development Department

Atascadero Hay and Feed
6501 Via Ave. / USE21-0083

RECOMMENDATION(S):

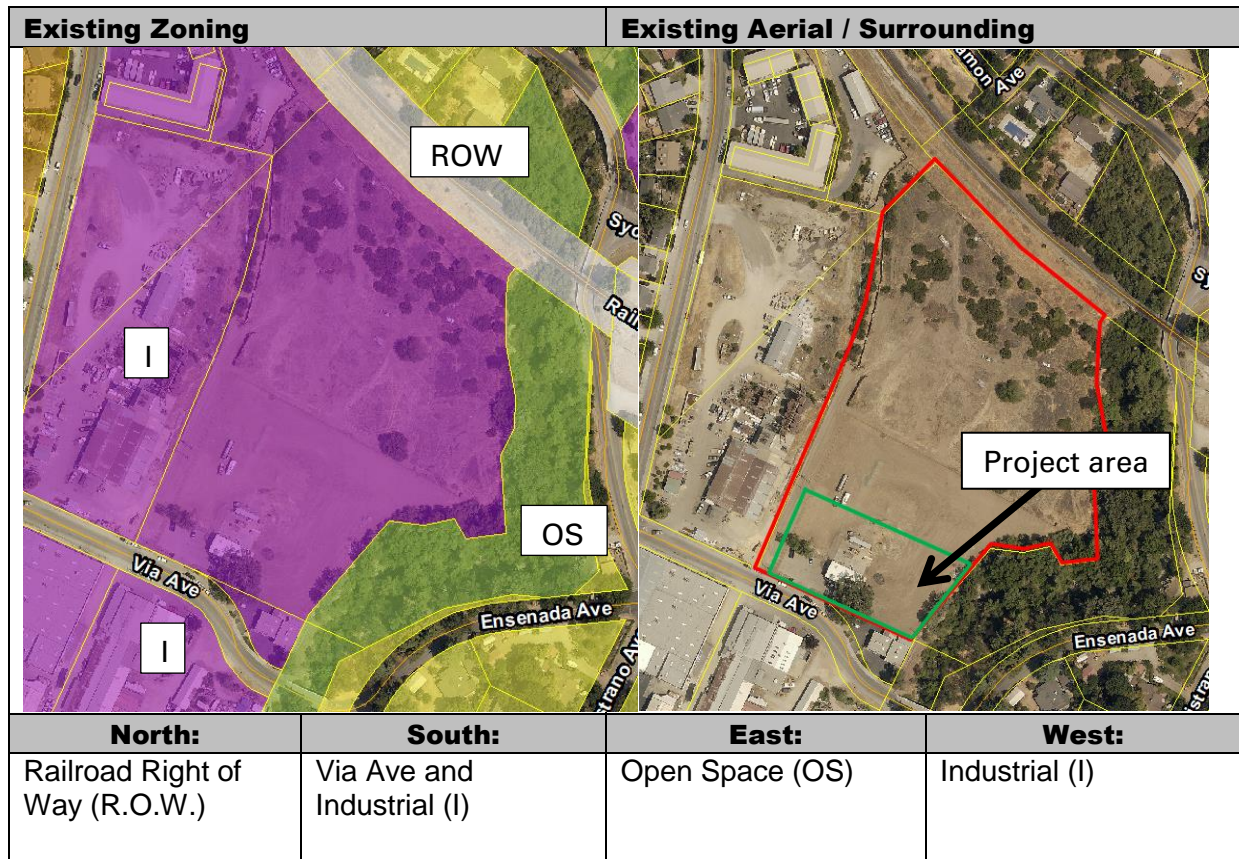
Staff Recommends: The Planning Commission adopt Draft Resolution approving Conditional Use Permit (CUP) USE21-0083 allowing a new business that includes outdoor sales of landscaping material and equipment rentals in the Industrial zone.

