



## CITY OF ATASCADERO CITY COUNCIL AGENDA

### **\* COVID-19 NOTICE \***

**Consistent with Executive Orders N-25-20 and No. N-29-20 from the Executive Department of the State of California and the San Luis Obispo County Health Official's March 18, 2020 Shelter at Home Order, the City Council Meeting will not be physically open to the public and City Council Members will be teleconferencing into the meeting.**

#### **HOW TO OBSERVE THE MEETING:**

To maximize public safety while still maintaining transparency and public access, the meeting will be live-streamed on SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and on KPRL Radio 1230AM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website or by visiting <https://attendee.gotowebinar.com/rt/8539114475191636236>.

#### **HOW TO SUBMIT PUBLIC COMMENT:**

Members of the public are highly encouraged to call **805-538-2888** to listen and provide public comment via phone, or submit written public comments to [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) by 5:00 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 read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Mayor's discretion. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

#### **AMERICAN DISABILITY ACT ACCOMMODATIONS:**

Any member of the public who needs accommodations should contact the City Clerk's Office at [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

City Council agendas and minutes may be viewed on the City's website: [www.atascadero.org](http://www.atascadero.org).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, [www.atascadero.org](http://www.atascadero.org). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council 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 City Clerk's office. All documents will be available for public inspection during City Hall business hours once City Hall is open to the public following the termination of the Shelter at Home Order.



# **CITY OF ATASCADERO CITY COUNCIL**

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## **AGENDA**

**Tuesday, October 13, 2020**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California**

<b><u>City Council Closed Session:</u></b>	<b>5:00 P.M.</b>
<b><u>City Council Regular Session:</u></b>	<b>6:00 P.M.</b>

**CITY COUNCIL CLOSED SESSION: 5:00 P.M.**

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
  - a. Conference With Legal Counsel—Anticipated Litigation**  
Initiation of litigation pursuant to Govt. Code Section 54956.9(d)(4):  
one potential case
- 4. CLOSED SESSION – ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION – REPORT**

**REGULAR SESSION – CALL TO ORDER: 6:00 P.M.**

**PLEDGE OF ALLEGIANCE:** Mayor Moreno

**ROLL CALL:** Mayor Moreno  
Mayor Pro Tem Bourbeau  
Council Member Fonzi  
Council Member Funk  
Council Member Newsom

**APPROVAL OF AGENDA:** Roll Call

Recommendation: Council:

1. Approve this agenda; and
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

**PRESENTATIONS:**

1. **Recognition of outgoing Police Chief Jerel Haley**
  2. **Proclamation proclaiming Fire Prevention Week as October 4-10, 2020**
- A. CONSENT CALENDAR:** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)
1. **City Council Draft Action Minutes – September 22, 2020**
    - Recommendation: Council approve the September 22, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]
  2. **Revision to the 2020 Speed Survey Update**
    - Fiscal Impact: None.
    - Recommendation: Council adopt Draft Resolution approving the 2020 Speed Survey Update and establishing speed limits on various City streets superseding Resolution No. 2020-063 without rescinding adoption of said Resolution. [Public Works]
  3. **Del Rio Rd Commercial Area Specific Plan Amendment (AMND18-0079)**
    - Fiscal Impact: Projected reduction of Traffic Impact Fee revenue of approximately 2.8 million. The short-term circulation improvements necessary to mitigate the new traffic projections are projected to cost approximately \$15 million less than the mitigation measures included in the original specific plan.
    - Recommendation: Council adopt on second reading, by title only, Draft Ordinance amending the Del Rio Road Commercial Area Specific Plan, to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures. [Community Development]
  4. **Conflict of Interest Code - Biennial Review**
    - Fiscal Impact: None.
    - Recommendation: Council adopt Draft Resolution, updating and amending the Conflict of Interest Code for the City of Atascadero. [City Clerk]

**5. Consider a Professional Engineering Services Agreement for the San Gabriel Road and San Marcos Road Pavement Rehabilitation Project**

- Fiscal Impact: Approving staff recommendations will commit \$95,000 in budgeted Local Transportation Funds and advance commit \$86,100 in Local Transportation Funds that were projected for expenditure on this Project in fiscal year 21/22.
- Recommendations: Council:
  1. Authorize the City Manager to execute a professional services agreement for \$149,817 with Wallace Group to provide design engineering and construction plan preparation services for the San Gabriel Road and San Marcos Road Rehabilitation Project (Project No. C2020R05).
  2. Authorize the Director of Administrative Services to allocate an advance of \$86,100 of Local Transportation Funds to supplement the FY20/21 budget for the San Gabriel Road and San Marcos Road Rehabilitation Project. [Public Works]

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org).)

**B. PUBLIC HEARINGS: None.**

**C. MANAGEMENT REPORTS:**

**1. Commitment to Being a Safe, Inclusive and Welcoming Community for Everyone and Facilitation of Voluntary Citizen Action to Redact or Repudiate Racist Deed Verbiage**

- Fiscal Impact: There will be staff time and minor costs associated with facilitating the redaction or repudiation of racially restrictive deed covenants. These costs are expected to be covered with existing budgeted funds.
- Recommendation: Council adopt Draft Resolution to resolve that the City of Atascadero commits to Atascadero being a safe, inclusive and welcoming community for everyone and to facilitate voluntary citizen action to redact or repudiate racist and discriminatory verbiage from their property deeds. [City Manager]

**2. 6th Cycle Housing Element Update Progress Report (CPP19-0067)**

- Fiscal Impact: None.
- Recommendation: Council receive update on the progress of the Housing Element. [Community Development]

**D. DISCUSSION ITEM:** Discussion of COVID 19 issues including oral updates by Mayor Moreno and City Manager Rickard, questions by City Council, public comment and comments by City Council.

1. Coronavirus (COVID-19) update – Mayor Moreno
2. Coronavirus (COVID-19) update – City Manager Rickard

**E. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:** (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Economic Vitality Corporation, Board of Directors (EVC)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Bourbeau

1. City / Schools Committee
2. City of Atascadero Finance Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Fonzi

1. Air Pollution Control District
2. Atascadero Basin Ground Water Sustainability Agency (GSA)
3. City of Atascadero Design Review Committee
4. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. City of Atascadero Finance Committee
2. Homeless Services Oversight Council
3. League of California Cities – Council Liaison

Council Member Newsom

1. California Joint Powers Insurance Authority (CJPIA) Board
2. City / Schools Committee
3. City of Atascadero Design Review Committee
4. Visit SLO CAL Advisory Committee

**F. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

## **ADJOURN**

**Please note:** Should anyone challenge any proposed development entitlement listed on this Agenda in court, 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 City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.



# CITY OF ATASCADERO CITY COUNCIL

## DRAFT MINUTES

Tuesday, September 22, 2020

City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California

City Council Regular Session:

6:00 P.M.

### REGULAR SESSION – CALL TO ORDER: 6:00 P.M.

Mayor Moreno called the meeting to order at 6:03 p.m. and Mayor Pro Tem Bourbeau led the Pledge of Allegiance.

### ROLL CALL:

Present: **By Teleconference** - Council Members Fonzi, and Funk, Mayor Pro Tem Bourbeau, and Mayor Moreno

Absent: Council Member Newsom

Others Present: None

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Police Chief Jerel Haley, Fire Chief Casey Bryson, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, and IT Manager Luke Knight

### APPROVAL OF AGENDA:

- MOTION:** By Council Member Funk and seconded by Council Member Fonzi to:
1. Approve this agenda; and,
  2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by

the City Clerk at the first reading, after the motion and before the City Council votes.  
*Motion passed 4:0 by a roll-call vote. Newsom absent.*

PRESENTATIONS: None.

A. CONSENT CALENDAR:

1. **City Council Draft Action Minutes – September 8, 2020**

- Recommendation: Council approve the September 8, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]

2. **August 2020 Accounts Payable and Payroll**

- Fiscal Impact: \$2,659,803.24
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for August 2020. [Administrative Services]

3. **Authorize Professional Engineering Services for Atascadero Lake Dam Inundation Mapping Project**

- Fiscal Impact: A total appropriation of \$25,000 is recommended to cover the Atascadero Lake Dam inundation map and supporting technical document costs and other administrative costs required to complete the project.
- Recommendations: Council:
  1. Authorize Wallace Group to perform work to prepare inundation mapping and associated technical study for submission to the California Department of Water Resources, Division of Safety of Dams.
  2. Authorize the Administrative Services Director to appropriate \$25,000 from General Fund balance for work to prepare Atascadero Lake Dam inundation mapping and associated technical study. [Public Works]

4. **Annexation of Two Residential Subdivisions into Community Facilities District 2005-1, Annexation No. 21 and 22 (7900 Curbaril Ave.: AT 18-0111 & 4711 El Camino Real: Tract: 3141)**

- Fiscal Impact: Assessments for the Curbaril annexation are estimated to be between \$2,800 - \$3,000 annually beginning in fiscal year 2021-2022, and adjusted each year for inflation. Assessments for the Grand Oaks Paseo annexation are estimated to be between \$19,000 - \$20,000 annually beginning in fiscal year 2021-2022, and adjusted each year for inflation.
- Recommendations: Council:
  1. Adopt Draft Resolution A, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) as Annexation No. 21 and to authorize the levy of special taxes therein (7900 Curbaril Ave.: AT 18-0111).
  2. Adopt Draft Resolution B, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) as Annexation No. 22 and to authorize the levy of special taxes therein (4711 El Camino Real: Tract 3141). [Community Development]

**5. Memorandums of Understanding for the Atascadero Police Association, Mid-Management/Professional Employees Association, Atascadero Professional Firefighters Local 3600 and Resolution for Non-Represented Professional and Management Workers and Confidential Employees**

- Fiscal Impact: None.
- Recommendations: Council:
  1. Approve the Memorandum of Understanding for Atascadero the Police.
  2. Approve the Memorandum of Understanding for Atascadero Professional Firefighters Local 3600.
  3. Approve the Memorandum of Understanding for, Mid-Management/Professional Employees Association.
  4. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees.
  5. Approve the Salary Schedule for Fiscal Year 2020-2021. [City Manager]

**MOTION: By Council Member Fonzi and seconded by Council Member Funk to approve the Consent Calendar. (#A-4: Resolution Nos. 2020-067 and 2020-068) (#A-5: Contract Nos. 2020-009, 2020-10, and 2020-11; Resolution No. 2020-069)**  
*Motion passed 4:0 by a roll-call vote. Newsom absent.*

**UPDATES FROM THE CITY MANAGER:**

City Manager Rachelle Rickard gave an update on projects and issues within the City.

**COMMUNITY FORUM:**

The following citizens spoke by telephone during Community Forum: Geoff Auslen

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Mitch Paskin and Deborah Paskin

**B. PUBLIC HEARINGS:**

**1. Del Rio Road Commercial Area Specific Plan Amendment (AMND18-0079)**

- Fiscal Impact: Projected reduction of Traffic Impact Fee revenue of approximately 2.8 million. The short-term circulation improvements necessary to mitigate the new traffic projections are projected to cost approximately \$15 million less than the mitigation measures included in the original specific plan.
- Recommendations: Council:
  1. Adopt Draft Resolution approving an addendum to the previously certified Final Environmental Impact Report (EIR) for the Del Rio Road Commercial Area Specific Plan and determine that said addendum, together with the previously certified EIR, serves as the appropriate environmental documentation for the proposed Specific Plan Amendments.
  2. Introduce for first reading, by title only, Draft Ordinance amending the Del Rio Road Commercial Area Specific Plan to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures. [Community Development]

Ex Parte Communications

Council Member Funk reported speaking with Jenny Kim, Ted Lawton and Clint Pearce regarding this item. Mayor Pro Tem Bourbeau reported speaking with Clint Pearce and Rick Parmet with regards to this item. Council Member Foniz reported having no communications on this item. Mayor Moreno reported speaking with Clint Pearce and members of the public with regards to this item.

Community Development Director Dunsmore gave the presentation and answered questions from the Council.

