



APPROVED

APR 13 2025

**CITY OF ATASCADERO
PLANNING**

**CITY OF ATASCADERO
PLANNING COMMISSION**

MINUTES

Regular Meeting – Tuesday, March 4, 2025 – 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 6:02 p.m. and Commissioner David led the Pledge of Allegiance.

ROLL CALL

Present: Vice Chairperson Anderson, Commissioners Carranza, David, Heath, O'Malley, Pennachio, and Chairperson Keen

Absent: None

Vacant: None

Others Present: Annette Manier, Recording Secretary
Taylor Foland, Assistant City Attorney
Erick Gomez, Associate Planner
Terrie Banish, Director of Community Services & Promotions

Staff Present: Phil Dunsmore, Community Development Director
Kelly Gleason, Planning Manager

APPROVAL OF AGENDA

MOTION: By Commissioner Carranza and
seconded by Vice Chairperson Anderson
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. APPROVAL OF THE DRAFT MINUTES OF FEBRUARY 4, 2025

- **Recommendation:** Commission approve the February 4, 2025 Minutes.

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

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

PLANNING COMMISSION BUSINESS

Chairperson Keen acknowledged that all Commissioners received a letter regarding Oak Ridge Estates and stated that staff is working with the developer on this. (Exhibit A)

COMMUNITY DEVELOPMENT STAFF REPORTS

PUBLIC HEARINGS

DISCLOSURE OF EX PARTE COMMUNICATIONS:

Prior to a project hearing, Planning Commission Members must disclose any communications they have had on any quasi-judicial agenda items. This includes, but is not limited to, Tentative Subdivision Maps, Parcel Maps, Variances, Conditional Use Permits and Planned Development Permits. This does not disqualify the Planning Commission Member from participating and voting on the matter, but gives the public and applicant an opportunity to comment on the ex parte communication.

2. AMENDMENT TO TITLE 9, EXTENDED STAY HOTELS

The project is a request to consider Amendments to Title 9 of the Municipal Code to establish land use standards for extended stay hotels. (ZCH24-0107)

CEQA: This 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 (Public Resources Code §21605, CEQA Guidelines §15061(b)(3).

- **Recommendation:** Staff's recommendation is for the Planning Commission to adopt the Draft Resolution recommending that the City Council approve ZCH24-0107 (Zone Change) based on findings.

DISCLOSURE OF EX PARTE COMMUNICATIONS:

None

Planning Manager Gleason provided the staff report, and she and Director Banish answered questions from the Commission.

PUBLIC COMMENT

None

Chairperson Keen closed the Public Comment period.

MOTION: By Commissioner O'Malley and seconded by Vice Chairperson Anderson to adopt PC Resolution 2025-0001 recommending the City Council adopt a text amendment to Title 9, adding extended stay hotel/motel as a use, modifying definitions, and providing standards and a fee for such uses, based on findings.

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

COMMISSIONER COMMENTS AND REPORTS

Commissioner O'Malley stated that she went to the State of the City presentation, and thought it was done very well.

DIRECTOR'S REPORT

Director Dunsmore announced that we have two vacancies on the Design Review Committee (DRC), and so the Council inquired if any of the Commissioners would be interested in serving. Interested Commissioners should email Director Dunsmore.

Director Dunsmore stated that there are no items scheduled for the next meeting, so that meeting may be cancelled. There will be an update on the General Plan April 1st. He also gave updates on the downtown paving project, Valley Fresh, Barrel Creek, the UCLA Health/Oncology building at Del Rio, and Strategic Planning.

Attorney Foland stated that there will be a training session on the Brown Act.

ADJOURNMENT – 6:43 p.m.

The next regular meeting of the Planning Commission will be held on March 18, 2025.

MINUTES PREPARED BY:



Annette Manier, Recording Secretary
Administrative Assistant

The following Exhibit is available in the Community Development Department:
Exhibit A – Letter from Claudia and Joe Berkman regarding Oak Ridge Estates

Adopted 4/1/25



Tori Keen, Chairperson
Planning Commissioner
Atascadero, Ca 93422

Ms. Keen,

I am writing to you among others (see 'cc' below), Personnel of the City of Atascadero ('City') government who are in decision-making capacities, to express my concerns and give you notice of what is occurring that is causing my concerns about a potential for hazardous outcomes.

On Monday morning of this week, my husband and I watched from our back yard, two men walking on the hill directly above our house and hammering sticks with orange flags into the ground. This was followed by a long black material wrapped along the sticks, across the hill above our property.

Located between our property and the long black cloth is a large swale and seasonal creek that runs from the hilltop directly down our property and into our yard and directly toward the middle of our house. From just above our house, there is extensive drainage to route the creek water to Graves Creek.