Project Info In-Brief:

PROJECT ADDRESS:	6501 Via	Atascadero, CA	APN	028-201-004
PROJECT PLANNER	Mariah Gasch Associate Planner	470-3436	mgasch@atascadero.org	
PROPERTY OWNER	Vetter Trust			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
Industrial (I)	Industrial (I)	7.36-acre site; 1.4-acre use area	Vacant	1.4-acre commercial business including outdoor sales of landscaping material and small equipment rentals
ENVIRONMENTAL DETERMINATION				
<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				

DISCUSSION:

Existing Surrounding Uses / Parcel Configurations:



Summary:

The proposed project includes use of an existing office building and a 1.4-acre outdoor sales yard in the Industrial zone. The site is proposed to be used as a commercial business for the sale of landscape material and small equipment rentals (examples referenced are small tractors and riding lawnmowers). Atascadero Municipal Code (AMC) 9-3.330 states that outdoor storage in excess of 10,000 square feet requires approval of a Conditional Use Permit. The entire site is approximately 7.6 acres; however, the lease area for the applicant’s proposed project is less than two (2) acres (approximately 1.4-acres). There are no plans for the remaining site at this time. A retention basin is proposed to collected runoff in the north-east corner of the use area. There is also a number of existing but defunct wells from previous uses that are to be walled off by concrete. There are no current plans for the remaining vacant portion of the site which will continue to be fenced off.

Background:

The subject site was previously used as an automotive wrecking yard and had been vacant for over 15 years. This same site was granted a use permit by the Planning Commission in 2018. The previous applicant completed minimal improvements, including fencing, grading, and site clean-up prior to being evicted from the site by the property owner. In 2019, a Recreational Vehicle (RV) storage yard was proposed at the site. The DRC reviewed the RV use, provided project direction to forward the item to the Planning Commission, however, the project was withdrawn prior to Commission action. Most recently, in 2020, the Planning Commission approved an outdoor contract construction yard on approximately 1.31 acres of the site. That tenant primarily utilized the existing office building and simply parked trucks and cable supplies on the site. They have since vacated the site.

This project was brought before the Design Review Committee on January 26, 2022. The Design Review Committee did not have any recommendations for revisions to the proposed design and forwarded it on to Planning Commission.

Analysis:

The proposed land use for Atascadero Hay and Feed (outdoor sales and equipment rental over 10,000 SF), is a conditionally allowed use in the Industrial zoning district and requires a Conditional Use Permit to be approved by the Planning Commission. Section 9-6.139 of the City's Zoning Regulations provides a set of site design standards for outdoor sales yards in addition to the provisions of the use permit (Attachment 5).

- A 10-foot landscape strip is not required along property lines since no sales displays are within 10 feet of any property lines.
- There is an existing six-foot-tall wooden fence surrounding the area of use as well as a 4-foot-tall steel fence along the Via Avenue frontage.
- There is an existing building to be used as an office onsite.
- The existing parking lot is paved with asphalt, and the project proposes improving the driveway to city standards.
- The proposed sales area will be a decomposed granite (DG) surface behind the parking area within the fenced yard.
- The existing concrete pad located behind the existing metal building will locate the small equipment rental area.

Site improvements include landscaping along the frontage, development of the landscaping materials sales yard, concrete enclosure around abandoned wells, and the implementation of a retention basin in the northeast corner of the use area

Existing Building and Proposed Sales Yard

The site has an existing metal building that has remained on the site from the former automotive wrecking yard. The metal building was converted to an office space in recent years. The previous tenant painted the building green. The style and color of the structure

fits into the industrial setting of the site and the surrounding buildings. Staff does not recommend any changes to the existing building.

