

# CITY OF ATASCADERO PLANNING COMMISSION

#### HOW TO OBSERVE THE MEETING:

Interested individuals may attend the meeting in-person at Atascadero City Hall. To observe remotely, the meeting may be livestreamed on <u>Zoom</u>. The video recording of the meeting will be available through the City's website and on the City's YouTube Channel. To observe remotely using the Zoom platform please visit:

#### https://us02web.zoom.us/j/83250238111

#### HOW TO SUBMIT PUBLIC COMMENT:

Public comment may be provided in-person.

Written public comments are accepted at <u>pc-comments@atascadero.org</u>. Comments should identify the Agenda Item Number in the subject line of the email. Such comments will be forwarded to the Planning Commission and made a part of the administrative record. To ensure distribution to the Planning Commission before consideration of an item, please submit comments not later than 12:00 p.m. the day of the meeting. All correspondence will be distributed to the Planning Commission, posted on the City's website, and be made part of the official public record of the meeting. Please note, comments will not be read into the record. Please be aware that communications sent to the Planning Commission are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under applicable law. Communications will not be edited for redactions and will be printed/posted as submitted.

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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, <u>www.atascadero.org.</u> 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 by appointment during City Hall business hours.

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# CITY OF ATASCADERO PLANNING COMMISSION AGENDA

# REGULAR MEETING Tuesday, December 3, 2024 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 Tori Keen Vice Chairperson Jeff van den Eikhof 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.)

**<u>CONSENT CALENDAR</u>** (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. APPROVAL OF THE DRAFT MINUTES OF OCTOBER 15, 2024

• <u>Recommendation</u>: Commission approve the October 15, 2024 Minutes.

# 2. APPROVAL OF THE 2025 MEETING SCHEDULE

• <u>Recommendation</u>: Commission approve the 2025 Meeting Schedule.

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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.

#### 3. 2650 EL CAMINO REAL (FENCE FACTORY)

The project is a request for an Amendment to Conditional Use Permit (CUP2000-0002) to allow onsite cleaning of portable restrooms on APN 049-201-024. (AMND24-0078)

<u>CEQA</u>: The proposed project is consistent with previously Mitigated Negative Declaration 2000-0008.

 <u>Recommendation</u>: Staff's recommendation is for the Planning Commission to adopt the Draft Resolution approving an Amendment to Conditional Use Permit 2000-0002 to allow the cleaning of portable restrooms as an auxiliary to an existing contract construction material yard, based on findings and subject to conditions of approval.

#### 4. 4701 EL CAMINO REAL (GRAND OAKS PASEO)

The project includes a Tentative Tract Map (TTM) which proposes a 1 parcel subdivision for condominium purposes on Lot 31 of Tract 3141 with 3 total condo units on APN 029-274-031. (SBDV24-0063)

<u>CEQA</u>: The proposed project is consistent with previously Mitigated Negative Declaration 2005-0063.

• <u>Recommendation</u>: Staff's recommendation is for the Planning Commission to adopt the Draft Resolution approving TTM 3326 for an airspace subdivision of Lot 31 to create two residential and one commercial airspace on a shared common lot, based on findings and subject to conditions of approval.



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

#### DIRECTOR'S REPORT

#### **ADJOURNMENT**

The next regular meeting will be on December 17, 2024 at City Hall, Council Chambers, 6500 Palma Ave., Atascadero, CA.

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. 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 Člerk for more information at (805) 470-3400.

#### 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.

- Give your name for the record (not required).
   State the nature of your business.
- All comments are limited to 3 minutes. 3.
- All comments should be made to the Chairperson and Commission. 4.
- 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).
- Make your statement. 3.
- 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.

#### HOW TO SUBMIT PUBLIC COMMENT:

comments lf you wish to comment, please email public to: 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.

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# CITY OF ATASCADERO PLANNING COMMISSION

# DRAFT MINUTES Regular Meeting – Tuesday, October 15, 2024 – 6:00 P.M. City Hall 6500 Palma Avenue, Atascadero, California

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

Chairperson Keen called the meeting to order at 6:05 p.m. and Commissioner Anderson led the Pledge of Allegiance.

#### ROLL CALL

Present:	Commissioners Anderson, Carranza, Heath, Hughes, Schmidt, Vice Chairperson van den Eikhof and Chairperson Keen
Absent:	None
Vacant:	None

Others Present: Annette Manier, Recording Secretary Genevieve Sharrow, MIG Taylor Foland, City Attorney

Staff Present: Phil Dunsmore, Community Development Director Kelly Gleason, Planning Manager Erick Gomez, Associate Planner

#### **APPROVAL OF AGENDA**

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

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

### PUBLIC COMMENT

None. Chairperson Keen closed the Public Comment period.