Shortly after placement of the long black cloth, a big dirt moving machine began to push dirt above the cloth to the edge of the cloth above the large swale. This began and continued on President's Day, Monday, February 17 when all government offices were closed so I was unable to speak about my concerns by calling the City. Throughout the day, and each subsequent day up to my writing this letter today, the machine pushed dirt so the pile just above the large swale became higher and higher.

This now-huge pile of dirt is located directly above my house with the swale and seasonal creek between. Currently, there is a relatively small diameter pipe protruding from the large pile of dirt and leading any drainage directly down the swale and creek. The large earth-moving machine appears to be leveling land to build a house as part of the Oak Ridge Estates development.

My concerns about this work being done by Oak Ridge Estates include the following:

1. That pile of dirt (assumed house development foundation) from all that moved dirt is located directly above the large swale which is a low depression of the ground between the two steep ridges on either side if it,
2. The work has gone on all week with the dirt pile (development foundation) right above the large swale's seasonal creek that carries the water run off from the very large hill,
3. That swale is directly above my house with its water going down the middle of my yard,
4. That creek goes directly toward my house,
5. The creek's extensive drainage on my property takes the water around my house to flow into Grave's Creek.

And so,

1. Will that pile of dirt slip and flow down the seasonal creek into my yard and house, ever?
2. Will the development's house and any other building put on top of all that moved dirt become unstable and move downhill to my house? The question asked because as those in the City are aware, the hillside just yards to the west from this location above my house that was carved at the Cenegal Road extension has been unstable for years, having trees fallen and mud flowing every year since the work was done by Oak Ridge Estates and often with the City clearing the flowing mud onto Cenegal and its flow to adjacent private property (thus not a good history of Oak Ridge Estates moving dirt on this same hill).
3. Will any mud from the disturbed, moved dirt or any building put on it flow or fall down to my yard and house?
4. Has sufficient drainage been built into the moved dirt to channel any water seepage from the development away from my property?

5. Will hazardous material from vehicles, fertilizer or other such substance flow down the swale or creek onto my yard and house, and continue to Graves Creek, an Atascadero protected Open Space Area?
6. Will a septic tank and its leech field on the development be located such that any flow, underground or above ground is channeled to never come onto my property?
7. Was a Licensed Geologist, Licensed Engineer, and/or other person of Expertise in the field of Earth Stability, Earth Movement, and Building Location consulted about this location directly above a large swale and creek that Oak Ridge Estates has selected to move this enormous amount of dirt and then build on it?
8. And did Oak Ridge Estates get crucial Assurances of Safety from a Licensed person (Geologist, Engineer, et.al.), about the work they are doing above the large swale, creek, my property, my house, and by extension run-off to Graves Creek?
9. And if Oak Ridge Estates is on Notice about potential catastrophic consequences of their work, why did they not select any other area of the same hill that is Not directly above the large swale, creek and my house? And, if this is the case, shouldn't the development be immediately moved?

I phoned the City on Tuesday morning, February 18 and the person I spoke to assured me she would bring my concerns to a meeting among City Staff that same Tuesday morning. I expected to be contacted by the City.

I asked if that land above my house was a designated Open Space area and was told that is it not, but Graves Creek to the east of my house is such a protected space.

She also told me that a permit would have been received from the City authorizing Oak Ridge Estates to do this work they have been doing all week. However, was the City in issuing a permit aware, apprised, advised, cautioned, or put on Notice that this work in its current location has potentially catastrophic consequences with slippage of it's own artificially created foundation of moved dirt and subsequent building, to my property and house, and with liquid run-off of water or hazardous materials from the development into protected Graves Creek?

It is now Friday and I have had no contact from the City about my concerns. It seems time is of the essence if the location of the moved dirt and subsequent building are to be evaluated by experts and if deemed unsafe should be moved to another location.

I am hopeful that by this letter notifying the City employees of the situation, it will be looked into and I will receive a timely response in answer to both my questions above, and my expressed fears about the Oak Ridge Estates development directly above my property/home having direct consequences of a catastrophic danger that may include mud slippage, building slippage, drainage of liquid, effluence or hazardous substance entering onto or within my property.

Respectfully Yours,



Claudia Berkman



and Joe Berkman

cc:

Jim R. Lewis
City Manager

Phil Dunsmore
Community Development Director

Nick DeBar
Public Works Director

Charles Bourbeau
City Council, Mayor

Mark Dariz
City Council, Mayor Pro Tem

Susan Funk
City Council

Heather Newsom
City Council

Seth Peek
City Council

Jason Anderson, Vice Chairperson
Planning Commissioner

Victoria Carranza,
Planning Commissioner

Catherine David,
Planning Commissioner

Greg Heath,
Planning Commissioner

Maggie O'Malley,
Planning Commissioner

Eric Pennachio,
Planning Commissioner

Dave Fleishman
City Attorney