*Mayor Moreno recessed the meeting at 8:39 p.m.*

*Mayor Moreno reconvened the meeting with all present at 8:50 p.m.*

**PUBLIC COMMENT:**

The following citizens spoke by telephone on this item: Ted Lawton and Geoff Auslen

***Mayor Moreno closed the Public Comment period.***

*Mayor Moreno recessed the meeting at 9:30 p.m.*

*Mayor Moreno reconvened the meeting with all present at 9:42 p.m.*

**MOTION: By Mayor Moreno and seconded by Council Member Funk to:**

1. **Adopt Resolution No. 2020-070 approving an addendum to the previously certified Final Environmental Impact Report (EIR) for the Del Rio Road Commercial Area Specific Plan and determine that said addendum, together with the previously certified EIR, serves as the appropriate environmental documentation for the proposed Specific Plan Amendments and amending Finding No. 7 as follows:**
  - **Fact: The proposed Specific Plan amendments will support the creation of head of household jobs in the City adjacent to existing residential areas with the potential for reducing Vehicle Miles Travelled. The Amendments will allow for the efficient and complimentary uses of land with a mix of commercial, business park, and residential uses to serve existing and future residents and helping the City's imbalance of jobs and housing**
2. **Introduce for first reading, by title only, Draft Ordinance amending the Del Rio Road Commercial Area Specific Plan to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures with the following additional changes being made to the Section 3, Finding No. 7 of the Draft Ordinance and various sections within Exhibit A:**

**Section 3, Finding No. 7:**

  - **Fact: The proposed Specific Plan amendments will support the creation of head of household jobs in the City adjacent to existing residential areas with the potential for reducing Vehicle Miles Travelled. The Amendments will allow for the efficient and complimentary uses of land with a mix of commercial, business park, and residential uses to serve existing and future residents and helping the City's imbalance of jobs and housing**

**Exhibit A:**

- Change Section 4.2 “maximum of 16 units” to “maximum of 24 units”
- Eliminate Section 4.1.1(2)(d) Outdoor Recreation (already allowed by CUP)
- Change the word “storage” to “sales” in Sections 4.1.1(1)(c) and 4.1.1(1)(e)
- Eliminate the word “or storage area” in Section 4.1.1(1)(f)
- Change Section 4.1.1(2)(g) to “Warehousing- (where the active office and employee component is less than 25% of floor area) – providing a finding of community benefit is made”
- Move Section 4.1.1(1)(a) Auto Repair Services (indoor only, no outdoor storage of inoperative vehicles) to Section 4.1.1(2)(a)
- Adding Section 4.1.1(2)(f)(v): RV Parks must be an integral part of the Master Plan of Development of the site that includes other visitor serving elements
- Section 4.1.1(2) – The following uses shall be conditionally allowed with the following additional finding: If it can make a strategic contribution to and synergy with a viable commercial center; including consideration of revenue generation, compatibility and phasing
- Section 6.7 add language that all Master Plans of Development and Master Plan Amendments must go to the City Council

Deputy City Manager/City Clerk Christensen read the title of the Ordinance:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN TO MODIFY THE LIST OF ALLOWED LAND USES, ASSOCIATED PROJECT DESCRIPTIONS, AND RELATED TRAFFIC MITIGATION MEASURES**

*Motion passed 4:0 by a roll-call vote. Newsom absent.*

**C. MANAGEMENT REPORTS:**

1. **Del Rio Road / El Camino Real Plan Line in the Vicinity of the US 101 Interchange (East Side)**
  - Fiscal Impact: None.
  - Recommendation: Council adopt Draft Resolution approving the Del Rio Road / El Camino Real Plan Line in the vicinity of the US 101 interchange. [Public Works]

Public Works Director DeBar gave the presentation and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

***Mayor Moreno closed the Public Comment period.***

**MOTION:** By Council Member Funk and Council Member Fonzi to adopt Resolution 2020-071 approving the Del Rio Road / El Camino Real Plan Line in the vicinity of the US 101 interchange.

***Motion passed 4:0 by a roll-call vote. Newsom absent.***

**2. Consideration of Oversight Options for the Proposed 2020 Essential Services Transactions and Use Tax Measure**

- **Fiscal Impact:** The fiscal impact will depend on the direction provided by Council. The proposed process requires a significant outlay of staff time and advertising dollars. Additions or deletions from the proposed process can add or reduce costs.
- **Recommendation:** Council provide staff direction on how public engagement and accountability should be implemented for the proposed Essential Services Transactions and Use Tax Measure Ordinance, should it be passed by Atascadero voters in the General Election in November 2020. [Administrative Services]

City Manager Rickard gave the presentation and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke by telephone on this item: Geoff Auslen

***Mayor Moreno closed the Public Comment period.***

**MOTION: By Council Member Funk and Council Member Fonzi to implement the following accountability measure for the proposed Essential Services Transactions and Use Tax Measure Ordinance, should it be passed by Atascadero voters in the General Election in November 2020:**

- **Utilize the Citizens Sales Tax Oversight Committee to review annual expenditures, as part of an annual report, along with the City's annual audit, at a heavily publicized joint meeting of the Finance Committee and Citizens Sales Tax Oversight Committee (CSTOC). After review of the annual report and audit, the CSTOC will report their findings to the City Council.**

***Motion passed 4:0 by a roll-call vote. Newsom absent.***

**D. DISCUSSION ITEM:** Discussion of COVID 19 issues including oral updates by Mayor Moreno and City Manager Rickard, questions by City Council, public comment and comments by City Council.

1. Coronavirus (COVID-19) update – Mayor Moreno
2. Coronavirus (COVID-19) update – City Manager Rickard

Mayor Moreno provided updates on Coronavirus (COVID-19) and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

***Mayor Moreno closed the Public Comment period.***

**E. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:**

The following Council Members made brief announcements and gave brief update reports on their committees since their last Council meeting:

Council Member Funk

1. Homeless Services Oversight Council

**F. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council

Mayor Pro Tem Bourbeau requested that the establishment of pickle ball courts at the Colony Park Community Center come back to the Council for discussion. There was consensus for staff to return to the Council with an item for discussion in November.

**G. ADJOURN**

Mayor Moreno adjourned the meeting at 10:55 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager/City Clerk

**APPROVED:**



# ***Atascadero City Council***

## ***Staff Report – Public Works Department***

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### **Revision to the 2020 Speed Survey Update**

#### **RECOMMENDATION:**

Council adopt Draft Resolution approving the 2020 Speed Survey Update and establishing speed limits on various City streets superseding Resolution No. 2020-063 without rescinding adoption of said Resolution.

#### **DISCUSSION:**

##### Background

In order for speed limits to be enforceable within any local agency, the State of California Vehicle Code (CVC) requires that an Engineering and Traffic Survey (E&TS) be conducted every five years, with an option to extend valid surveys to seven and ten years if no significant changes in roadway or traffic conditions have occurred. Individual E&TS are prepared for each City street with posted speed limits compiled into a Speed Zone Survey report. The survey's results are used to establish or adjust the posted speed limits on streets where radar will be used as an enforcement tool. The previous Speed Zone Survey report was prepared in 2010 and was extended to the maximum ten years allowed by law. The 2020 Speed Zone Survey was conducted in conformance with CVC requirements and was reviewed by the City Council at the August 8, 2020 City Council meeting.

After significant discussion regarding the Survey and various roadway segments, the City Council adopted Resolution No. 2020-063 approving the 2020 Speed Survey Update and establishing speed limits on various City streets. During Council's review of the Update, Mercedes Avenue was discussed in depth and it was determined that the study segment of Mercedes Avenue from Highway 41 to Capistrano should be removed from the Update and was therefore not part of the approved Resolution.

The speed of vehicles traveling along Mercedes Avenue has caused concern for those living along this roadway segment and neighbors have contacted the City to investigate the speed limit along this street. Mercedes Avenue does not currently have a posted speed limit and was included in the 2020 Speed Zone Survey due to neighbors' concerns. While discussing the Update at the City Council Meeting, it was thought that Mercedes Avenue qualified as a local road in a residential area and could be signed at 25 mph, the

prima facie speed for residential districts negating the need for the E&S that was done on this section of road. Upon further review of the applicable CVC sections and definitions, which directly affects the Police Department's ability to issue citations for failure to abide by the posted speed on Mercedes Avenue, it was determined that an E&S for this roadway segment would be necessary.

### Analysis

CVC Section 22349 sets a maximum speed limit for all California roadways, which is 55 mph on two lane undivided roadways and 65 mph on all other roadways. Any deviation of speed limits upward or downward from these limits must be justified by an E&S. CVC Section 360 defines highway as a way or place publicly maintained and open to the public for vehicular travel, which includes streets. An undivided highway is one which has not been divided into two or more roadways by means of intermittent barriers or by means of a dividing section of not less than two feet in width, either unpaved or delineated by curbs, double-parallel lines, or other markings on the roadway.

CVC Section 22352 sets the prima facie speed limits in California. The term "prima facie", as used in the CVC, is a speed limit that applies when no other specific speed limit is posted. It is a Latin term meaning "at first face" or "at first appearance". It sets two speed limits covering six classes of location. The first speed limit is 15 mph applicable to uncontrolled railway crossings; blind, uncontrolled intersections; and alleyways. The second speed limit is 25 mph applicable to business and residential areas without other posted speed limits, school zones, and areas immediately around senior centers.

CVC Section 515 states that a residence district is the portion of a highway and the property contiguous to that portion of the highway where, within the distance of a quarter of a mile, the contiguous property fronting that quarter mile of the highway is occupied by 13 or more separate dwelling houses or business structures along one side of the highway or 16 or more separate dwelling houses or business structures upon both sides of the highway.

When an E&S shows that the statutory or prima facie speed limits are not applicable for the existing conditions, the speed limits can be altered with the posting of a different speed limit, as determined by the findings of the E&S. While the CVC does not address decreasing the speed limit below 55 mph on undivided highways, the California Manual on Uniform Traffic Control Devices (CA-MUTCD) states that speed zones (other than statutory speed limits) shall only be established on the basis of an E&S that has been performed in accordance with traffic engineering practices. Therefore, an E&S can be used to reduce speed on an undivided highway below a statutory 55 mph speed limit.

Based on the CVC sections mentioned above, Mercedes Avenue is an undivided highway with a maximum speed limit of 55 mph. Though this street is fronted by separate residential dwellings, there is not a sufficient concentration of houses to meet the definition of a residence district for purposes of establishing a prima facie 25 mph speed limit. Since the prima facie 25 mph speed limit is not applicable to Mercedes Avenue, the posting of a speed lower than 55 mph must be established on the basis of an E&S.

Conclusion

Currently, as a street without a posted speed limit, the statutory speed limit for Mercedes Avenue between Highway 41 and Capistrano is 55 mph. Speeding along this segment has been a concern for neighbors and the Police Department is unable to cite drivers for speeding given the statutory speed of 55 mph. In order to cite drivers for unsafe speeds along this segment, an ET&S establishing a lower speed must be done and approved by the City Council. An ET&S was done by GHD, Inc. and presented to Council on August 8, 2020. The segment of Mercedes Avenue between Highway 41 and Capistrano was part of that ET&S and a speed limit of 30 mph was recommended. Adoption of the attached Draft Resolution will establish the speed limit along this segment of Mercedes Avenue at 30 mph and provide the Police Department the ability to enforce this speed limit.

An excerpt of Table 3 from the ET&S listing the Mercedes Avenue road segment and identifying the existing posted speed limit, 85<sup>th</sup> percentile speed, and the recommended speed limit is listed below:

**TABLE 3: ALL ROADWAY SEGMENTS WITH RECOMMENDED SPEED LIMITS**

No.	Study Segment	From	To	Posted Speed Limit	Critical Speed (85th Percentile)	Recommended Speed Limit	Posted Speed Change?
58	Mercedes Ave	Highway 41	Capistrano Ave	-	33	30	-

**FISCAL IMPACT:**

There is no fiscal impact. The cost to install new speed limit signs was included in the August 8, 2020 action by Council.

**ALTERNATIVES:**

1. Council may reject staff’s recommendation and direct staff to disapprove the Speed Study for Mercedes Avenue. This is not recommended as it would reduce or eliminate the enforceability of use of radar when challenged in court.
2. Council may reject staff’s recommendation and direct staff to re-study the Mercedes road segment and return a modified Speed Study to City Council at a later date.

**ATTACHMENT:**

Draft Resolution

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, ESTABLISHING SPEED LIMITS ON  
VARIOUS CITY STREETS**

**WHEREAS**, Division 11, Chapter 7, Article 1 of the California Vehicle Code (Section 22348 et seq.) provides the mechanism for local authorities to “determine and declare” a prima facie speed limit in excess of 25 mph, and less than 70 mph on the basis of an engineering and traffic survey; and

**WHEREAS**, Section 4-2.501, et. seq, of the Atascadero Municipal Code allows the City Engineer, through an Engineering and Traffic Survey (E&TS), to determine the appropriate speed limit for streets within the City; and

**WHEREAS**, an Engineering and Traffic Survey for various streets was performed by GHD Inc. that determined proposed speed limits using the 85<sup>th</sup> percentile (critical) speed and applicable reductions allowed under the California Manual on Uniform Traffic Control Devices (CA-MUTCD); and

**WHEREAS**, the Engineering and Traffic Surveys were compiled into the 2020 Speed Zone Survey Update, dated January 2020, which has been reviewed and approved by the Director of Public Works/City Engineer to determine the appropriate and reasonable speed limits on various City streets; and

**WHEREAS**, the City Council reviewed the 2020 Speed Zone Survey Update at the August 11, 2020 City Council Meeting and made changes to the Update, one such change being to remove the study segment of Mercedes Avenue from Highway 41 to Capistrano from the Update; and

**WHEREAS**, the City Council adopted Resolution No. 2020-063 approving speed limits for various City streets as determined by the Engineering and Traffic Surveys in the 2020 Speed Zone Survey Update and desires to supersede said Resolution with this Resolution without rescinding said adoption; and

**WHEREAS**, the adoption of this Resolution will add the study segment of Mercedes Avenue from Highway 41 to Capistrano into the approved 2020 Speed Zone Survey Update.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1.** The above recitals are true and correct and the City Council so finds and determines.