### CONSENT CALENDAR

#### 1. <u>APPROVAL OF THE DRAFT MINUTES OF OCTOBER 1, 2024</u>

- <u>Recommendation</u>: Commission approve the October 1, 2024 Minutes.
  - MOTION: By Commissioner Carranza and seconded by Vice Chairperson van den Eikhof to approve the Consent Calendar.

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

#### PLANNING COMMISSION BUSINESS None

Chairperson Keen recessed the meeting at 6:14 p.m. for a break, due to technical difficulties.

Chairperson Keen reconvened the meeting at 6:24 p.m. with all present.

### PUBLIC HEARINGS

#### 2. 11450 VIEJO CAMINO AND 11505 EL CAMINO REAL

The project is a request to consider a request for adoption of a Development Agreement, Planned Development Overlay Zone Change, and creek realignment concept to allow for and facilitate a future multi-family development with up to 42 residential units on a 4.2-acre site APN 045-342-009 and 045-342-010. (DEV24-0075)

- <u>CEQA</u>: A Mitigated Negative Declaration (EDN 2024-0011) was prepared for the project in accordance with the California Environmental Quality Act California Public Resources Code §21000, et seq.(CEQA).
- <u>Recommendation</u>: Staff's recommendation is for the Planning Commission to adopt the Draft Resolution recommending that the City Council take the following actions:
  - i. Planning Commission adopt Draft PC Resolution recommending that the City Council approve a Development Agreement (in conformance with the attached draft) between Scott Newton and the City of Atascadero for the properties located at 11450 Viejo Camino and 11505 El Camino Real, and certify the proposed Mitigated Negative Declaration prepared for the project; and take such additional, related, action that may be desirable.

### **DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Commissioner Schmidt spoke to the City Manager about this project, and he followed the hearings. All other Commissioners had no ex parte.

Planning Manager Gleason presented the staff report; she and City Attorney Foland answered questions from the Commission.

#### PUBLIC COMMENT

The following members of the public spoke: Clyde Snyder.

Staff, Chairperson Keen, and City Attorney Fowland addressed questions raised during public comment.

#### Chairperson Keen closed the Public Comment period.

MOTION: By Chairperson Keen and seconded by Commissioner Heath to adopt PC Resolution 2024-0016 on adopting a Development Agreement with Scott Newton for 11450 Viejo Camino and 11505 El Camino Real on APNs 045-342-009 and 045-342-010, based on findings and subject to conditions of approval.

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

#### 3. <u>CEQA STREAMLINING</u>

The project includes amendments to Title 9, Planning and Zoning, of the Atascadero Municipal Code to establish objective standards for hillsides, watercourse adjacent areas, archeologically sensitive areas, and historic resources to provide ministerial review processes for permit streamlining. (ZCH23-0061)

- <u>CEQA</u>: The action is exempt from the California Environmental Quality Act California Public Resources Code §21000, et seq.(CEQA), because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code §21065; CEQA Guidelines §5061(b)(3).)
- <u>Recommendation</u>: Staff's recommendation is for the Planning Commission to adopt the Draft Resolution recommending that the City Council take the following actions:
  - i. Adopt Draft Resolution A, recommending that the City Council introduce an Ordinance to amend Title 9 (Planning and Zoning Code) to adopt discretionary review thresholds and standards for hillsides, historic and archaeological resources, and watercourse adjacent areas; and take such additional, related, action that may be desirable, and
  - ii. Adopt Draft Resolution B, recommending that the City Council introduce an Ordinance to approve a Zoning Map Amendment to remove the Historic Site (HS) Overlay Zone from certain properties containing colony homes and apply the Historical Site (HS) Overlay

Zone to State and Federally registered historic resources; and take such additional, related, action that may be desirable, and

iii. Adopt Draft Resolution C, recommending that the City Council adopt a local historic resources list, and take such additional, related, action that may be desirable.

#### **DISCLOSURE OF EX PARTE COMMUNICATIONS:**

None

Director Dunsmore gave an overview on the project. Planner Gleason, Genevieve Sharrow, and Director Dunsmore presented the staff report and answered questions from the Commission.

Ms. Sharrow and staff answered questions from the Commission.

#### PUBLIC COMMENT

None

#### Chairperson Keen closed the Public Comment period.

Commissioner Carranza stated that she would recommend that the Council make the final recommendation. Discussion ensued in regard to the 10,000 square feet (sf) threshold vs. a higher threshold, related to site disturbance, on pages 67 and 90 of the staff report.

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt PC Resolution 2024-0017 recommending that the City Council introduce an Ordinance to amend Title 9 (Planning and Zoning code) to adopt discretionary review thresholds and standards for hillsides. historic and archaeological resources, and watercourse adjacent areas, with a change to limit the inclusive disturbance area from 10,000 sf to 12,500 sf, based on findings and subject to conditions of approval. The 10,000 sf disturbance area does not include tree removals; that will stay at 10,000 sf.