Existing Office Building



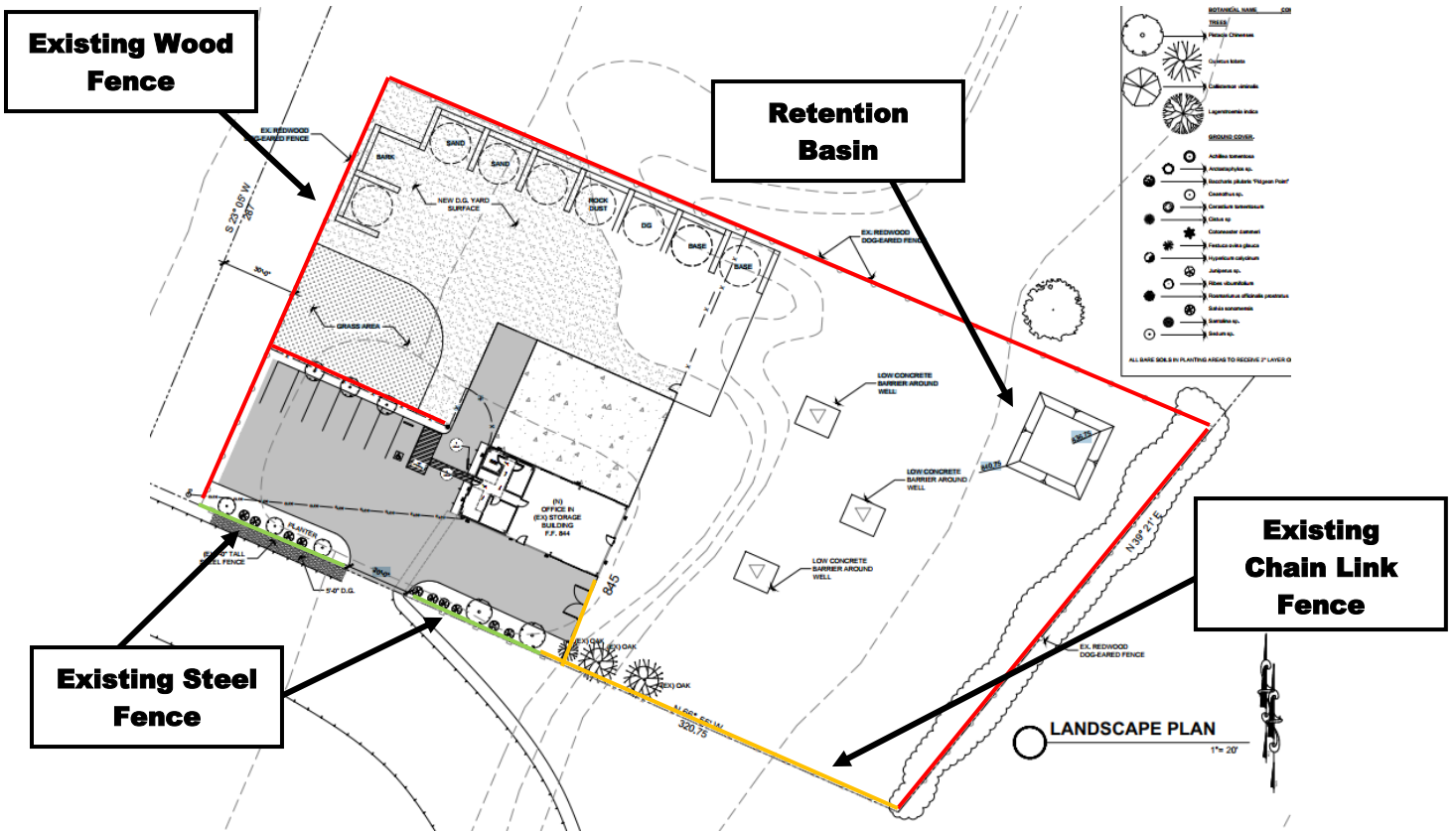
The applicant proposes to limit the area available for material and equipment sales as shown on the submitted site plan. Storage of landscape materials such as bark, sand, gravel, Decomposed Granite and base will be stored along the existing fence. Each material will be separated by 6' tall concrete block barriers that are natural concrete color.

Proposed concrete barrier



There are 3 testing wells left on the site during the cleanup and testing of the site when the former auto wrecking yard was abandoned. The current plan shows these testing wells remaining in place surrounded by new concrete barriers. Grass is proposed over the existing septic and leach area, separating the parking lot from the sales yard. Staff has added a condition that grass be replaced with native vegetation and mulch on the landscape plan.