**SECTION 2.** The speed limits for various City streets as determined by the Engineering and Traffic Surveys in the 2020 Speed Zone Survey Update listed on Exhibit A, attached hereto and incorporated herein by this reference, are hereby approved and effective immediately or when appropriate signs giving notice thereof are erected.

**SECTION 3.** The Director of Public Works/City Engineer is authorized to place and maintain appropriate signs and/or pavement markings to indicate the prima facie speeds determined by the Engineering and Traffic Surveys contained in the 2020 Speed Zone Survey Update.

**SECTION 4.** The Director of Public Works/City Engineer, as authorized under the California Vehicle Code Section 40802, may extend the renewal for the Engineering and Traffic Surveys conducted with the 2020 Speed Zone Survey Update from five to seven and ten years if certain criteria are met.

**SECTION 5.** The Director of Public Works/City Engineer, as authorized under the California Vehicle Code, may perform additional Engineering and Traffic Surveys for various City streets during the valid term of the Engineering and Traffic Surveys to determine modified or new speed limits.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

On motion by Council Member \_\_\_\_ and seconded by Council Member \_\_\_\_ the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

**DRAFT RESOLUTION - EXHIBIT A**  
**2020 Speed Zone Survey Update**

No.	Study Segment	From	To	Posted Speed Limit	Critical Speed (85th Percentile)	Recommended Speed Limit	Posted Speed Change?
1	Ardilla Rd	San Anselmo Rd	Portola Rd	-	35	30	-
2	Atascadero Ave	Atascadero Mall	Highway 41	-	32	25	-
3	Atascadero Ave	Highway 41	Curbaril Ave	35	43	40	Yes
4	Atascadero Ave	Curbaril Ave	Santa Rosa Rd	35	43	40	Yes
5	Atascadero Ave	Santa Rosa Rd	San Rafael Rd	35	37	35	No
6	Atascadero Ave	San Rafael Rd	Santa Barbara Rd	50	45	40	Yes
7	Capistrano Ave	West Mall	Lewis Ave	-	37	30	-
8	Capistrano Ave	Lewis Ave	Highway 41	-	28	25	-
9	Curbaril Ave	San Marcos Rd	Carmelita Ave	-	26	25	-
10	Curbaril Ave	Highway 41	El Camino Real	35	34	30	Yes
11	Curbaril Ave	El Camino Real	Sycamore Rd	40	36	30	Yes
12	Del Rio Rd	Monterey Rd	El Camino Real	-	39	35	-
13	Del Rio Rd	El Camino Real	Potrero Rd	-	38	35	-
14	East Front St	SR 101 NB Ramps	Santa Rosa Rd	-	40	35	-
15	El Camino Real	San Ramon Rd	Del Rio Rd	45	41	40	Yes
16	El Camino Real	Del Rio Rd	Rosario Ave	45	46	40	Yes
17	El Camino Real	Rosario Ave	Highway 41	25	35	30	Yes
18	El Camino Real	Highway 41	San Diego Rd	40	43	40	No
19	El Camino Real	San Diego Rd	Santa Barbara Rd	45	51	45	No
20	Lewis Ave	Traffic Way	Capistrano Ave	-	26	25	-
21	Portola Rd	Ardilla Rd	Highway 41	35	39	35	No
22	Portola Rd	Highway 41	Atascadero Ave	35	37	30	Yes
23	Portola Rd	Atascadero Ave	West Front Rd	-	36	30	-
24	Portrero Rd	Del Rio Rd	Traffic Way	-	41	35	-
25	San Anselmo Rd	Ardilla Rd	El Camino Real	-	42	35	-
26	San Anselmo Rd	Del Rio Rd	Dolores Ave	35	40	35	No
27	San Anselmo Rd	Dolores Ave	El Camino Real	35	41	35	No
28	San Benito Rd	El Camino Real	Del Rio Rd	30	35	30	No
29	San Gabriel Rd	San Marcos Rd	Highway 41	45	40	35	Yes
30	San Gabriel Rd	Highway 41	Atascadero Ave	-	41	35	-
31	San Jacinto Ave	El Camino Real	Nogales Ave	-	34	30	-
32	San Jacinto Ave	Nogales Ave	Traffic Way	-	27	25	-
33	San Marcos Rd	San Andres Ave	Portola Rd	-	31	25	-
34	San Ramon Rd	El Camino Real	SR 101 SB Ramps	-	31	25	-

DRAFT RESOLUTION - EXHIBIT A  
 2020 Speed Zone Survey Update

No.	Study Segment	From	To	Posted Speed Limit	Critical Speed (85th Percentile)	Recommended Speed Limit	Posted Speed Change?
35	Santa Cruz Rd	El Camino Real	Carrizo Rd	-	45	40	-
36	Santa Barbara Rd	Atascadero Rd	SR 101	-	44	40	-
37	Santa Barbara Rd	SR 101	Viejo Camino	-	46	40	-
38	Santa Lucia Rd	Ardilla Rd	Portola Rd	40	40	35	Yes
39	Santa Rosa Rd	El Camino Real	Highway 41	35	41	35	No
40	Santa Ysabel Rd	Highway 41	Curbaril Ave	25	36	30	Yes
41	Traffic Way	El Camino Real	Olmeda Ave	-	26	25	-
42	Traffic Way	Olmeda Ave	San Jacinto Ave	35	41	35	No
43	Traffic Way	San Jacinto Ave	Carrizo Rd	40	44	40	No
44	Via Ave	Traffic Way	Capistrano Ave	-	28	25	-
45	Viejo Camino	El Camino Real	Santa Barbara Rd	40	36	30	Yes
46	Capistrano Ave	Sycamore Rd	West Mall	35	40	35	No
47	Del Rio Rd	Potrero Rd	San Anselmo Rd	30	39	35	Yes
48	Graves Creek Rd	Monterey Rd	San Fernando Rd	-	43	40	-
49	Monterey Rd	San Anselmo Rd	Del Rio Rd	35	42	35	No
50	San Gabriel Rd	Santa Lucia Rd	San Marcos Rd	-	39	35	-
51	Santa Lucia Rd	Portola Rd	Laurel Rd	40	42	35	Yes
52	San Marcos Rd	Portola Rd	San Gabriel Rd	-	39	35	-
53	Sycamore Rd	Capistrano Ave	Curbaril Ave	40	48	45	Yes
54	West Mall	El Camino Real	Atascadero Creek	-	30	25	-
55	Carmelita Rd	San Andres Ave	Curbaril Ave	-	30	25	-
56	Carmelita Rd	Curbaril Ave	Portola Rd	-	31	25	-
57	Carmelita Rd	Portola Rd	San Gabriel Rd	-	28	25	-
<u>58</u>	<u>Mercedes Ave</u>	<u>Highway 41</u>	<u>Capistrano Ave</u>	<u>-</u>	<u>33</u>	<u>30</u>	<u>-</u>
59	Navarette Ave	San Marcos Rd	Santa Lucia Rd	-	25	25	-
60	Venado Ave	Santa Lucia Rd	Ardilla Rd	-	34	30	-
61	West Front Rd	SR 101 SB Off	Santa Rosa Rd	-	38	35	-
62	West Front Rd	Santa Rosa Rd	SR 101 SB On	-	44	40	-



# ***Atascadero City Council***

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

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### **Del Rio Rd Commercial Area Specific Plan Amendment (AMND18-0079)**

#### **RECOMMENDATION:**

Council adopt on second reading, by title only, Draft Ordinance amending the Del Rio Road Commercial Area Specific Plan, to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures.

#### **DISCUSSION:**

On September 22, 2020, the City Council conducted a public hearing to consider approval of amendments to the Del Rio Road Commercial Area Specific Plan in conjunction with an addendum to the certified EIR.

Proposed amendments to the Specific Plan would modify the list of allowable uses within the Specific Plan area and update the EIR traffic mitigation and timing for the Del Rio Road/101 interchange improvements as well as improvements at the Del Rio Road/El Camino Real intersection. The amendment allows development to proceed while gradually phasing in traffic improvements that will satisfy traffic demand as development moves forward in conjunction with area buildout.

Following amendments to the Specific Plan, property owners will need to apply for new Master Plans of Development prior to moving forward with construction permits. Anticipated development includes business park, light manufacturing, visitor serving uses such as hotels, restaurants and entertainment uses.

At the September 22, 2020 meeting, Council voted 4-0 to approve the amendments with the following changes to the plan:

1. Add a finding for all Conditional Use within the Specific Plan area to ensure that all uses make a strategic contribution to and synergy with a viable commercial center; including consideration of revenue generation, compatibility, and phasing. (4.1.1 2)
2. Eliminate *Outdoor Recreation* from 4.1.1 2d (this use is already allowed in the CR zone with a CUP).
3. Clarify outdoor use areas as sales only (no storage) for *Building Materials and Hardware*, *Farm Equipment and Supplies*, and *Horticultural Specialties* (4.1.1 1c, e and f)

4. Add a qualifier to *Warehousing* as a conditional use, clarifying that the CUP trigger is for warehousing uses where the active office and employee component is less than 25% of the floor area. (4.1.1 2g)
5. Move *Auto Repair and Service (indoor only, no outdoor storage of inoperative vehicles)* from the allowed uses to the conditionally allowed uses.(4.1.1 2a)
6. Add an additional finding to RV parks to ensure that they are designed as an integral part of a Master Plan of Development of the site that includes other visitor serving uses. (4.1.1 2(f)(v))
7. Clarify that the City Council is the review authority for all Master Plan of Developments and Master Plan of Development Amendments. (6.7)
8. Correct a typo on IV-4, Section 4.2 stating the current density of 24 units per acre for the multi-family site.

The Council also amended Finding 7 to clarify project benefits.

A redlined version of the Del Rio Specific Plan, showing Council changes, is included as Attachment 2.

### **FISCAL IMPACT:**

The changes to the Del Rio Specific Plan are expected to significantly reduce the projected traffic impacts from development in the Specific Plan Area. Because of the lower traffic impacts, proposed changes in the Specific Plan include a projected reduction in Traffic Impact Fee revenue of approximately \$2.8 million. The short-term circulation improvements necessary to mitigate the new traffic projections are projected to cost approximately \$15 million less than the mitigation measures included in the original specific plan. The Specific Plan changes are likely to result in long term increased economic development, including additional head of household jobs and tax revenue, as a result of stimulating new development.

### **ATTACHMENTS:**

1. Draft Ordinance
2. Redlined Amended Del Rio Commercial Area Specific Plan showing Council changes from the September 22 meeting

**DRAFT ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN TO MODIFY THE LIST OF ALLOWED LAND USES, ASSOCIATED PROJECT DESCRIPTIONS, AND RELATED TRAFFIC MITIGATION MEASURES**

**(AMND18-0079)**

*DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN  
1800, 1829, 1831, 1843, 1905, 2005, 2055, 2115, 2205, 2325, 2375, 2405  
EL CAMINO REAL AND 4999, 5505, 5700, 5701, 5705 DEL RIO ROAD  
APNS 049-131-070, 049-151-005, 049-151-036, 049-151-037, 049-151-040,  
049-151-041, 049-102-020, 049-102-031, 049-102-032, 049-102-045,  
049-102-056, 049-112-002, 049-112-018, 049-112-019, 049-112-022,  
049-112-036, 049-112-039*

**WHEREAS**, the City of Atascadero has initiated an amendment the Del Rio Road Commercial Area Specific Plan (DRCASP) to respond to changing economic demands and the formal cancellation of the proposed Walmart regional retail store project; and

**WHEREAS**, the site's current General Plan Land Use Designation is General Commercial (GC), High-Density Residential (HDR), and Single-Family Residential (SFR-X); and

**WHEREAS**, the site's current Zoning Designation is Commercial Retail (CR), Residential Multi-Family - 24 (RMF-24), and Residential Single-Family - X (RSF-X); and

**WHEREAS**, the City Council adopted the Del Rio Road Commercial Area Specific Plan and associated entitlements on July 10, 2012; and

**WHEREAS**, in conjunction with the approval of the Del Rio Road Commercial Area Specific Plan and associated entitlements on a 39.3± acre site located on El Camino Real and Del Rio Road, Atascadero, CA 93422 (APN 049-112-002, 018, 019, 022, 036, 039, 049-151-005, 036, 037, 040, 041, 049-102-020, 031, 032, 045, 048, 056 and 049-131-070) (herein referred to as the "Project"), the City Council of the City of Atascadero, on June 26, 2012, certified the Del Rio Road Commercial Area Specific Plan Final Environmental Impact Report (State Clearinghouse No. 2010051034) (herein referred to as the "DRCASP EIR"), adopted a Statement of Overriding Considerations and adopted a Mitigation Monitoring Program in compliance with the California Environmental Quality Act (herein referred to as "CEQA"); and

**WHEREAS**, a subsequent project amendment and EIR addendum was adopted by the City Council on July 11, 2017 in conjunction with the approval of a Hotel at 1800 El Camino Real; and

**WHEREAS**, entitlement for the Major Tenant (Walmart) project and Annex project sites including tentative map and master plan of development expired on July 12, 2020; and