> Motion passed 5:2 by a roll-call vote. (van den Eikhof, Keen voted no)

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt PC Resolution 2024-0018 recommending that the City Council introduce an Ordinance to approve a Zoning Map Amendment to remove the Historic Site (HS) Overlay Zone to State and Federally registered and historic resources, based on findings and subject to conditions of approval.

Motion passed 5:2 by a roll-call vote. (van den Eikhof, Keen voted no)

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to adopt PC Resolution 2024-0019 recommending that the City Council adopt a local historic resources list based on findings and subject to conditions of approval.

> Motion passed 5:2 by a roll-call vote. (van den Eikhof, Keen voted no)

#### COMMISSIONER COMMENTS AND REPORTS

None

#### DIRECTOR'S REPORT

Director Dunsmore stated that the next meeting will be held on November 5, 2024, but that meeting will be cancelled.

Director Dunsmore provided an update on Del Rio Ranch, Barrel Creek, Del Rio Marketplace, Centennial Plaza, the Downtown Infrastructure Plan, and the General Plan.

#### ADJOURNMENT – 8:04 p.m.

The meeting will be cancelled on November 5, 2024. The next meeting will be held on November 19, 2024.

#### MINUTES PREPARED BY:

Annette Manier, Recording Secretary Administrative Assistant



Item 2

Planning Commission 2025 Meeting Schedule

#### Community Development Department – D R A F T 2025

MEETING DATE	TYPE OF MEETING	
January 7	REGULAR	
January 21	REGULAR	
February 4	REGULAR	
February 18	REGULAR	
March 4	REGULAR	
March 18	REGULAR	
April 1	REGULAR	
April 15	REGULAR	
May 6	REGULAR	
May 20	REGULAR	
June 3	REGULAR	
June 17	REGULAR	
July 1	REGULAR	
July 15	REGULAR	
August 5	REGULAR	
August 19	REGULAR	
September 2	REGULAR	
September 16	REGULAR	
October 7	REGULAR	
October 21	REGULAR	
November 4	REGULAR	
November 18	REGULAR	
December 2	REGULAR	
December 16	REGULAR	

Meetings are held at 6:00 p.m. at 6500 Palma Ave., 4<sup>th</sup> Floor, Atascadero, CA 93422

Adopted \_\_\_\_\_

Working together to serve, build community and enhance quality of life.

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Department:	Community
	Development
Date:	12/3/2024
Placement:	Public Hearing

## TO: PHIL DUNSMORE, COMMUNITY DEVELOPMENT DIRECTOR FROM: KELLY GLEASON, PLANNING MANAGER PREPARED BY: SAM MOUNTAIN, ASSISTANT PLANNER

SUBJECT: Fence Factory Use Permit Amendment

#### **RECOMMENDATION:**

Planning Commission adopt Draft PC Resolution approving an amendment (AMND24-0078) to Conditional Use Permit 2000-0002 to allow the cleaning of portable restrooms as an auxiliary use to an existing contract construction material yard at 2650 El Camino Real, based on findings and subject to conditions of approval.

#### **DISCUSSION:**

#### BACKGROUND

The Planning Commission adopted Resolution 2000-015 on March 7, 2000, approving a Conditional Use Permit for the establishment of a fence supply business with on-site sales, rentals, storage, and contract services at 2650 El Camino Real.

In 2009, Fence Factory's services expanded to include the rental of portable toilets ("port-apotties" or "honey huts"). Correspondence from that period shows that the City was aware of the additional service and considered the storage and rental of portable toilets an allowed use under the existing Conditional Use Permit with the understanding that the portable restrooms stored on-site were clean and ready to rent.

In late June of 2024, the City received complaints from adjacent businesses regarding foul odors originating from the Fence Factory site. Following discussions with the business, the City was made aware that Fence Factory finalizes the cleaning of returned portable toilets on-site using a pumper truck that is dumped at a separate location in Santa Maria. Fence Factory management were alerted that they were required to either cease all on-site cleaning, or apply for a use permit amendment to address this expansion of use.

#### ANALYSIS:

The Atascadero Municipal Code does not include any clauses which directly regulate the emission of odors from commercial sales lots. Instead, because this use requires an amendment to the existing Conditional Use Permit, concerns about odors may be mitigated through conditions

placed on the project. Consideration of an amendment is warranted in this case due to the onsite cleaning and occasional emptying of portable restrooms being an expansion of use.

While the storage and rental of clean units is permitted under the original use permit, cleaning and pumping on-site introduce potential new impacts to neighbors that can be addressed through Planning Commission review and consideration of additional conditions on the project.