Proposed Landscape Plan



Landscaping

A site plan has been submitted which identifies a landscape area with street trees along Via Avenue in compliance with AMC Section 9-4.125 (Landscape standards). The applicant is proposing five new Chinese Pistache trees, creeping sage, and an array of native and drought resistant ground cover shrubs to be planted in the existing dirt areas along the front property line adjacent to the paved parking area (Attachment 3). Three additional Chinese Pistache trees are proposed to separate the parking area from the grass area and sales yard. AMC Section 9-4.125 requires a minimum landscape coverage of 5% for Industrial zoned sites. Based on the 1.4-acre active use area, the code requires approximately 3,040 square feet of landscaping. With existing and proposed landscaping, the site will have approximately 4,009 square feet of landscaping and street trees at the front of the lot and adjacent to the parking area. A large oak tree exists adjacent to the office building, and some existing trees next to the parking area also provide greenery on site.

Fencing, Screening and Lighting

The site contains an existing six-foot-tall dog-eared, redwood fence along the sides and rear of the property. This separates the current lease area from the unused portion of the property. There is also a wood fence separating the parking area from the sales lot. There is an existing chain link fence along the east portion of the Via Avenue frontage and in front the office building, and a pipe fence along the remaining frontage on Via Avenue. The existing fencing on site is in adequate condition. Therefore, staff has no recommendations.

Although there is no lighting in the sales area proposed, there are six (6) downcast security lights with motion sensors on the west and south sides of the existing building. All lighting will be required to comply with Atascadero Municipal Code standards including shielding and elimination of glare. There will also be a trash enclosure located behind the building on the existing concrete pad. Staff has added a condition that the trash facilities must meet current Cal Green regulations.

Parking

The site has an existing seven (7) parking spaces which the applicant proposes to utilize for the sales lot. Equipment rental requires 1 parking space per 2,000 sf per AMC 9-4.118. The existing concrete slab that will be used for equipment rental is about 2,700 sf, and therefore only requires one (1) parking space. For the sales yard, AMC Section 9-4.118 requires one (1) space per 3,000 SF of outdoor use for building materials. The outdoor sales area is approximately 12,500 SF, requiring four (4) parking spaces. The overall parking requirement is five (5) parking spaces. The applicant's proposal of seven (7) exceeds the requirement.

ENVIRONMENTAL DETERMINATION:

The proposed project is Categorical 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 consists of the leasing of an existing private facility with negligible expansion beyond existing use.

FINDINGS:

To approve the Conditional Use Permit, the Planning Commission must make the following findings. These findings and the facts to support these findings are included in the attached PC Resolution 2021.

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;
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 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 PC Resolution
2. Location and Zoning Map
3. Aerial View
4. Site Photos

ATTACHMENT 1: Draft Resolution USE21-0083
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DRAFT PC RESOLUTION

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO, CALIFORNIA,
APPROVING USE21-0083, TO ALLOW A SALES YARD AND
EQUIPMENT RENTAL BUSINESS IN THE INDUSTRIAL ZONE**

**ATASCADERO HAY AND FEED
6501 VIA AVENUE**

WHEREAS, an application was received from Kevin Buffett, 6155 Via Avenue, Atascadero, CA 93422, (tenant and applicant) for a Conditional Use Permit to allow for a Sales Yard with Equipment Rental at 6501 Via Ave (APN 028-201-004); and

WHEREAS, the site has a General Plan Designation of Industrial; and

WHEREAS, the property is in the Industrial (I) zoning district; and

WHEREAS, the Design Review Committee reviewed the design of the project at a timely and properly noticed meeting on January 27, 2021; 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 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

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Atascadero:

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

1. 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 consists of the leasing of an existing private facility with negligible expansion beyond existing use.

SECTION 2. Findings for approval of Conditional Use Permit. The Planning Commission finds as follows:

FINDING: The proposed project or use is consistent with the General Plan.

FACT: Outdoor Sales Yard and Equipment Rental is consistent with the General Plan as an allowed use in the Industrial zone.

FINDING: The proposed project or use satisfies all applicable provisions of the Zoning Regulations of the Atascadero Municipal Code.