**WHEREAS**, to assess potential environmental impacts associated with the proposed Specific Plan amendments relative to the DRCASP EIR, City staff prepared an addendum to the DRCASP EIR pursuant to CEQA (herein referred to as “Addendum”); and

**WHEREAS**, W-Trans, a transportation engineering firm, provided the City with a detailed report and traffic evaluation which provided analysis and evidence in support of conclusions that there was sufficient capacity for the Del Rio Road / El Camino Real intersection and the Del Rio Road / US Highway 101 for land use modifications listed in the proposed language of the Amended Del Rio Road Commercial Area Specific Plan with modified mitigation measures, prior to the interchange becoming “unacceptable in operations” according to Caltrans; and

**WHEREAS**, based on the W-Trans Report and proposed Specific plan amendments City staff prepared draft language amending Mitigation Measure TRANS – 1a, TRANS-1c and TRANS 1d and eliminating Mitigation Measure TRANS 1e of the DRCASP Final EIR that modifies mitigation measures to eliminate the roundabouts from the intersection of Del Rio and El Camino real and from the Del Rio/Highway 101 interchange, defines payment of in-lieu fees for the common required improvements, as well as timing and phasing of such improvements to ensure that traffic is mitigated throughout development of the Specific Plan area; and

**WHEREAS**, minor edits were made to other mitigation measures related to project name changes and elimination of Walmart specific language for consistency and clarity with the amended Del Rio Road Commercial Area Specific Plan; and

**WHEREAS**, the Addendum concluded that the proposed amendments would not result in any new or substantially more severe impacts than disclosed in the original Del Rio Road Commercial Area Specific Plan; and

**WHEREAS**, Section 21000, *et seq.*, of the Public Recourses Code and Section 15000, *et seq.*, of Title 14 of the California Code of Regulations (herein referred to as the “CEQA Guidelines”), which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the Del Rio Road Commercial Area Specific Plan and Addendum; 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**, the Planning Commission has determined that it is in the best interest of the City to enact the Del Rio Road Commercial Area Specific Plan amendment to protect the health, safety and welfare of its citizens by applying orderly development and expanding commercial and job opportunities within the City; and

**WHEREAS**, timely and properly noticed Public Hearings upon the subject Specific Plan amendment and EIR addendum was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to enact the Del Rio Road Commercial Area Specific Plan amendment to protect the health, safety and

welfare of its citizens by applying orderly development and expanding commercial and job opportunities within the City; and

**WHEREAS**, timely and properly noticed Public Hearings upon the subject Specific Plan amendment and EIR addendum was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO  
HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Recitals:** The above recitals are true and correct.

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, at a Public Hearing held on September 22, 2020 considered the proposed zoning text amendments.

**SECTION 3. Facts and Findings.** The City Council makes the following findings, determinations and approvals with respect to the Municipal Code Text Amendments:

**A. Findings for Approval of Amendments to the Del Rio Road Commercial Area Specific Plan**

1. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the SP-2 Ordinance; and,
2. 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,
3. The proposed Specific Plan will be compatible with existing or desired conditions in surrounding neighborhoods and surrounding General Plan land uses and General Plan policies.

**Fact:** The proposed Plan amendments will be compatible with existing and desired conditions in surrounding neighborhoods. The Plan as proposed would allow the development of an efficient and attractive community employment, entertainment, and retail hub in North Atascadero. The Plan area will serve the growing local demand for commercial and employment development, while at the same time revitalizing one of the City's larger and more visible properties located just off Highway 101. Approval of the Plan will allow for the development of a master planned commercial and office node consistent with General Plan policies.

The proposed Plan amendment is in conformance with adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

4. Modification of zoning regulations, development standards, or processing requirements is warranted by the design and amenities incorporated.

**Fact:** The plan sets forth land use and development standards that will facilitate the transformation of a currently underutilized area into a vibrant commercial node in an ideal location. With incorporation of development standards required by the Specific Plan, future development will be compatible with existing development, neighborhoods and the environment. In addition to creating additional employment and business opportunities and attracting much needed tax revenue, the development of the Specific plan area will allow for uses that offer a broad array of convenient shopping, service, and restaurant options. Accordingly, modification of zoning regulations and development standards is warranted to ensure efficient and successful development of this commercial node.

5. The Specific Plan standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

**Fact:** The proposed amendments to the Specific Plan would allow the development of a master-planned, vibrant and attractive and cohesive community hub in North Atascadero. Amendments focus on expanding use options within the development area while limiting high traffic generating uses and uses that may conflict with the surrounding neighborhood.

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that benefits residents, the general public, and the City of Atascadero. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the site and surrounding properties, as well as the needs of the commercial land uses envisioned for the site. These efforts are intended to foster greater economic development, employment opportunities, and design compatibility than could be achieved through the use of conventional zoning and development standards.

The Del Rio Road Commercial Area Specific Plan serves as the overlay zone guiding document for the Plan area. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are not required in the Code and that ensure a high standard of design for the site. In addition, it facilitates design integrity between the variety of uses (i.e., achieves General Plan objective of a master planned commercial center).

6. Benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements.

**Fact:** The Specific Plan amendments focus on expanding land use opportunities and encouraging jobs focused commercial development within the Plan area. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are beyond the Municipal Code standard in order to ensure a high standard of design and compatibility for the site. In addition, it facilitates design integrity between the variety of uses (i.e. achieves General Plan objective of a master planned commercial center).

7. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and offers certain redeeming features to compensate for requested modifications.

**Fact:** The proposed Specific Plan amendments will support the creation of head of household jobs in the City adjacent to existing residential areas with the potential for reducing Vehicle Miles Travelled. The Amendments will allow for the efficient and complimentary uses of land with a mix of commercial, business park, and residential uses to serve existing and future residents and helping the City's imbalance of jobs and housing.

8. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development.

**Fact:** The Del Rio Road Commercial Area Specific Plan implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. The Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The City's zoning standards are utilized for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Development regulations and requirements contained in the Specific Plan supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan will prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

**SECTION 4. CEQA.** An addendum to the previously certified Del Rio Road Commercial Area Specific Plan Final Environmental Impact Report (SCH# 2010051034) was prepared for the proposed Specific Plan amendments.

**SECTION 5. Approval.** The City Council of the City of Atascadero, in a regular session assembled on September 22, 2020 resolved to introduce for first reading by title only, an Ordinance that will approve amendments to the Del Rio Road Commercial Area Specific Plan consistent with the following:

EXHIBIT A: Del Rio Road Commercial Area Specific Plan revised September 2020

**SECTION 6. Interpretation.** This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

**SECTION 7. Preservation.** Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

**SECTION 8. Effect of Invalidation.** If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

**SECTION 9. Severability.** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

**SECTION 10. Notice.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 11. Effective Date.** This Ordinance will take effect on the 30th day following its final passage and adoption.

**ITEM NUMBER:** A-3  
**DATE:** 10/13/20  
**ATTACHMENT:** 1

**INTRODUCED** at a regular meeting of the City Council held on September 22, 2020, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_, 2020.

CITY OF ATASCADERO

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Heather Moreno, Mayor

ATTEST:

---

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

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Brian A. Pierik, City Attorney

**CITY OF ATASCADERO**

**DEL RIO ROAD**  
**COMMERCIAL AREA**  
**SPECIFIC PLAN**

**March 2012**  
September 2020

**eda** design  
professionals  
civil engineers ♦ land surveyors ♦ land planners  
1998 Santa Barbara Street, Suite 200  
San Luis Obispo, CA 93401

**Adopted July 2012**  
**Amended October, 2020**



# CITY OF ATASCADERO

## DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN

***Prepared for:***  
The City of Atascadero

***Prepared by:***



**eda – design professionals**  
1998 Santa Barbara Street, Suite 200  
San Luis Obispo, CA 93401  
(805) 549-8658

***In Conjunction with:***

Omni Design Group, Inc.  
Perkowitz + Ruth Architects  
Conceptual Design & Planning Company

## **ACKNOWLEDGEMENTS**

FROM 2012

### ***City Council***

Bob Kelley, Mayor  
Tom O'Malley, Mayor Pro Tem  
Jerry Clay, Sr., Council Member  
Roberta Fonzi, Council Member  
Brian Sturtevant, Council Member

### ***Planning Commission***

Chuck Ward, Chairperson  
Dennis Schmidt, Vice Chairperson  
Christian Cooper, Commissioner  
Len Colamarino, Commissioner  
Beth Wingett, Commissioner  
David Bentz, Commissioner  
Mark Dariz, Commission

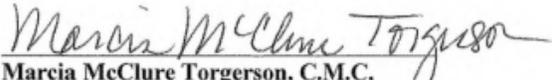
### ***City Staff***

Wade McKinney, City Manager  
Warren Frace, Community Development Director  
Russ Thompson, Director of Public Works  
Brady Cherry, Community Services Director  
Kurt Stone, Fire Chief

**CERTIFICATION**

I, **Marcia McClure Torgerson, C.M.C.**, City Clerk of the City of Atascadero, hereby certify that the foregoing is a true and correct copy of Ordinance No. 562, adopted by the Atascadero City Council at a regular meeting thereof held on July 10, 2012, and that it has been duly published pursuant to State Law.

DATED: 7-18-12

  
**Marcia McClure Torgerson, C.M.C.**  
City Clerk  
City of Atascadero, California

**ORDINANCE NO. 562**

**SPECIFIC PLAN DOCUMENT ADOPTION**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, AMENDING THE  
ATASCADERO MUNICIPAL CODE BY ADDING A TABLE  
FOR THE SPECIFIC PLAN DOCUMENT FOR THE SP-2  
ZONING DISTRICT FOR THE  
DEL RIO COMMERCIAL AREA  
(SP 2009-0003)**

**DEL RIO COMMERCIAL AREA SPECIFIC PLAN  
WALMART STORES INC. / THE ROTTMAN GROUP /  
MONTECITO BANK AND TRUST**

**WHEREAS**, an application has been received from:

Walmart Stores, Inc. (2001 S.E. 10th Street Bentonville, AR 72716-0550) Owner, and  
EDA Design Professionals (1998 Santa Barbara St. Suite 200 San Luis Obispo, CA 93401)  
Applicant, and;

The Rottman Group (P.O. Box 227 Santa Maria, CA 93456-0227) Owner, and Omni  
Design Group (689 Tank Farm Road San Luis Obispo, CA 93453) Applicant, and;

Montecito Bank and Trust (1010 State Street, Santa Barbara, California 93101) Owner,  
and Omni Design Group (689 Tank Farm Road San Luis Obispo, CA 93453) Applicant,

to consider Planning Applications PLN 2007-1245 and PLN 2007-1246, for a project  
consisting of General Plan Amendments, Zone Text and Map Amendments, Specific Plan,  
Vesting Tentative Parcel Maps, Tree Removal Permits and certification of an Environmental  
Impact Report ("EIR") on a 39.3± acre site located on El Camino Real and Del Rio Road,  
Atascadero, CA 93422 (APN 049-112-002, 018, 019, 022, ,036, 039, 049-151-005, 036, 037,  
040, 041, 049-102-020, 031, 032, 045, 048, 056 and 049-131-070); and,

**WHEREAS**, the site's current General Plan Land Use Designation is General  
Commercial (GC), Commercial Park (CPK), Single-Family Residential (SFR-X), High-Density  
Residential (HDR), Medium-Density Residential (MDR), and Suburban Estates (SE); and,

**WHEREAS**, the site's current Zoning Designation is Commercial Retail (CR),  
Commercial Park (CPK), Residential Single-Family (RSF-X), Residential Multi Family (RMF-  
20), Residential Multi Family (RMF-10), and Residential Suburban (RS); and,

**City of Atascadero  
Ordinance No. 562  
Page 2 of 11**

**WHEREAS**, the Planning Commission has recommended that the City Council approve a General Plan Land Use Diagram Amendment to change the Land Use Designation of lots within the project site to Commercial Retail (CR), High-Density Residential (HDR), and Single-Family Residential (SFR-X); and,

**WHEREAS**, the Planning Commission has recommended that the City Council approve a Zoning Ordinance Text Change and Zoning Map Amendment to establish zoning code text for Specific Plan Zone 2 and to change the zoning of lots with the project area to Commercial Retail (CR), Residential Single-Family (RSF-X), and Residential Multi Family (RMF-20), with a Specific Plan Zone 2 overlay on the entire project site; and,

**WHEREAS**, the General Plan has designated the project site as an area requiring a comprehensive master plan in order to minimize environmental impacts and maximize community compatibility (General Plan Table II-5) and to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and,

**WHEREAS**, a Final EIR, Finding of Fact and Statement of Overriding Considerations have been prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); 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**, the Final EIR, Finding of Fact and Statement of Overriding Considerations have been recommended by the Planning Commission for certification to the City Council; and,

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Code Text to protect the health, safety and welfare of its citizens by applying orderly development and expanding commercial opportunities within the City; and,

**WHEREAS**, timely and properly noticed Public Hearings upon the subject Specific Plan application was held by the Planning Commission and City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning amendments; and,

**WHEREAS**, the Planning Commission of the City of Atascadero, at a Public Hearing held on June 5, 2012, studied and considered the Del Rio Road Commercial Area Specific Plan (SP 2009-0003), after first studying and considering the Final EIR, Finding of Fact and Statement of Overriding Considerations prepared for the project; and,

**WHEREAS**, the Planning Commission of the City of Atascadero recommended the City Council approve the Del Rio Road Commercial Area Specific Plan (SP 2009-0003); and,

**WHEREAS**, the Atascadero City Council, at a Public Hearing held on June 26, 2012, studied the Planning Commission's recommendation and considered the Del Rio Road

City of Atascadero  
Ordinance No. 562  
Page 3 of 11

Commercial Area Specific Plan (SP 2009-0003), after first studying and considering the Final EIR, Finding of Fact and Statement of Overriding Considerations prepared for the project; and,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Findings** for Approval of Del Rio Road Commercial Area Specific Plan.