#### **OPERATION**

Fence Factory currently stores approximately 100 portable toilets on-site and cleans them using a pumper truck. Most of the standard portable restrooms are emptied off-site, though some are emptied at the Fence Factory site using a pumper truck if conditions preclude off-site emptying. The site also contains a small number of event toilet trailers, intended to be a more formal option for weddings and similar occasions. These trailers are always emptied at the site of an event.

The units are then cleaned, filled with a deodorizing liquid, and stored for future use on the southwestern corner of the lot. Unused pumper trucks are stored towards the northwestern edge of the property. Diluted greywater from cleaning drains through a culvert to a vegetated swale on the southwestern edge of the property abutting Highway 101.

#### **ODOR**

Pumper trucks disperse the majority of their associated odors through the release of exhaust fumes. These fumes are released through a ventilation system that provides a direct connection between the tank and the open air. Odors can be intensified and travel further due to the high temperature of the materials traveling through the pump system as well as environmental factors like wind, temperature, and humidity.

A wide range of filtration and deodorant systems can be installed on pumper trucks to minimize odor. Following discussions with planning staff, the applicant installed a double-filter deodorant system intended to mitigate issues with odor. This deodorant system is installed on a modular, moveable pallet system that is connected to the pumper trucks whenever they are being used. Staff visited the site to gauge the effectiveness of this filter system; the system appeared to significantly reduce odors associated with pumping.

#### CONCLUSION

- The cleaning of portable restrooms is a minor expansion of use which requires amendment to the existing Conditional Use Permit for the site.
- Staff has added conditions intended to minimize the impact of pumping and cleaning and ensure that odors are mitigated to the extent feasible.
- Cleaning and pumping on-site will be required to be minimized and all on-site pumping must occur away from the property lines.
- The number of portable restrooms for rent is limited to 150, or approximately 50% more than the amount rented out today, and must be stored in a designated location on-site.
- A performance condition has been added which outlines the enforcement process if the City continues to receive multiple complaints about odor.

#### **ENVIRONMENTAL DETERMINATION:**

The cleaning of portable restrooms at an existing contract construction material rental and sales site is a minor expansion of use. The proposed project is consistent with the previously adopted Negative Declaration 2000-0008.

#### FINDINGS:

To approve a use permit amendment, the Planning Commission must make the following findings. These findings and the facts to support these findings are included in the attached resolution.

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

#### ALTERNATIVES TO THE STAFF RECOMMENDATION:

- 1. The Planning Commission may include modifications to the amendment 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 gather 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 amendment. 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.

#### FISCAL IMPACT:

None.

# ATTACHMENT(S):

- 1. Draft Resolution
- 2. Applicant Submittal Package

#### **DRAFT PC RESOLUTION**

## RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING AN AMENDMENT (AMND24-0078) TO CONDITIONAL USE PERMIT 2000-015 TO ALLOW THE ONSITE CLEANING OF PORTABLE RESTROOMS AT 2650 EL CAMINO REAL

#### APN 049-201-024 (THE BENNETT PARTNERSHIP / FENCE FACTORY RENTALS)

**WHEREAS**, an application has been received from Fence Factory Rentals (Applicant) and The Bennett Partnership (Owner) to consider an Amendment (AMND24-0078) to Conditional Use Permit 2000-0002 to allow the on-site cleaning and pumping of portable restrooms at 2650 El Camino Real (APN 049-201-024); and

WHEREAS, the site's General Plan Designation is Commercial Park (CPK); and

WHEREAS, the site's Zoning District is Commercial Park (CPK); and

**WHEREAS**, the Planning Commission of the City of Atascadero approved Conditional Use Permit CUP 2000-0002 on March 7, 2000, through the adoption of Resolution 2000-015, allowing an outdoor storage and sale of fencing products on 2650 El Camino Real; 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 amendment 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

**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 amendment:

**SECTION 1.** <u>Recitals</u>. The above recitals are true and correct.

**SECTION 2.** <u>Public Hearing</u>. The Planning Commission of the City of Atascadero, in a regular session assembled on December 3, 2024, resolved to approve a Conditional Use Permit Amendment to allow the cleaning of portable restrooms at 2650 El Camino Real (AMND24-0078).

**SECTION 3.** <u>CEQA.</u> The proposed project is consistent with the previously adopted Certified Negative Declaration 2000-0008.

#### SECTION 4. Findings. The Planning Commission finds as follows:

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

**Fact:** The proposed cleaning and pumping of portable restrooms on-site is consistent with the General Plan's CPK designation, which notes that the designation is intended for large-lot commercial use, such as light industrial uses, office parks, and business uses as appropriate. In addition, General Plan Land Use, Open Space and Conservation Element Goal LOC 3 encourages the development of El Camino Real into an economically-viable commercial, office, and industrial park area, and Goal LOC 13 guides the City to establish a range of employment and business opportunities.