FACT: The proposed equipment rental and sales yard, and use of an existing office building, meets all applicable provisions of the Zoning Ordinance as a conditionally allowed use in the zoning district

FINDING: 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.

FACT: The proposed equipment rental and sales yard, and use of an existing office building, include minor improvements to the property. The proposed use will not be detrimental to the health, safety, or welfare of the general public or nearby residences.

FINDING: The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development.

FACT: The proposed equipment rental and sales yard, and use of an existing office building, has been reviewed by the Design Review Committee and is designed to be consistent with the character of the immediate neighborhood and includes improvements. The proposed use will not be inconsistent with the character of the surrounding area.

FINDING: 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.

FACT: The proposed equipment rental and sales yard, and use of an existing office building, does not generate any traffic beyond the normal traffic volume of the surrounding neighborhood.

SECTION 3. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on February 15, 2022, resolved to approve Conditional Use Permit USE21-0083, subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Site Plan
- EXHIBIT C: Landscape Plan

ITEM 2
Atascadero Hay and Feed
USE21-0083 / Vetter Trust, Buffett

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 Eikof
Planning Commission Chairperson

ATTEST:

Phil Dunsmore
Planning Commission Secretary

ITEM 2
Atascadero Hay and Feed
USE21-0083 / Vetter Trust, Buffett

EXHIBIT A: Conditions of Approval USE 21-0083

Conditions of Approval USE21-0083	Timing
6501 Via Avenue Atascadero Hay and Feed Outdoor Sales Yard	BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy
Planning Conditions	
1. This Conditional Use Permit shall allow the land use of Outdoor Sales and Equipment Rental at 6501 Via Ave. described in the attached exhibits and located on APN 028-201-004.	Ongoing
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.	
3. 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.	Ongoing
4. 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. The Planning Commission shall have the final authority to approve any other changes to the Master Plan of Development and any associated Tentative Maps unless appealed to the City Council.	BP
5. 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 and started construction on the project.	BP
6. 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 construction or use of the detached accessory structure.	Ongoing
7. The type of rental equipment onsite is limited to small equipment such as mini excavators, small tractors, riding lawnmowers, etc. No oversized heavy equipment such as excavators, backhoes, bulldozers, cranes, etc. without amendment to the conditional use permit.	Ongoing
8. The sign design shall be consistent with what is shown in Exhibit A.	Ongoing
9. No sub-lease of the building or site may occur unless otherwise approved by the City.	Ongoing
10. No other land use shall be allowed in conjunction with the outdoor sales lot unless specifically approved by the City.	Ongoing
11. No storage, paving, stockpiling, grading, or use of the site shall be allowed beyond the area identified in the site plan for active use and within 30 feet of the top of the bank of Atascadero Creek.	Ongoing
12. All new fences shall be wood or vinyl coated with a neutral color. Any vinyl coated fences shall be screened with evergreen vegetation, with the exception of the fence along the creek.	Ongoing
13. The three testing wells shall be removed or protected by a low barrier as shown on the Exhibit C.	Ongoing
14. Barbed wire shall not be installed anywhere on the site.	Ongoing
15. All signs shall conform to AMC 9-15.	Ongoing

ITEM 2
Atascadero Hay and Feed
USE21-0083 / Vetter Trust, Buffett

16. Trash facilities shall meet Cal Green requirements. Applicant shall include details of proposed trash enclosure with construction permit. The trash enclosure shall be designed to the satisfaction of the Community Development Department.	BP/ Ongoing
17. The Applicant shall submit a landscape and irrigation plan with submittal of construction documents. The landscape plan shall be consistent with what is shown in Exhibit C and include native, drought tolerant species to the satisfaction of the Community Development Department. The landscaped area above the existing septic system shall contain native, drought tolerant species.	BP/ Ongoing
Public Works Conditions	
18. Frontage improvements are required prior to finalization of the building permit, including installation of new sidewalk and accessible driveway approach integral to the existing curb and gutter, per City Standards. 14.	
19. Verify Finished floor elevation of (E) Building on Construction permit submittal- Exhibit B shows 844, but contours around shown as 845. Update FF elev. or contours, whichever applies.	