The City Council finds as follows:

1. **The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the SP-2 Ordinance; and,**
2. **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,**
3. **The proposed Specific Plan will be compatible with existing or desired conditions in surrounding neighborhoods and surrounding General Plan land uses and General Plan policies.**

As discussed in General Plan Amendment Finding No. 5, the proposed Project will be compatible with existing and desired conditions in surrounding neighborhoods. The proposed Project would allow the development of an efficient and attractive community retail hub in North Atascadero. The Project will serve the growing local demand for retail products, groceries and restaurants in North Atascadero, while at the same time revitalizing one of the City's larger and more visible properties located just off Highway 101. Approval of the Project will allow for the development of a master planned commercial center consistent with General Plan policies.

As discussed in detail in General Plan Amendment Finding No. 4, the proposed Project is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

4. **Modification of zoning regulations, development standards, or processing requirements is warranted by the design and amenities incorporated.**

As discussed in General Plan Amendment Findings No. 3 and 5, project design, features and amenities will transform a currently underutilized location into a vibrant retail hub in an ideal location, providing an aesthetic and commercial boon to the immediate and surrounding areas and serving the growing local demand for retail and groceries in North Atascadero. With incorporation of the site design, landscaping and architectural features discussed in the General Plan Amendment Findings, the Project has been specifically designed to be compatible with existing development, neighborhoods and the environment. Without the

approval of the Specific Plan, Zone Change and General Plan Amendment, the City's goal of creating an efficient, attractive and cohesive master-planned commercial center of this type at this ideal location would not be possible. In addition to creating additional employment and business opportunities and attracting much needed tax revenue, the Project will satisfy the long time demands of residents for a grocery store in the northern part of the City, while offering a broad array of convenient shopping and restaurant options. Accordingly, modification of zoning regulations and development standards is warranted by the Project design and the amenities provided by the Project.

**5. The Specific Plan standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.**

The proposed General Plan Amendment, Zone Change and Specific Plan would allow the development of a master-planned, vibrant and attractive and cohesive community retail hub to North Atascadero which is not possible under the current zoning. The Project will serve the growing local demand for discount retail, groceries and restaurants in North Atascadero, while at the same time revitalizing one of the City's larger and more visible properties. Approval of the Specific Plan, Zone Change and General Plan Amendment will allow development of a commercial center and economic development of the area.

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that benefits local shoppers, the general public, and the City of Atascadero. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the site and surrounding properties, as well as the needs of the commercial land uses proposed for the site. These efforts are intended to foster greater economic development and design opportunities than could be achieved through the use of conventional zoning and development standards.

The benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements. The Del Rio Road Commercial Area Specific Plan serves as the overlay zone for the Project. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are not required in the Code and that ensure a high standard of design for the site. In addition, it facilitates design integrity between the variety of uses (i.e.,

achieves General Plan objective of a master planned commercial center). Also, the additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping and buffer areas throughout the site, to further blend the Project with the surrounding area.

**6. Benefits derived from the Specific Plan Zone 2 zone cannot be reasonably achieved through existing development standards or processing requirements.**

The benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are beyond the Municipal Code standard in order to ensure a high standard of design and compatibility for the site. In addition, it facilitates design integrity between the variety of uses (i.e. achieves General Plan objective of a master planned commercial center). Also, the additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping and buffer areas throughout the site, to further blend in with the surrounding area.

**7. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and offers certain redeeming features to compensate for requested modifications.**

As discussed in General Plan Amendment Findings No. 3 and 5, in addition to revitalizing one of the City's larger and more visible properties, the Project would serve as an example for the community in energy efficiency by incorporating a variety of sustainability features in the construction, design and operation of the store that would reduce its demand for resources, utilize non-toxic materials, and promote waste reduction. The additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping areas. The Project would also exceed the City's minimum landscaping requirements and contain robust landscaping and greenery to enhance the site and screen parked cars.

**8. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and will supplement or supersede any adopted ordinances, regulations and standards of the City which are applicable.**

The Del Rio Road Commercial Area Specific Plan implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. The Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The City's zoning standards are utilized

City of Atascadero  
Ordinance No. 562  
Page 6 of 11

for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Development regulations and requirements contained in the Specific Plan supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan will prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

**SECTION 2. Approval.** The Atascadero City Council, in a regular session assembled on June 26, 2012, approved the Del Rio Road Commercial Area Specific Plan for the SP-2 zoning overlay district as described in the following:

1. EXHIBIT A: Del Rio Commercial Area Specific Plan
2. EXHIBIT B: Addendum – Del Rio Road Commercial Area Specific Plan

**SECTION 3:** A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

City of Atascadero  
Ordinance No. 562  
Page 7 of 11

INTRODUCED at a regular meeting of the City Council held on June 26, 2012, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on July 10, 2012, by the following roll call vote:

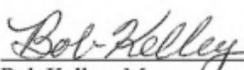
AYES: Council Members Clay, Fonzi, O'Malley, Sturtevant and Mayor Kelley

NOES: None

ABSTAIN: None

ABSENT: None

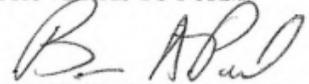
CITY OF ATASCADERO

  
\_\_\_\_\_  
Bob Kelley, Mayor

ATTEST:

  
\_\_\_\_\_  
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Brian A. Pierik, City Attorney

**TABLE OF CONTENTS**

**I OVERVIEW**

1.1 Purpose	I-1
1.2 Legal Authority	I-1
1.3 Project Location	I-2
1.4 Project Description & Objectives	I-2
1.5 Development Approval Components	I-6
1.6 Relationship to General Plan & Zoning Ordinance	I-7
1.7 California Environmental Quality Act (CEQA) Compliance	I-7

**II SETTING & EXISTING CONDITIONS**

2.1 Existing Land Use Conditions	II-1
2.1.1 Existing Land Use & Zoning Designations	II-1
2.1.2 Surrounding Land Uses & Zoning Designations	II-3
2.2 Existing Circulation	II-4
2.2.1 Regional Circulation	II-4
2.2.2 Local Circulation	II-4
2.2.3 Public Transportation	II-5
2.3 Existing Physical Conditions	II-6
2.4 Existing Utilities	II-7

**III LAND USE PLAN**

3.1 Land Uses	III-1
3.1.1 General Commercial (GC)	III-1
3.1.2 High Density Residential (HDR)	III-1
3.1.3 Single Family Residential (SFR-X)	III-2
3.2 Land Use Policies	III-2
3.2.1 South-East Project Site	III-4
3.2.2 North End Project Site	III-5
3.3 Circulation Policies	III-6
3.3.1 Vehicle & Truck Access Policies	III-6
3.3.2 Non-Vehicular & Public Transportation Access Policies	III-7

**TABLE OF CONTENTS**

3.4 Public Facilities Policies	III-13
3.4.1 Water Policies	III-13
3.4.2 Wastewater & Sewer Policies	III-13
3.4.3 Storm Drainage Policies	III-14
3.4.4 Electricity Policies	III-15
3.4.5 Natural Gas Policies	III-15
3.4.6 Communications Policies	III-15
3.5 Grading Policies	III-16
3.6 Community Facilities Policies	III-16

**IV DEVELOPMENT STANDARDS**

4.1 Commercial Retail (CR) Development Standards	IV-1
4.1.1 Permitted Uses	IV-1
4.1.2 Property Development Standards	IV-2
4.2 Residential Multiple Family (RMF-20) Development Standards	IV-2
4.2.1 Permitted Uses	IV-3
4.2.2 Property Development Standards	IV-3
4.3 Residential Single Family (RSF-X) Development Standards	IV-3
4.3.1 Permitted Uses	IV-3
4.3.2 Property Development Standards	IV-3

**V DESIGN GUIDELINES**

5.1 Commercial Retail (CR) Design Guidelines	V-1
5.1.1 General Design Concepts	V-1
5.1.2 Landscaping	V-10
5.1.3 Parking & Parking Lot	V-15
5.1.4 Lighting	V-15
5.1.5 Signage	V-15
5.1.6 Fencing & Screening	V-16
5.1.7 On-Site Circulation	V-17
5.1.8 Loading	V-17

**TABLE OF CONTENTS**

5.1.9 Outdoor Storage	v-18
5.2 Residential Multiple Family (RMF-20) Design Guidelines	v-18
5.3 Residential Single Family (RSF-X) Design Guidelines	v-18

**VI IMPLEMENTATION AND ADMINISTRATION**

6.1 Interpretation	VI-1
6.2 Definition of Terms	VI-1
6.3 Enforcement	VI-1
6.4 Severability	VI-1
6.5 Implementation of Development Standards	VI-2
6.6 Implementation of Design Standards	VI-2
6.7 Application Processing	VI-2
6.8 Financing & Phasing of Development	VI-3
6.8.1 South-East Project Site	VI-3
6.8.2 North End Project Site	VI-4
6.9 Maintenance	VI-4
6.9.1 City Maintenance Responsibility	VI-4
6.9.2 Other Agency Maintenance Responsibility	VI-5
6.9.3 Private Maintenance	VI-5
6.10 Substantial Conformance	VI-5
6.10.1 Procedure	VI-6
6.11 Specific Plan Amendments	VI-6

**TABLE OF CONTENTS**

**VII EXHIBITS**

Exhibit 1: City of Atascadero Existing Land Use	VII-1
Exhibit 2: City of Atascadero Proposed Land Use	VII-2
Exhibit 3: City of Atascadero Existing Zoning	VII-3
Exhibit 4: City of Atascadero Proposed Zoning	VII-4

**VIII APPENDICES**

Appendix A: Precise Description of Specific Plan Boundary	A-1
Appendix B: Project Consistency Analysis	C-1

**TABLE OF CONTENTS**

**LIST OF TABLES**

Table 1-1: Specific Plan Land Use Summary	I-3
Table 2-1: South-East Project Site Land Use & Zoning Designations	II-1
Table 2-2: North End Project Site Land Use & Zoning Designations	II-3
Table 2-3: Surrounding Land Use & Zoning Designations	II-4
Table 3-1: Specific Plan Land Use Summary	III-2
Table 4-1: Commercial Retail (CR) Development Standards	IV-2

**LIST OF FIGURES**

Figure 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity	I-4
Figure 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Plan	I-5
Figure 2-1: Specific Plan Existing Land Use & Zoning Designations	II-2
Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan	III-3
Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan	III-8
Figure 5-1: Architectural Design Concept – Main Features	V-3
Figure 5-2: Architectural Design Concept – Secondary Features	V-4
Figure 5-3: Architectural Design Concept – Outdoor Space	V-5
Figure 5-4: Architectural Design Concept – Architectural Theme Elements	V-6
Figure 5-5: Conceptual Landscape Palette	V-9
Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program	V-12

**OVERVIEW**

**I OVERVIEW**

1.1 Purpose	I-1
1.2 Legal Authority	I-1
1.3 Project Location	I-2
1.4 Project Description & Objectives	I-2
1.5 Development Approval Components	I-6
1.6 Relationship to General Plan & Zoning Ordinance	I-7
1.7 California Environmental Quality Act (CEQA) Compliance	I-7

## **OVERVIEW**

The Del Rio Road Commercial Area Specific Plan (“Specific Plan”) Layout encompasses two sites totaling approximately 39 acres (the “Specific Plan area”) generally located at the intersection of Del Rio Road and El Camino Real in the northern portion of the City of Atascadero (the “City”). The Specific Plan is a comprehensive plan for the development of vacant commercial parcels at the Del Rio and El Camino Real intersection. These large development sites comprise significant opportunity locations for expanding jobs, tourism and housing in the northern end of the City.

### **1.1 PURPOSE**

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that provides jobs and economic development in the City of Atascadero to help balance the significant imbalance of jobs to housing. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the development sites and surrounding properties, as well as the needs of the commercial land uses proposed for the development sites. These efforts are intended to foster greater economic development and design opportunities than could be achieved through the use of conventional zoning and development standards.

The Del Rio Road Commercial Area Specific Plan serves as the overlay zone for the combined South-East and North End Project sites. This Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area.