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

Fact: As conditioned, the project complies with all applicable Municipal 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; and

**Fact:** As conditioned, the pumping and cleaning of portable restrooms will not be detrimental to the health and welfare of those in the vicinity of the site. City staff understand that the filtration system, if used according to the conditions placed on this amendment, will mitigate foul odors to the extent that the reasonable enjoyment of neighboring properties will not be disturbed. Drainage associated with cleaning does not leave the site and is not concentrated to an extent that will cause any foreseeable environmental hazards.

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

**Fact:** The neighborhood around the Fence Factory site is zoned and developed for commercial park uses west of El Camino Real and residential uses across the street. This section of El Camino Real is envisioned to support a wide variety of commercial and light industrial uses, and business operations associated with such uses are anticipated in its build-out.

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 on-site cleaning and pumping of portable restrooms is not anticipated to have a significant impact on traffic to or from the site. The project is located off of El Camino

Real, the most heavily-traveled arterial in the City.

**SECTION 5.** <u>Approval.</u> The Planning Commission of the City of Atascadero, in a regular session assembled on December 3, 2024, resolved to approve Conditional Use Permit amendment AMND24-0078 subject to the following:

EXHIBIT A: Conditions of Approval EXHIBIT B: Site 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:	( )
ABSENT:	( )
ABSTAINED:	( )

ADOPTED:

#### CITY OF ATASCADERO, CA

Tori Keen Planning Commission Chairperson

ATTEST:

Phil Dunsmore Planning Commission Secretary

# Exhibit A: Conditions of Approval AMND24-0078

Condition	s of Approval / Mitigation Monitoring Program	Timing	Responsibilit /Monitoring
2650 El Camino Real AMND24-0078		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 Attomey
Planning	Services Conditions		
1.	Planning Commission Resolution PC 2000-0002 and all associated entitlements shall be amended to allow the cleaning and on-site pumping of portable restrooms at 2650 El Camino Real subject to the conditions listed herein. All previous conditions applied to the site shall remain in full effect unless specifically amended by this resolution. This approval shall remain in effect, subject to applicable conditions, regardless of owner or operator.	Ongoing	PS
2.	The approval of this Conditional Use Permit amendment shall become final and effective fourteen (14) days following 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	PS
3.	The Community Development Department shall have the authority to approve minor changes to the project that (1) modify the project by less than 10% and/or (2) result in a superior site design or appearance.	BP	PS, BS
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 this conditional use permit amendment.	Ongoing	CA
5.	The site's operator shall pump portable restrooms off-site to the extent feasible.	Ongoing	PS
6.	All pumping trucks shall be equipped with a Walex Vacu-Fresh pump exhaust deodorant system, or an equivalent system subject to approval of the Community Development Director or their designee, when being used to pump and/or clean portable restrooms on-site.	Ongoing	PS
7.	All filtration and deodorant systems associated with portable toilet pumping shall be kept in good repair and function. Installation, maintenance, cleaning, and refilling of these systems shall be conducted in accordance with the manufacturers' recommendations.	Ongoing	PS
8.	No wastewater associated with the cleaning or pumping of portable toilets shall be discharged into any onsite wastewater system or City sewer without the approval of the City Engineer or their designee.	Ongoing	CE/WW
9.	Pumper trucks shall be stored and operated away from property lines to the extent feasible. No pumping of portable restrooms shall occur within 20 feet of any property line.	Ongoing	PS
10.	The City of Atascadero shall reserve the right to reevaluate this entitlement within a year, in accordance with the City's public nuisance policies, if complaints are received from multiple reporting parties.	Ongoing	PS/PD/CA
11.	Portable restrooms shall be stored in the area outlined in EXHIBIT B. The number of total portable toilets for rent shall not exceed 150.	Ongoing	PS

#### EXHIBIT B: Site Plan AMND24-0078



#### ATTACHMENT 2: Applicant Submittal Package AMND24-0078

#### Fence Factory Atascadero- CUP Amendment Request

In 2009, Fence Factory Atascadero made the decision to offer portable toilet rentals from 2650 El Camino Real as a way to boost slumping sales. An economic downturn combined with the opening of building supply stores Home Depot, Lowes, and Farm Supply a few years earlier pushed our business to the brink of closure. Adjustments had to be made in order for our business to continue in the area.

The solution was to add a service that complemented our business model. Since temporary fence and portable toilet rentals are both utilized on construction projects as well as special events it only made sense to bundle the two services as a way to expand our business.

From the beginning the portable toilet business was well received in the community. Fence Factory toilets can be seen on most local work sites, private ranches, city projects, and many other community events throughout the year. In 2014, FF expanded to offer luxury restroom trailers. Since then multiple event venues have come to rely on our services for outdoor concerts and weddings.