EXHIBIT B: Site Plan
USE21-0083

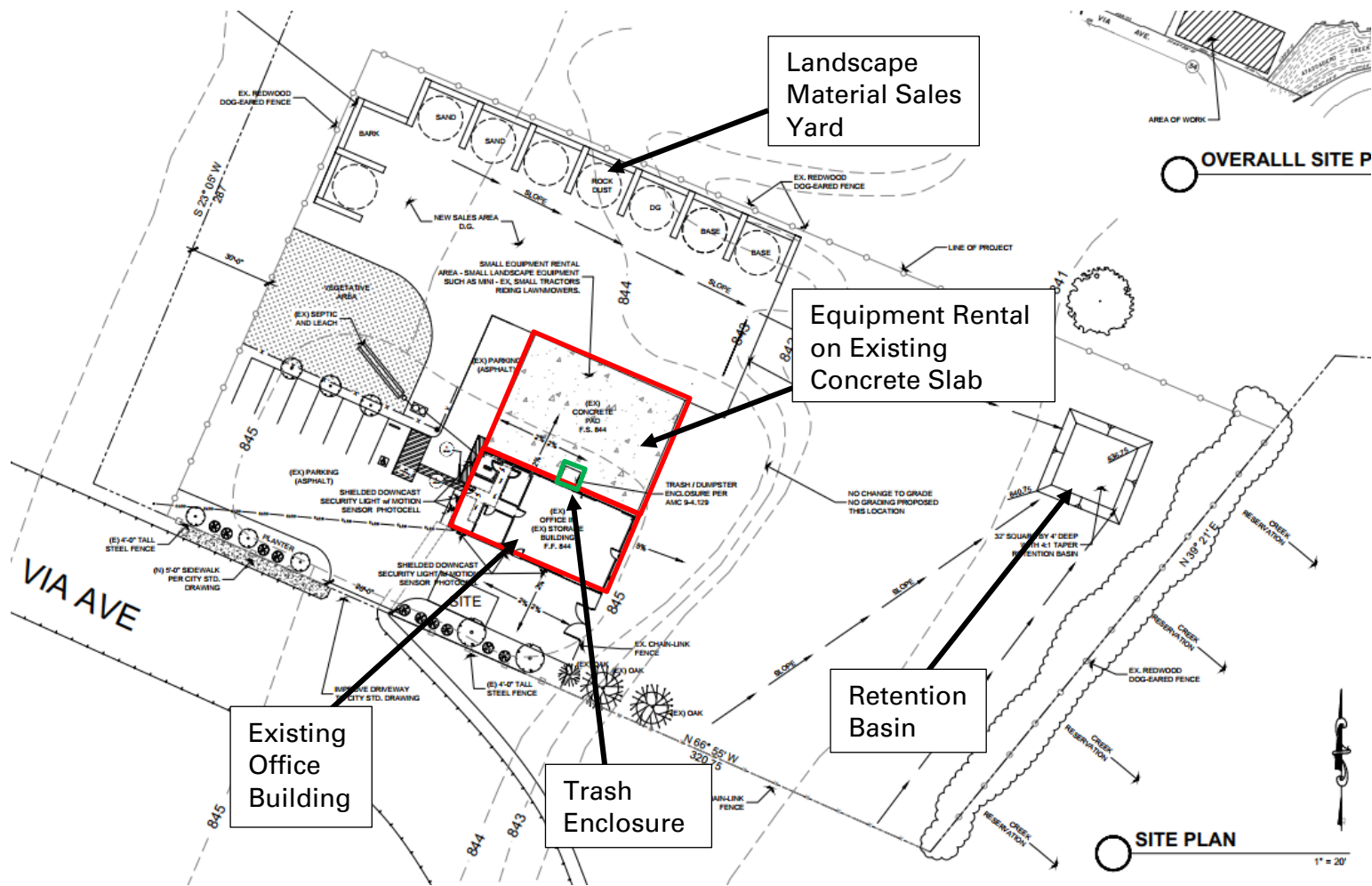
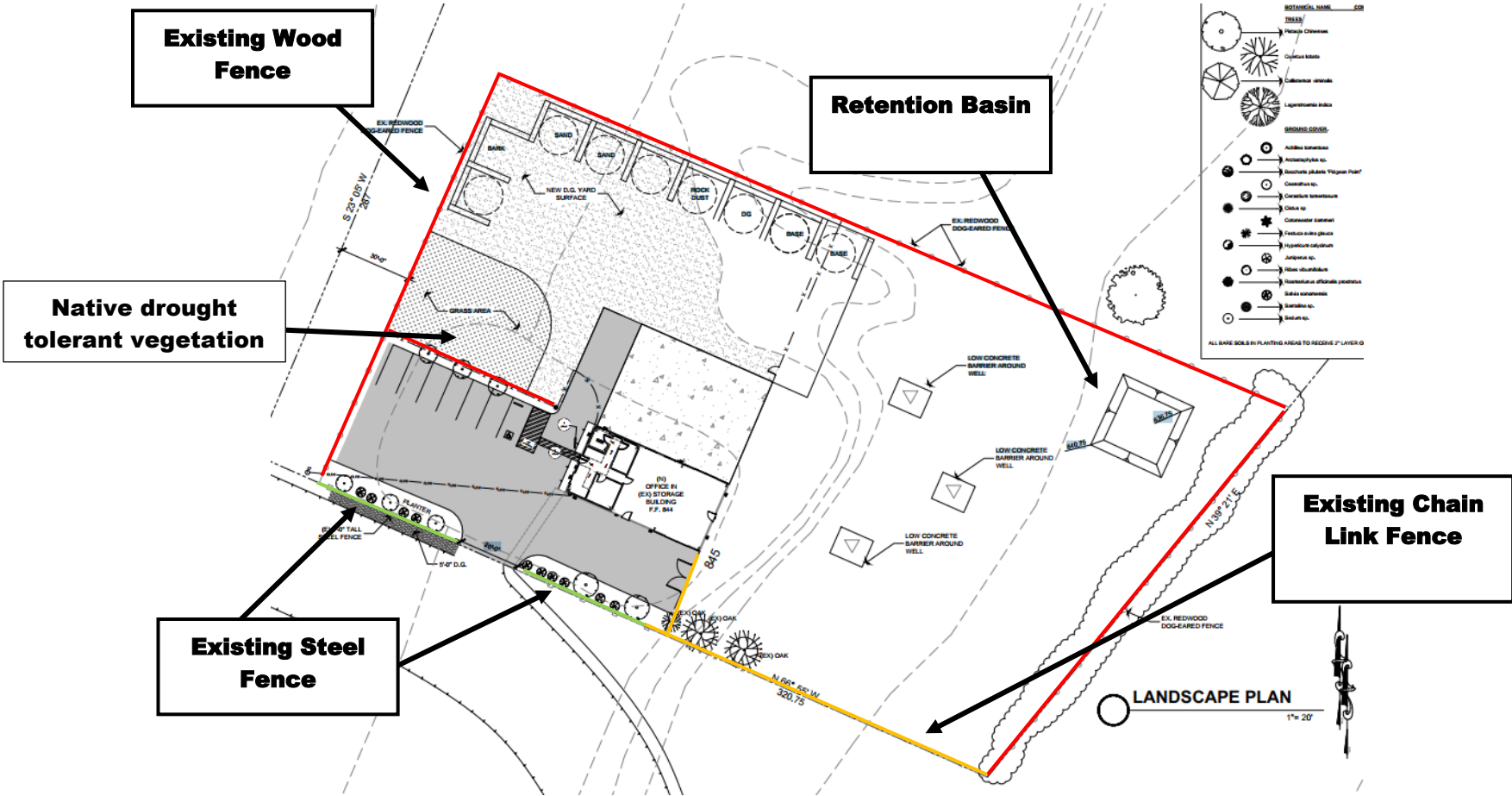
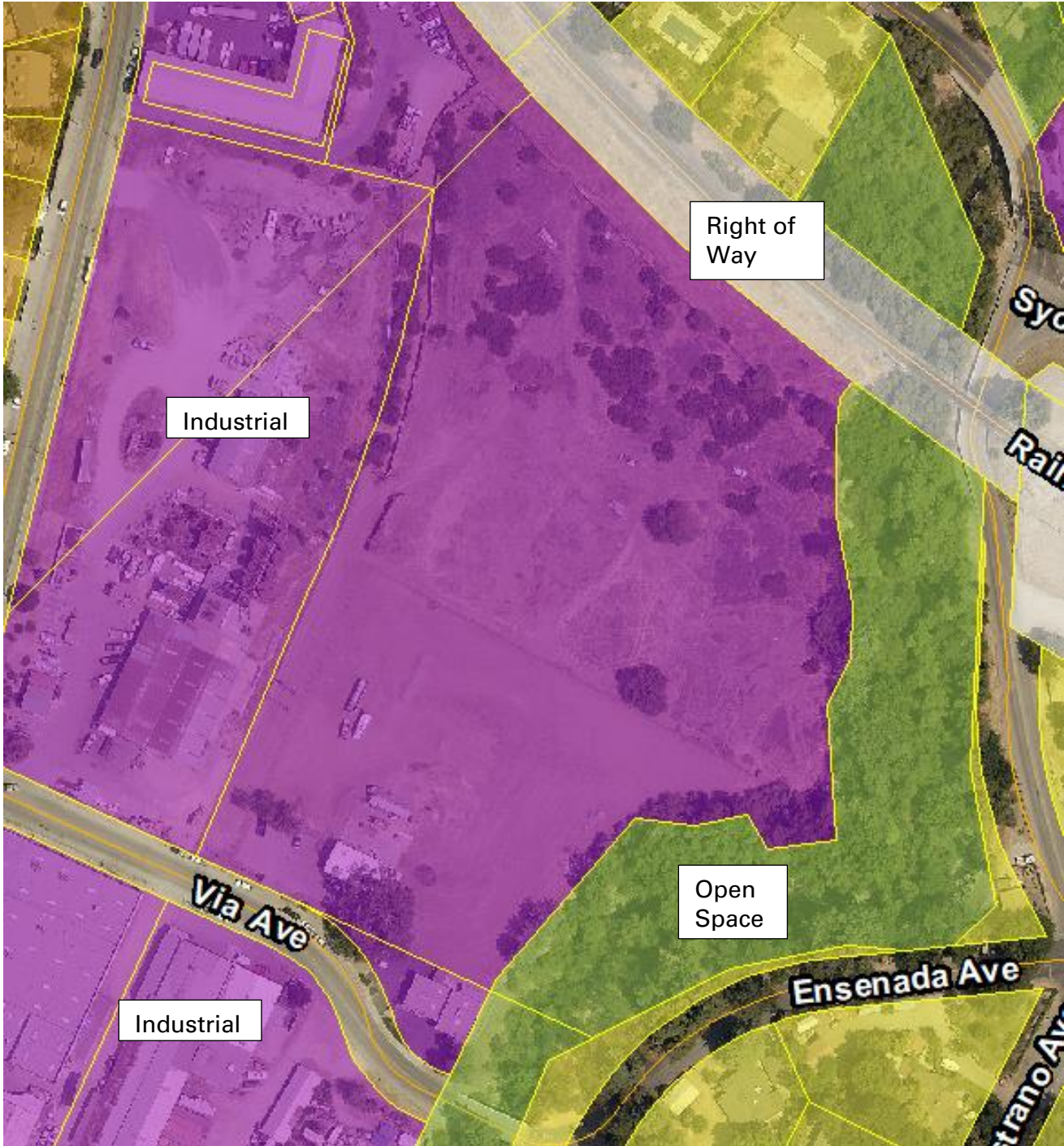


EXHIBIT C: Landscape Plan
USE21-0083



**ATTACHMENT 1: Location and Zoning
USE21-0083**



**ATTACHMENT 3: Aerial View
USE21-0083**



ATTACHMENT 4: Site Photos
USE21-0083

Existing Frontage and Access from Via



Existing Storage Area



Existing Storage Area and Concrete Pad