### **1.2 LEGAL AUTHORITY**

The Del Rio Road Commercial Area Specific Plan has been prepared in accordance with California Government Code, Title 7, Division 1, Chapter 3, Article 8 Sections 65450 through 65457. The California Government Code authorizes jurisdictions to adopt Specific Plans by resolution as policy documents or by ordinance as regulatory documents. The law allows preparation of Specific Plans, as may be required for the implementation of the General Plan, and further allows for their review and adoption. Specific plans act as a bridge between General Plan and individual development standards and guidelines, capital improvement programs and financing methods into a single document that is tailored to meet the needs of a specific area.

The Specific Plan implements the following: (1) General Plan land use designation of General Commercial and zoning designation of Commercial Retail for the South-East and North End commercial centers; (2) General Plan land use designation of High Density Residential (HDR) and zoning designation of Residential Multiple Family-20 (RMF-20) for the Multiple Family South-East Outparcel; and (3) General Plan land use designation of Single Family Residential and zoning designation of Residential Single Family-X (RSF-X) for the Single Family North End Outparcel.

The standards contained in the Specific Plan have been adopted by ordinance and are enforceable to the same extent as standards contained in the Zoning Ordinance and other City

Codes. In the event of an inconsistency between the Specific Plan and the underlying zoning regulations, the provisions of the Specific Plan shall prevail. The meaning and construction of words, phrases, titles and terms shall be the same as provided in Atascadero Municipal Code and Atascadero General Plan, unless otherwise specifically provided in the Specific Plan.

### **1.3 PROJECT LOCATION**

The Del Rio Road Commercial Area Specific Plan is comprised of two sites totaling approximately 39 acres that are located in the northern portion of the City of Atascadero in close proximity to U.S. Highway 101. The South-East Project site is bounded by Del Rio Road to the north, El Camino Real to the west, Rio Rita Road to the east, and residential uses to the south. The North End Project sites are bounded by residential and commercial lots to the north, residential lots to the east, undeveloped commercial uses on El Camino Real and Highway 101 to the west, and Del Rio Road and vacant commercial lots to the south. The legal description for the Specific Plan area is contained in Appendix A. The location of the Specific Plan area is illustrated in Figures 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity and 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Site Plan.

### **1.4 PROJECT DESCRIPTION & OBJECTIVES**

Below is a general description of the South-East Project and North End Project. More detailed information on the combined projects is provided in Chapter 3: Land Use Concept.

The development of the South-East Project site is proposed to be subdivided into four lots; one lot proposes a major tenant site; two other parcels are designed for smaller Commercial sites (Outparcels), and one additional parcel is designed for residential development (Multiple Family Outparcel). The South-East Project site totals approximately 26 acres, and is located at the southeast corner of El Camino Real and Del Rio Road.

The Master Plans of Development for the North End Project sites include a commercial / business park on eight parcels as well as one Single Family Outparcel and a tourist serving use on the west side of El Camino Real. The North End Project totals approximately 13 acres, and is located on the northeast corner of El Camino Real and Del Rio Road and on the west side of El Camino Real approximately 500 feet from the centerline intersection of Del Rio Road and El Camino Real.

A summary of the land uses within the Specific Plan area is presented in Table 1-1: Specific Plan Land Use Summary.

Implementation of this Specific Plan will accomplish the following objectives:

- Implements the Atascadero General Plan providing development consistent with the City's planned land uses;
- Provides development that maximizes the property's use potential in a manner consistent with the City's General Plan;
- Maximizes and broadens the City's sales tax base by providing local and regional job producing and tax-generating uses;
- Improves and maximizes economic viability of the currently vacant and underutilized project site and area through the establishment of a new commercial/jobs center;

**OVERVIEW**

- Creates additional employment-generating opportunities for the citizens of Atascadero and surrounding communities;
- Develops smaller, locally oriented retail and restaurant uses to complement the employment uses;
- Provides where necessary adequate infrastructure and public amenities;
- Enhances the local economy by capturing job opportunities that are leaking to adjacent cities;
- Complements the existing retail base in the City of Atascadero located in the southern part of the City;
- Locates a commercial project at the intersection of two major streets, providing convenient employment, tourist serving, residential, and shopping opportunities for residences on the north side of Atascadero consistent with the General Plan’s Urban Form Frameworks;
- Ensures the consistent and rational development of the site in accordance with established functional, environmental, and aesthetic standards.

**TABLE 1-1: SPECIFIC PLAN DEVELOPMENT SUMMARY**

	LAND AREA	FLOOR AREA / DENSITY
<b>SOUTH-EAST PROJECT SITE</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
MAJOR TENANT PARCEL	19 ac.	129,560* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
MULTIPLE FAMILY OUTPARCEL	2.8 ac.	67 d.u.
DEDICATIONS	2.2 ac.	--
<b>SUBTOTAL SOUTH-EAST PROJECT SITE</b>	26 ac. (gross)	139,560* sq. ft. (44 d.u.)
<b>NORTH END PROJECT</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
COMMERCIAL PARCELS (NORTH END PROJECT SITE – EAST)	9.3 ac.	193,000* sq. ft.
HOTEL (NORTH END PROJECT SITE – WEST)	1.7 ac.	73,833* sq. ft. / 120 rooms
SINGLE FAMILY OUTPARCEL	1.7 ac.	6 d.u.
DEDICATIONS	0.3 ac.	--
<b>SUBTOTAL NORTH END</b>	13 ac. (gross)	266,833* sq. ft. (6 d.u.)
<b>SPECIFIC PLAN</b>		
<b>TOTAL</b>	39 ac. gross	406,393* sq. ft. (50 d.u.)

\* Assumed square-footage based on trip generation. Building floor area may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.

OVERVIEW

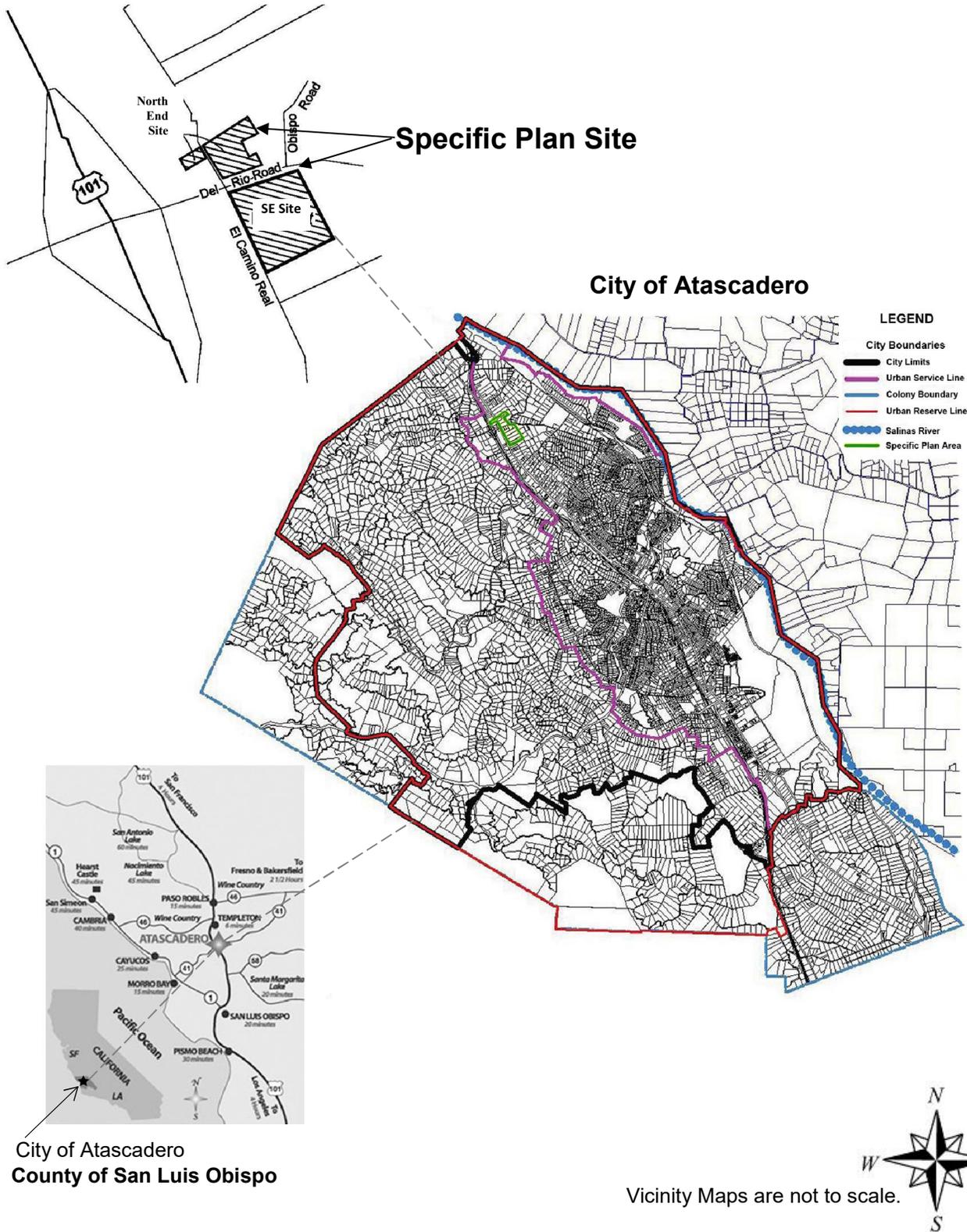


Figure 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity

OVERVIEW

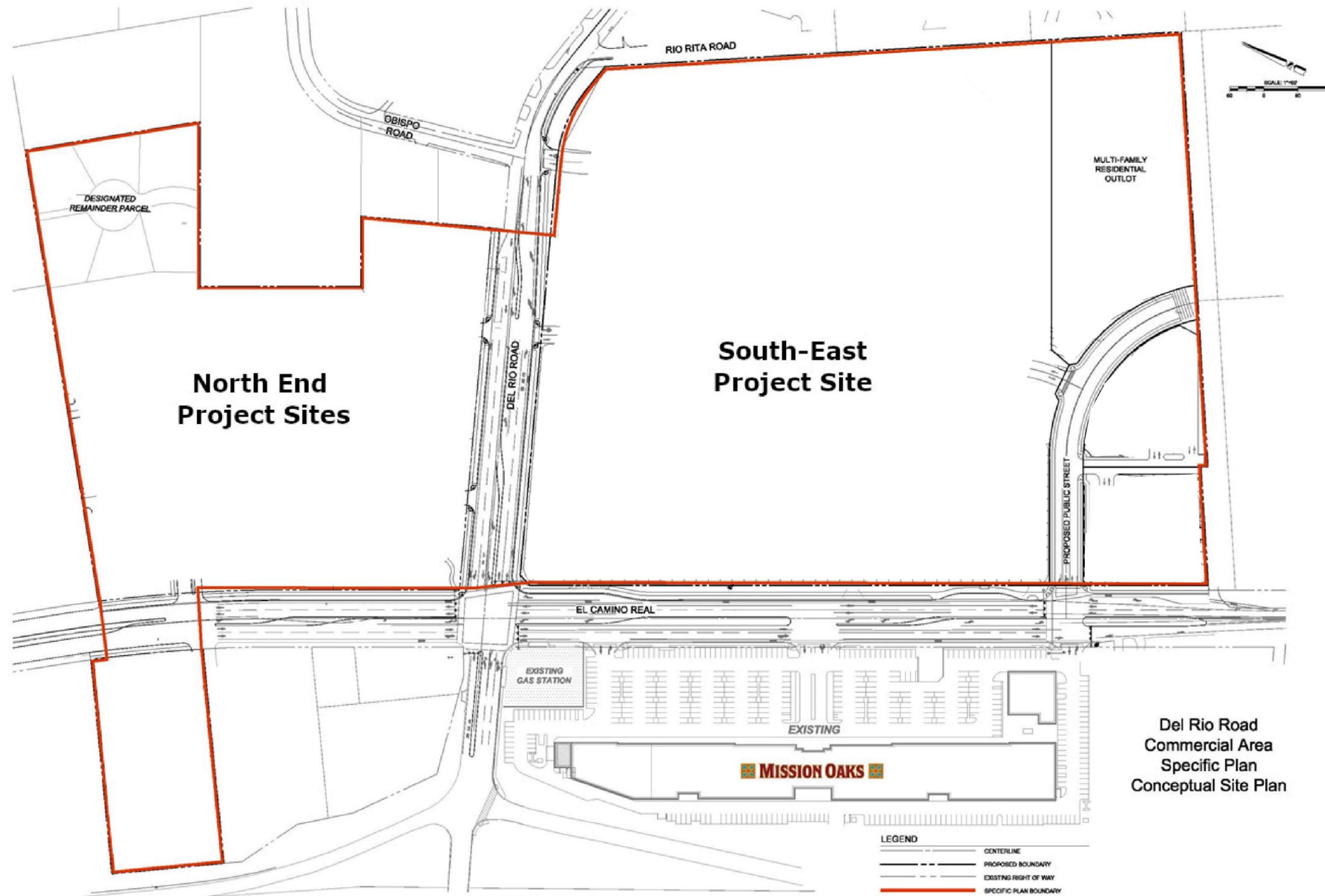


Figure 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Plan

## OVERVIEW

### 1.5 DEVELOPMENT APPROVAL COMPONENTS

The components of the development approval process for the South-East Project and North End Project sites are discussed below. The City has issued the following development approvals for the South-East Project and North End Project sites concurrently with the Specific Plan adoption:

- **General Plan Land Use Diagram Amendment.** A General Plan Land Use Diagram Amendment adopted by the City of Atascadero which changes: (1) the South-East Project's (a) High Density Residential (HDR), Medium Density Residential (MDR), and a portion of the Suburban Estates (SE) designated property to General Commercial (GC); and (b) 2.8-acre remainder of the existing residentially designated property to HDR to accommodate a Residential Multiple Family (RMF-20) use; and (2) the North End Project's (a) Single Family Residential-X (SFR-X) and Commercial Park (CPK) designated property to GC; and (b) 1.7-acre remainder of the existing residentially designated property to SFR-X in order to accommodate a Single Family use. Existing and proposed Land Use diagrams can be found in Exhibits 4 and 5.
- **Del Rio Road Commercial Area Specific Plan.** The Specific Plan, adopted by ordinance, serves as the implementation tool for the General Plan and overlay zone for the combined South-East Project and North End Project sites. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for the Specific Plan area. In the event of an inconsistency between the Specific Plan and the underlying zoning regulations, the provisions of the Specific Plan shall prevail.
- **Zone Change.** A Zone Change adopted by the City of Atascadero which changes: (1) the South-East Project's (a) Residential Multiple Family-20 (RMF-20), Residential Multiple Family -10 (RMF-10), and a portion of the Residential Suburban (RS) zoned-property to the CR Zone; and (b) 2.8-acres of residentially zoned property to RMF-20 to accommodate a Multiple Family use; and (2) the North End Project's Residential Single Family (RSF-X) and Commercial Park (CPX) zoned property to the CR and RSF-X zones. Existing and proposed Zoning diagrams can be found in Exhibits 6 and 7.

After the City of Atascadero deemed complete the project applications for the development approvals, including an application for Vesting Tentative Parcel Map AT09-0073, and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the High Density Residential (HDR) land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), and subsequently amended the name of the zone to RMF-24. Consistent with the recent update to the City of Atascadero General Plan and Zoning Ordinance, the proposed multiple family portion of the South-East Project Site is zoned RMF-24. Assumed development potential at this increased density was assessed as part of the 2020 traffic analysis update and therefore, the site can be developed under the full density of the RMF-24 zoning district.

## OVERVIEW

- **Subdivision via Vesting Tentative Parcel Maps.** Approved Vesting Tentative Parcel Maps which reconfigure the: (1) South-East Project site consisting of 11 parcels into four separate parcels for a major tenant site, two Commercial Outparcels, and one Multiple Family Outparcel; and (2) North End Project site consisting of 7 parcels into eight commercial retail parcels and one remainder parcel for future residential development as allowed by Section 66426(c) of the Subdivision Map Act.
- **Tree Removal Permits and Protection Plans.** Approvals to remove approximately 86 native trees on the South-East Project site and approximately 46 native trees on the North End Project sites to accommodate the proposed development scheme.

Development of the South-East Project and the North End Project consistent with the development approvals described in this Section 1.5 shall be processed in accordance with Section 6.7: Application Processing, of this Specific Plan. The development approvals are contained in the Master Plan of Development(s).

### 1.6 RELATIONSHIP TO THE GENERAL PLAN & ZONING ORDINANCE

The City of Atascadero adopted its General Plan on June 25, 2002. The Del Rio Road Commercial Area Specific Plan is consistent with and implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. Appendix B, the Project Consistency Analysis, demonstrates how the Del Rio Road Commercial Area Specific Plan is consistent with the General Plan. Accordingly, all projects that are found to be consistent with this Specific Plan are deemed consistent with the General Plan.

The Del Rio Road Commercial Area Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that have been customized to achieve the specific vision for the project area. The City's zoning standards are utilized for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Projects shall be evaluated for consistency with the intent of Specific Plan policies and for conformance with development standards and design guidelines. Development regulations and requirements contained in this document shall supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

### 1.7 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The Specific Plan Environmental Impact Report ("Specific Plan EIR") for the Del Rio Road Commercial Area Specific Plan, certified by the City of Atascadero and prepared in accordance with the California Environmental Quality Act ("CEQA") and City of Atascadero requirements

## OVERVIEW

provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Specific Plan EIR includes recommended mitigation measures for the development projects and addresses project alternatives.

A primary function of the Del Rio Road Commercial Area Specific Plan and corresponding Specific Plan EIR is to reduce the need for future detailed planning and environmental review. Accordingly, the potential environmental impacts associated with the development of the Major Tenant and two Commercial Outparcels at the South-East site, and North End site uses have been fully analyzed at the project level in the Specific Plan EIR in accordance with CEQA, and therefore, require no further environmental review. (*See California Public Resources Code, Sections 21166, 21083.3; California Code of Regulations, Sections 15162, 15183.*) No specific development plans have been proposed for the Multiple Family Outparcel or the Single Family Outparcel; thus, the potential environmental impacts associated with their development of those parcels have been programmatically analyzed in the Specific Plan EIR in accordance with CEQA at their maximum permitted density. At the time a specific development project is proposed for either of the residential uses, the City shall make a determination as to whether the project would create new environmental impacts or require additional mitigation measures previously not analyzed or required in the Specific Plan EIR. If the City finds that no new environmental impacts would occur or no new mitigation measures would be required, pursuant to CEQA Guidelines Section 15162, then the City shall approve the residential development project as being within the scope of the project covered by the program level analysis in the Specific Plan EIR, and shall require no further environmental review. (California Code of Regulations, Section 15168(c)(2)) If the City determines, however, that the project may result in new environmental impacts or require new mitigation measures, additional environmental review may be required.

## SETTING & EXISTING CONDITIONS

### II SETTING & EXISTING CONDITIONS

2.1	Existing Land Use Conditions	II-1
2.1.1	Existing Land Use & Zoning Designations	II-1
	A. South-East Project Site	II-1
	B. North End Project Site	II-3
2.1.2	Surrounding Land Uses & Zoning Designations	II-3
2.2	Existing Circulation	II-4
2.2.1	Regional Circulation	II-4
2.2.2	Local Circulation	II-4
	A. El Camino Real	II-4
	B. Del Rio Road East of El Camino Real	II-5
	C. Del Rio Road West of El Camino Real	II-5
2.2.3	Public Transportation	II-5
2.3	Existing Physical Conditions	II-6
2.4	Existing Utilities	II-7

**SETTING & EXISTING CONDITIONS**

**SETTING & EXISTING CONDITIONS**

The setting and existing conditions presented describe the Specific Plan area prior to the issuance of the development approvals described in Section 1.5 of this Specific Plan. The setting and existing conditions include information related to the Specific Plan location, existing and surrounding land uses and zoning designations, circulation, physical conditions, and utilities. This information provides context for the development concept discussed in Chapter 3: Land Use Concept.

**2.1 EXISTING LAND USE CONDITIONS**

The Del Rio Road Commercial Area Specific Plan area has historically consisted of low-density, sparsely populated residential uses. The majority of the current Specific Plan area can be characterized as unimproved and vacant. Vegetation at the site generally consists of scattered oak and sycamore trees, as well as non-native ornamental trees and shrubs.

At the time the Specific Plan was drafted, the South-East Project site contained the remnants of six previously demolished, dilapidated, and abandoned wood frame homes and related out-buildings. The site also contained a single Colony home which must be demolished or relocated. The effects of the development on this Colony home are fully disclosed and analyzed as part of the Specific Plan EIR prepared pursuant to CEQA.

At the time the Specific Plan was drafted the North End Project site contained one single family residential dwelling, and three out-buildings. The site also contained a single Colony home which must be demolished or relocated. The effects of the development on this Colony home are fully disclosed and analyzed as part of the Specific Plan EIR prepared pursuant to CEQA.

**2.1.1 EXISTING LAND USE & ZONING DESIGNATIONS**

The General Plan Land Use designations and zoning for the parcels contained within the Specific Plan area are illustrated in Figure 2-1: Specific Plan Existing Land Use & Zoning Designations.

**A. SOUTH-EAST PROJECT SITE**

The South-East Project site consists of eleven parcels with split land use and zoning designations:

**TABLE 2-1: SOUTH-EAST PROJECT SITE LAND USE & ZONING DESIGNATIONS**

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
High Density Residential (HDR)	Residential Multiple Family (RMF-20)
Medium Density Residential (MDR)	Residential Multiple Family (RMF-10)
Suburban Estates (SE)	Residential Suburban (RS)



**SETTING & EXISTING CONDITIONS**

The commercially designated/zoned parcels (totaling roughly 10 acres) are generally located on the western and northwestern portions of the site, fronting El Camino Real and a portion of Del Rio Road. The residentially designated/zoned parcels are generally located on the eastern and southeastern portions of the property, adjacent to and downhill from existing single-family homes across Rio Rita Road.

**B. NORTH END PROJECT SITE**

The North End Project site east of El Camino Real consists of seven parcels with split land use and zoning designations:

**TABLE 2-2: NORTH END PROJECT SITE LAND USE & ZONING DESIGNATIONS**

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
Commercial Park (CPK)	Commercial Park (CPK)
Single Family Residential (SFR-X)	Residential Single Family (RSF-X)

The commercially designated/zoned parcels (totaling roughly 8.5 acres) are generally located on the western portions of the site, fronting El Camino Real. The North End Project Site west of El Camino Real consists of one (1) parcel that is designated/zoned Commercial Park (CPK). The residentially designated/zoned parcels are generally located on the eastern portions of the property, mainly abutting existing single-family homes along Del Rio Road, Obispo Street and Marisol Way.

**2.1.2 SURROUNDING LAND USES & ZONING DESIGNATIONS**

The surrounding land uses include vacant/undeveloped land, single-family residential uses, and commercial uses. The land use and zoning designations surrounding the combined projects are also illustrated in Figure 2-1 and described more particularly below.

North of the North End Project site on the east side of El Camino Real are existing single-family residential uses. North of the North End Project site on the west side of El Camino Real are Commercial Park (Self Storage) uses.

South of the South-East Project site are single-family residential uses.

East of the Specific Plan area are Rio Rita Road, Obispo Road and Mirasol Way. Existing single-family residential dwellings are present in this area.

West of the Specific Plan area, across El Camino Real, are commercial properties, including the Mission Oaks Shopping Center and a Shell gas station.

**SETTING & EXISTING CONDITIONS**

**TABLE 2-3: SURROUNDING LAND USE & ZONING DESIGNATIONS**

	LAND USE	ZONING
<b>NORTH</b>	General Commercial (GC)	Commercial Retail (CR)
	Single Family Residential (SFR-X)	Residential Single Family (RSF-X)
<b>SOUTH</b>	High Density Residential (HDR)	Residential Multiple Family (RMF-20)
	Residential Suburban (RS)	Suburban Estate (SE)
<b>EAST</b>	Single Family Residential (SFR-X)	Residential Single Family (RSF-X)
	Residential Suburban (SE)	Suburban Estate (SE)
<b>WEST</b>	General Commercial (GC)	Commercial Tourist (CT)
	Commercial Park (CPK)	Commercial Park (CPK)

**2.2 EXISTING CIRCULATION**

**2.2.1 REGIONAL CIRCULATION**

Regional access to the Del Rio Road Commercial Area Specific Plan site is provided by U.S. Highway 101 and the Del Rio Road interchange. The interchange includes a grade separated overcrossing with signal controlled on- and off-ramps for both north and south bound traffic. Highway 101 provides north/south access to the Specific Plan area from surrounding communities and area. Additionally, the Specific Plan area is within three miles from California State Highway 41. Highway 41 provides east/west access from the outlying areas of the City of Atascadero from the City of Morro Bay to the area beyond the Town of Creston.

**2.2.2 LOCAL CIRCULATION**

Local access to the Del Rio Road Commercial Area Specific Plan is provided by El Camino Real and Del Rio Road. El Camino Real is a major arterial street that runs parallel with U.S. Highway 101 and provides north/south access to the Specific Plan site. El Camino Real is designated to be a four lane arterial, but is improved to two lanes within the Specific Plan area. Del Rio Road is both a minor arterial and collector street within the Specific Plan area and runs east/west providing access from the west side of Highway 101 and from eastern parts of Atascadero. The intersection of El Camino Real and Del Rio Road is signalized.

The following information describes the existing local streets abutting the Specific Plan area:

**A. EL CAMINO REAL:**

1) The South-East Project site:

- One Northbound (“NB”) lane at the south end of the Specific Plan area, which transitions to two NB lanes and then to one NB through lane, one dedicated left turn lane onto Westbound (“WB”) Del Rio Road, and one dedicated right turn lane onto Eastbound (“EB”) Del Rio Road at the signalized Del Rio intersection. Striped bike lane and unpaved shoulder.