In short, we believe the portable toilet operation on 2650 EI Camino Real has brought real value to the community. The community has embraced our services and we are dedicated to providing the newest, cleanest, portable sanitation products available in the industry. From the time we opened for business in the year 2000 until today the city of Atascadero has been extremely helpful. We appreciate the support and are willing to listen to any recommendations the city may have to remain in good standing.

#### **Description of Operations**

**Portable toilet storage**- Approx. 100 portable toilets are stored clean on the premises daily. Stored units are charged with 5 gallons of deodorizer liquid in order to maintain a fresh scent. The toilets are organized in rows along the SW fence line adjacent to the 101 Fwy. Luxury trailers are stored in the weld shop building on the SW side of the property.

**Portable toilet rental, maintenance, and waste disposal**- When portable toilets and luxury trailers are dispatched into the field the units are cleaned and maintained at the work site or event venue. The wastewater is pumped into a vacuum truck tank at the jobsite. All of the wastewater that is collected is hauled to the Santa Maria Waste Water facility located at 601 Black Rd. Santa Maria, Ca. 93458 for proper disposal.

**Portable toilet washing and repair**- All trailers and most portable toilets return to the yard completely empty. However, on occasions when a toilet has liquid the unit is pumped into a vacuum truck at the FF facility. Pumping out the waste from a unit only takes a minute or two. Once the unit is completely emptied the interior walls, exterior walls, and roof are scrub washed with disinfectant soap and rinsed off with fresh water. The cleaning of the units takes place on the concrete slab located behind the weld shop building. Repairs are completed if needed before the units are again recharged with 5 gallons of deodorized liquid and stored accordingly until they are dispatched for use again.

#### Neighborhood Impact

As stated Fence Factory has been offering portable toilets services since 2009 while also continuing to operate a fence material supply store that is open to the public. Walk in customers are always present on the premises throughout the day therefore it has always been in our best interest to maintain a clean facility. However, in light of the recent complaints Fence Factory has taken the following actions to mitigate odors even further.

- To start, any sewage odor emitted we believe would have been caused by the vacuum truck pump exhaust when pumping out a portable toilet in the yard. Although this odor is short-lived we understand that it is unpleasant odor and the following measures have been taken. FF recently purchased two Vacu-Fresh Vacuum exhaust filtration systems from Walex Products Co. The two filters are being used simultaneously to eliminate sewage odors that vacuum pump exhausts can sometimes emit when pumping waste from portable toilets. The use of one filter is designed to eliminate most odors however to increase the effectiveness, FF has designed a system to have the pump exhaust run through two filters before entering the atmosphere. The filters are fitted with an easy access hook up port to allow the pump truck to connect to the filters before turning the pump on. We have tested these filters and they are performing to our expectations. The sewage odors are no longer present when operating the vacuum pump system.
- The filtration system will be located adjacent to the NW corner of the property which is the furthest point from neighboring businesses as a precaution.
- FF will consistently monitor the filtration system as recommended in the attached maintenance manual. The tanks will be refilled with deodorizing liquid at least once a month and the liquid will be completely drained from the filters and replaced annually as instructed.
- FF will also make an effort to operate the pump system before 7am M-F to further reduce the impact to neighboring businesses as they are not open during those hours.



	Department:	Community Development
	Date:	12/3/2024
	Placement:	Public Hearing
TO: PHIL DUNSMORE, COMMUNITY DEVELOPME	INT DIRECTOR	
FROM: KELLY GLEASON, PLANNING MANAGER		
PREPARED BY: SAM MOUNTAIN, ASSISTANT PLA	NNER	

SUBJECT: Grand Oaks Condominium Tentative Tract Map

#### **RECOMMENDATION:**

Planning Commission adopt Draft PC Resolution, approving Tentative Tract Map 3326 (SBDV24-0063) for an airspace subdivision of Lot 31 to create two residential and one commercial airspace condominiums on a shared common lot, based on findings and subject to conditions of approval.

#### **DISCUSSION:**

#### BACKGROUND

The Grand Oaks Paseo development was approved by the City Council in November of 2019. The project consisted of a 30-unit small-lot subdivision with common area amenities and live-work townhomes along El Camino Real.

The Master Plan of Development included two proposed amenity spaces: a central open space area and a community building on the western corner of the property adjacent to El Camino Real. An amendment to the Master Plan of Development was approved by the City Council in June of 2024 to remove the Lot 14 unit to allow for an expanded central open space area and construct two additional residential units above the proposed community building. Lot 14 was merged with the central open space (Lot 32) in September of 2024.

The applicant is proposing an airspace condominium subdivision of community building lot (Lot 31) to create three airspace condominium units, one commercial and two residential. The proposed Tentative Tract Map finalizes the latest amendment.

#### ANALYSIS

This map will result in the airspace subdivision of Lot 31 of the existing Grand Oaks Paseo development. Three airspace units will be created allowing for the individual sale and management of the two upper floor residential units and lower floor community/commercial space. Lot 31 will become a common area and will be incorporated or tiered into the Grand Oaks Paseo HOA. Lot 31 is already within the City's Community Facilities District and all resulting units

will be subject to the additional Mello-Roos tax consistent with the rest of the Grand Oaks Paseo project.

Conditions have been added to facilitate the processing of the final map, though most projectspecific considerations have been accounted for through conditions on the project's original entitlements. A deed restriction will be required to be recorded with the final map which mandates that the ground floor commercial unit be maintained as a community space. All condominium units created by this subdivision will be required to join the Grand Oaks HOA in order to ensure consistent maintenance and common ownership responsibilities.

#### **ENVIRONMENTAL DETERMINATION:**

The proposed project is consistent with the previously certified Mitigated Negative Declaration 2005-0063.

#### FINDINGS:

**EL CAMINO REAL** 

To approve a Tentative Tract Map, the Planning Commission must make the following findings. These findings and the facts to support these findings are included in the attached resolution.

- 1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan; and
- 2. The site is physically suitable for the type of development; and
- 3. The site is physically suitable for the proposed density of development; and
- 4. 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
- 5. The design of the subdivision or the type of improvements will not cause serious health problems; and
- 6. The design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision.

#### ALTERNATIVES TO THE STAFF RECOMMENDATION:

- 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.

#### **FISCAL IMPACT:**

None.

### ATTACHMENT(S):

- 1. Draft Resolution
- 2. Community Building Design Plan

#### **DRAFT PC RESOLUTION**

## RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 3326 FOR AN AIRSPACE SUBDIVISION OF LOT 31 TO CREATE TWO RESIDENTIAL AND ONE COMMERCIAL AIRSPACE CONDOMINIUMS ON A SHARED COMMON LOT

### APN 029-274-031 (CAL COASTAL HOLDING, LLC)

WHEREAS, an application has been received from Cal Coastal Holding, LLC (applicant and owner) to consider a Tentative Tract Map for condominium purposes (SBDV24-0063) to subdivide an existing lot in the Commercial Retail (CR) / Planned Development Overlay #27 zoning district into three airspace condominium units on one common lot (Lot 31) of the Grand Oaks Paseo Development at 4701 El Camino Real (APN 029-274-031); and

**WHEREAS**, the site has a General Plan Designation of High Density Residential (HDR) and General Commercial (GC); and

WHEREAS, the site is in the Commercial Retail (CR) zoning district with a Planned Development Overlay Zone #27 (PD27); and

WHEREAS, A Master Plan of Development was approved by the City Council consistent with PD overlay standards on November 12, 2019 (Resolution 2019-082); and

WHEREAS, an Amendment to the Master Plan of Development to add two additional residential units above the project's community building was approved by the City Council consistent with PD overlay standards on June 18, 2024; 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 Tentative Tract Map 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 Tentative Tract Map; and

**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 Tentative Tract Map:

**SECTION 1.** <u>Recitals</u>. The above recitals are true and correct.

**SECTION 2.** <u>Public Hearing</u>. The Planning Commission of the City of Atascadero, in a regular session assembled on December 3, 2024, resolved to approve Tentative Tract Map 3326 to subdivide an existing lot into three airspace condominium units and a shared common area (SBDV24-0063).

SECTION 3. <u>CEQA.</u> The Planning Commission finds as follows:

1. The proposed project is consistent with the previously adopted Certified Mitigated Negative Declaration EDN 2005-0063.

SECTION 4. Findings. The Planning Commission finds as follows:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan; and

**Fact:** The proposed Tentative Tract Map is consistent with the General Plan. The project site is designated General Commercial and High-Density Multi-Family and was approved as a custom-small lot subdivision with shared amenity space and a mixed-use component along the project frontage, consistent with goals and policies set forth in the General Plan. The scope of the proposed Tentative Tract Map is limited to the realizing the intended condominium use of a previously-approved building.

2. The site is physically suitable for the type of development; and

**Fact:** The scope of this project does not include any physical changes to the site beyond what was previously approved with Resolution 2024-0013.

3. The site is physically suitable for the proposed density of development; and

**Fact:** The proposed Tentative Tract Map does not impact the density of the previouslyapproved Grand Oaks Paseo project.

4. 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 proposed airspace subdivision of a previously-approved building will not result in any physical changes to the site and will not degrade the environment.

5. The design of the subdivision or the type of improvements will not cause serious health problems; and

**Fact:** No new construction is proposed. The subdivision is proposed in a development already approved for high-density small-lot units and their associated improvements.

6. The design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision; and

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**Fact:** The proposed subdivision will not conflict with any existing easements. The scope of work does not include any physical changes to the site or adjustments to easement boundaries.

**SECTION 5.** <u>Approval.</u> The Planning Commission of the City of Atascadero, in a regular session assembled on December 3, 2024, resolved to approve Tentative Tract Map 3326 (SBDV24-0063) subject to the following:

EXHIBIT A: Conditions of Approval EXHIBIT B: Tentative Tract Map

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

Tori Keen Planning Commission Chairperson

ATTEST:

Phil Dunsmore Planning Commission Secretary

# Exhibit A: Conditions of Approval SBDV24-0063

Conditions of Approval / Mitigation Monitoring Program	Timing	Responsibility /Monitoring
4701 El Camino Real SBDV24-0063, Tentative Tract Map 3326	FM: Final Map 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 Attomey
Planning Conditions		
<ol> <li>SBDV24-0063 (Tentative Tract Map 3326) shall b condominium subdivision of 4701 El Camino Real commercial unit and 2 residential units on one cor described as Lot 31 of Tract 3141, in the City of Ai San Luis Obispo, State of California, according to October 6, 2021, in Book 41, Pages 25 through 28 Office of the County Recorder of said County. (As Number 029-274-031), as generally shown in atta regardless of owner.</li> </ol>	I to create one nmon lot, further tascadero, County of Map recorded B of Maps, in the sessor's Parcel	PS
<ol> <li>Approval of this Tentative Tract Map shall be valid twenty-four (24) months, consistent with Section 6 California Subdivision Map Act. The approved Ter be extended consistent with Section 66452.6(e) of Subdivision Map Act. Any requested map extension with Section 11-4.23 of the Atascadero Municipal</li> </ol>	6452.6(a)(1) of the ntative Tract Map may f the California on shall be consistent	PS
<ol> <li>The approval of this Tentative Tract Map shall be effective for the purposes of recording the map for following the Planning Commission approval unles decision is filed as set forth in Section 9-1.111(b) of Ordinance.</li> </ol>	urteen (14) days ss an appeal to the	PS, BS
<ol> <li>The project shall comply with all applicable mitigat in Mitigated Negative Declaration 2005-0063. All r and the mitigation monitoring program for Mitigate Declaration 2005-0063 are hereby incorporated by</li> </ol>	nitigations measures d Negative	PS
<ol> <li>A deed covenant shall be recorded for the ground prior to, or concurrently with, recordation of the fin- shall describe the intended use of the ground floor space and shall require City approval prior to any effect this use.</li> </ol>	al map. This covenant r as a community	PS
<ol><li>The HOA for this subdivision may be combined or for the Grand Oaks Paseo development as a who</li></ol>		PS
<ol> <li>The Community Development Director and/or City the authority to make modifications to the Final Ma substantial conformance with the approved Tental</li> </ol>	ap that remain in	PS/BS/CE
<ol> <li>Approval of this Tentative Tract Map shall be val twenty-four (24) months, consistent with Section California Subdivision Map Act. The approved Te may be extended consistent with Section 66452 Subdivision Map Act. Any requested map extens consistent with Section 11-4.23 of the Atascader</li> </ol>	66452.6(a)(1) of the entative Tract Map .6(e) of the California sion shall be	PS
<ol> <li>The Subdivider shall defend, indemnify, and hole of Atascadero or its agents, officers, and employ</li> </ol>		CA

#### 12/3/24 | Item 4 | Staff Report

Condition	s of Approval / Mitigation Monitoring Program	Timing	Responsibility /Monitoring
4701 El Camino Real SBDV24-0063, Tentative Tract Map 3326		FM: Final Map 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
	claim or action brought to challenge an approval by the City, or any of its entities, concerning the subdivision.		
10	The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.	Ongoing	PS
Public W	orks Conditions		
1.	Prior to recording the final map, the applicant shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.	FM	PS/CE
2.	The applicant shall provide a condominium plan, which contains descriptions and diagrams identifying the boundaries of the separate interests (the condominium "units"), the common areas, and exclusive use common areas (e.g. parking spaces and balconies), prior to recordation of the final map. A qualified licensed professional shall prepare the final map and the condominium plan.	FM	PS/CE
3.	Documents that the City of Atascadero requires to be recorded concurrently with the Final Map (e.g.: off-site rights-of-way dedications, easements not shown on the map, agreements, etc.) shall be listed on the certificate sheet of the map.	FM	PS/CE
4.	The City of Atascadero may require an additional map sheet for information purposes in accordance with the Subdivision Map Act.	FM	PS/CE
5.	The applicant shall provide updated CC&Rs or tiered CC&Rs prior to recordation of the final map.	FM	PS/CE

# Exhibit B: Submittal Package SBDV24-0063