## SETTING & EXISTING CONDITIONS

- Two Southbound (“SB”) lanes at the Del Rio intersection, which transition into one SB lane near the south end of the Specific Plan area. Curb, gutter and sidewalk, and bike lane.
  - Posted speed limit of 45 mph, raised medians, lane transition striping.
- 2) The North End Project site:
- One NB lane and one SB lane across the site frontage, with striped bike lane on the east side.
  - At the Del Rio intersection, the SB roadway transitions into a through/right turn lane and a dedicated left turn lane onto EB Del Rio.
  - Posted speed limit of 45 mph, separated by a double yellow line, lane transition striping, a paved and striped shoulder, no curb, gutter, or sidewalk.
- B. DEL RIO ROAD, EAST OF EL CAMINO REAL:
- 1) One traffic lane each, EB and WB.
  - 2) Painted double yellow line through the Specific Plan area. No curb, gutter, or sidewalk, or delineated bike lanes.
  - 3) Posted speed limit of 40 mph.
- C. DEL RIO ROAD, WEST OF EL CAMINO REAL:
- 1) One WB lane, one EB right turn lane, one EB through-left turn lane.
  - 2) Raised center median; curb, gutter and sidewalk on south side of road only.
  - 3) No Posted speed limit.

### 2.2.3 PUBLIC TRANSPORTATION

Public transportation in the Atascadero area is generally available through San Luis Obispo Regional Transit Authority (“SLORTA”), Atascadero Transit, and Dial-a-Ride/Ride-On.

The SLORTA provides fixed route service throughout San Luis Obispo County from San Miguel to Santa Maria. SLORTA’s Route 9 provides hourly, local and express service, plus limited Saturday and Sunday local service. Route 9 travels Highway 101, between San Luis Obispo, Cal Poly, Santa Margarita, Atascadero, Templeton, Paso Robles and San Miguel seven days a week with less frequency on Saturdays and Sundays. There are 19 southbound bus stops and 20 northbound stops located along El Camino Real (ECR) within the Atascadero city limits. Northbound bound stops near the project area include ECR at Del Rio (Mission Oaks Plaza), ECR at Atalaya and ECR at Santa Cruz. Southbound stops include ECR at Atalaya and ECR at Del Rio (Mission Oaks Plaza).

Atascadero Transit operates Dial A Ride, a demand response public transit system serving seniors and the general public, including disabled and mobility-impaired individuals. Atascadero Dial A Ride provides local service throughout the city limits of Atascadero and extends to the Las Tablas medical corridor in Templeton to accommodate the needs of residents. All Atascadero Transit vehicles are wheelchair accessible and have bicycle racks to accommodate two bicycles. Dial A Ride serves as a connector for residents in need of transportation to reach the RTA fixed route bus stops on El Camino Real which provide accessible transportation throughout San Luis Obispo and Northern Santa Barbara counties.

## SETTING & EXISTING CONDITIONS

Demand response door-to door transit service is available through Atascadero Transit. Additionally, Dial-a-Ride/Ride-On is available for those that are unable to independently use fixed route transit because of physical or mental disability.

### EXISTING PHYSICAL CONDITIONS

#### TOPOGRAPHY

The Del Rio Road Commercial Area Specific Plan site is characterized by low rolling hills and flats on and immediately surrounding the site. The North End Project site is generally flat with slopes of less than 5%. The South-East Project site has moderate slopes ranging from 5% to 12%. Elevations range from approximately 970 feet above mean sea level at the southeast corner to about 860 feet at the northwest corner, with the terrain slightly sloping in a northwesterly direction. No USGS identified blue line water ways are located within or adjacent to the project boundaries.

#### SOIL

The USDA soil survey indicates the dominant soils present in the site vicinity are the Arnold loamy sand, 9 to 30 % slopes and Oceano loamy sand, 2 to 9 % slopes. The Arnold soils are found on hills and formed in weathered sandstone. The Oceano soils are found on dunes and formed in sandy eolian deposits.

#### HYDROLOGY & DRAINAGE

The Specific Plan area rolls toward the north and west at slopes ranging from five to ten percent. The soils are mostly clayey sand with soft rock located two to four feet below the surface. The ground cover condition is fair.

#### *Hydrology & Drainage of the South-East Project site*

The site can be divided into three watersheds that all drain to either El Camino Real or to Del Rio Road. The runoff from one small watershed flows east, bounded by Del Rio Road and Rio Rita Road. The runoff from the other small watershed flows south along El Camino Real. The majority of the runoff, which is generated by the large watershed, flows to a storm drain located at the intersection of El Camino Real and Del Rio Road. From there the runoff flows into Caltrans drainage structures under Highway 101 and eventually into Graves Creek, a blue line creek and direct tributary to the Salinas River.

#### *Hydrology & Drainage of the North End Project site*

The east portion of the existing site's predominate surface flow is to the northwest corner of the site to an existing double 4-foot wide box culvert that crosses El Camino Real and discharges onto the western portion of the site. An existing drainage ditch cuts through the southeast corner of the western portion of the site and then proceeds offsite in a southwesterly direction to a culvert that crosses U.S. Highway 101. Predominate surface flow on the western portion of the site is in a southern direction towards that drainage ditch.

#### BIOLOGICAL RESOURCES

The Del Rio Road Commercial Area Specific Plan site contains two habitat types: non-native annual grassland and ornamental-developed land. Approximately 166 native trees are present within the Specific Plan area, including: Coast Live Oaks, Valley Oaks, Black Walnuts, and California Sycamores. These trees are subject to the City of Atascadero's Native Tree Ordinance. In addition, the site has the potential to support special-status plant and wildlife

## SETTING & EXISTING CONDITIONS

species. However, no special status plant species were observed within the project site during floristic surveys, and none are expected to be impacted by the proposed project. Further, no special-status wildlife species or sign of such species were observed within the Specific Plan area during reconnaissance surveys.

### EXISTING UTILITIES

A general description of the existing utilities for the South-East Project and North End Project sites is provided below. The proposed distribution, location, extent and intensity of major components of public transportation, sewage, water, drainage solid waste disposal, energy and other essential facilities proposed to be located within the Specific Plan area are described in Sections 3.3 through 3.6 of the Specific Plan.

#### WATER

The Atascadero Mutual Water Company provides potable water service to the Specific Plan area. Water is provided by existing underground water mains in El Camino Real and Del Rio Road.

#### SANITARY SEWER

The Specific Plan area, like the rest of Atascadero, is provided sanitary sewer service by the City of Atascadero. Existing underground sewer mains in El Camino Real or Del Rio Road will convey project effluent to the City's existing treatment plant located on Gabarda Road.

#### ELECTRICITY

The Specific Plan area is served with electricity service provided by Pacific Gas and Electric Company via existing transmission and distribution lines.

#### GAS

The Specific Plan area is served with gas service provided by the Gas Company via existing underground pipelines.

#### COMMUNICATIONS

The Specific Plan area is provided landline telephone services by AT&T and cable television services by Charter Cable, both via existing facilities.

#### SOLID WASTE DISPOSAL

The Specific Plan area is provided solid waste service by Atascadero Waste Alternatives, Inc. Solid waste is disposed of at the Chicago Grade Landfill.

**LAND USE PLAN**

**III LAND USE PLAN**

3.1	Land Uses	III-1
3.1.1	General Commercial (GC)	III-1
3.1.2	High Density Residential (HDR)	III-1
3.1.3	Single Family Residential (SFR-X)	III-2
3.2	Land Use Policies	III-2
3.2.1	South-East Project Site	III-4
3.2.2	North End Project Site	III-5
3.3	Circulation Policies	III-6
3.3.1	Vehicle & Truck Access Policies	III-6
3.3.2	Non-Vehicular & Public Transportation Access Policies	III-7
3.4	Public Facilities Policies	III-13
3.4.1	Water Policies	III-13
3.4.2	Wastewater & Sewer Policies	III-13
3.4.3	Storm Drainage Policies	III-14
	A. South-East Project Site	III-14
	B. North End Project Site	III-14
3.4.4	Electricity Policies	III-15
3.4.5	Natural Gas Policies	III-15
3.4.6	Communications Policies	III-15
3.5	Grading Policies	III-16
3.6	Community Facilities Policies	III-16

## **LAND USE PLAN**

The Specific Plan serves as the overlay zoning for the Del Rio Road Commercial Area Specific Plan area. The Land Use Plan provides the overall framework for development within the Specific Plan. Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan shows the location and arrangement of the land use designations. A general description of the uses proposed within the Specific Plan is provided below.

### **3.1 LAND USE DESIGNATIONS**

Land uses within the Del Rio Road Commercial Area Specific Plan are summarized below and include General Commercial, Multi-family Residential, and Single-Family Residential as shown in Figure 3-1: Del Rio Road Commercial Area Specific Plan Land Use Plan.

#### **3.1.1 GENERAL COMMERCIAL (GC)**

The General Commercial (GC) land use category provides Commercial Retail (CR) development opportunities for a wide range of commercial and business uses to accommodate retail, employment, and service needs of the City and surrounding areas. Approximately 32 acres of General Commercial uses have been included in the Specific Plan. These uses are generally located along Del Rio Road and El Camino Real. Foreseeable commercial uses within the commercial area will primarily consist of office, retail, and service oriented uses including, but not limited to, general merchandise stores, wholesaling and distribution, low-intensity manufacturing, restaurants, lodging and business support uses.

#### **3.1.2 HIGH DENSITY RESIDENTIAL (HDR)**

The High Density Residential (HDR) land use category provides for Residential Multiple Family (RMF-24) development characterized by apartment, condominium, and townhouse development within the City's urban service line, with a minimum density of 20 units per acre. After the City of Atascadero deemed complete the project applications for the development approvals, including an application for Vesting Tentative Parcel Map AT09-0073, and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the HDR land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), then subsequently amended the density and name of the designation to RMF-24 with a maximum based density of 24 units per acre. Consistent with the recent update to the City of Atascadero General Plan and Zoning Ordinance, the proposed multiple family portion of the South-East site is zoned RMF-24. Approximately 2.8 acres of High Density Residential uses have been included in the Specific Plan. Accordingly, a maximum of up to 67 dwelling units would be permitted in this area. This use is located on the southeastern portion of the project site, mainly abutting existing single-family homes along Rio Rita Street and the proposed public road.

#### **3.1.3 SINGLE FAMILY RESIDENTIAL (SFR-X)**

The Single Family Residential (SFR-X) land use category provides for Residential Single Family (RSF-X) development within the City's urban services line with a maximum base density of 2 units per acre. However, the Single Family Outparcel also falls within the existing Planned Development Overlay 17, which permits density greater than the limits specified in the RSF-X zone. Specifically, Planned Development Overlay 17 allows residential uses in the RSF-X zone up to a maximum of 4 units per acre. Approximately 1.7 acres of single-family residential uses have been included in the Specific Plan area. Accordingly, a maximum of up to 6 dwelling units

**LAND USE PLAN**

would be permitted in this area. This use is located on the northeastern portion of the property, mainly abutting existing single-family homes and taking access from Marisol Way.

**3.2 LAND USE POLICIES**

The Del Rio Road Commercial Area Specific Plan sites are intended to function as two commercial centers providing community oriented uses with a focus on employment, service, retail, and office opportunities. The combined projects consist of commercial and residential uses on approximately 39 acres of land. The Specific Plan area contains thirteen lots, with the majority of the area intended for the development of the commercial uses and their respective parking, as described in Table 3-1: Specific Plan Land Use Summary. The Specific Plan land uses will be developed substantially consistent with Table 3-1 and Figure 3-1. However, developers shall have no obligation to develop the project or develop the full floor area/density presented in Table 3-1. It is also important to note that assumed floor area estimates were used to determine traffic impacts from the project. Floor area may be increased if it can be shown that the total number of trips (total daily and peak hour) do not exceed the thresholds established in the most recent comprehensive traffic analysis.

**TABLE 3-1: SPECIFIC PLAN LAND USE SUMMARY**

	LAND AREA	FLOOR AREA / DENSITY
<b>SOUTH-EAST PROJECT SITE</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
MAJOR TENANT PARCEL	19 ac.	129,560* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
MULTIPLE FAMILY OUTPARCEL	2.8 ac.	67 d.u.
DEDICATIONS	2.2 ac.	--
<b>SUBTOTAL SOUTH-EAST PROJECT SITE</b>	26 ac. (gross)	139,560* sq. ft. (44 d.u.)
<b>NORTH END PROJECT SITE</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
COMMERCIAL PARCELS (NORTH END PROJECT SITE – EAST)	9.3 ac.	193,000* sq. ft.
HOTEL (NORTH END PROJECT SITE – WEST)	1.7 ac.	73,833* sq. ft. / 120 rooms
SINGLE FAMILY OUTPARCEL	1.7 ac.	6 d.u.
DEDICATIONS	0.3 ac.	--
<b>SUBTOTAL NORTH END PROJECT SITE</b>	13 ac. (gross)	266,833* sq. ft. (6 d.u.)
<b>SPECIFIC PLAN</b>		
<b>TOTAL</b>	39 ac. (gross)	406,393* sq. ft. (50 d.u.)

\* Assumed square-footage based on trip generation. Building floor area may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.

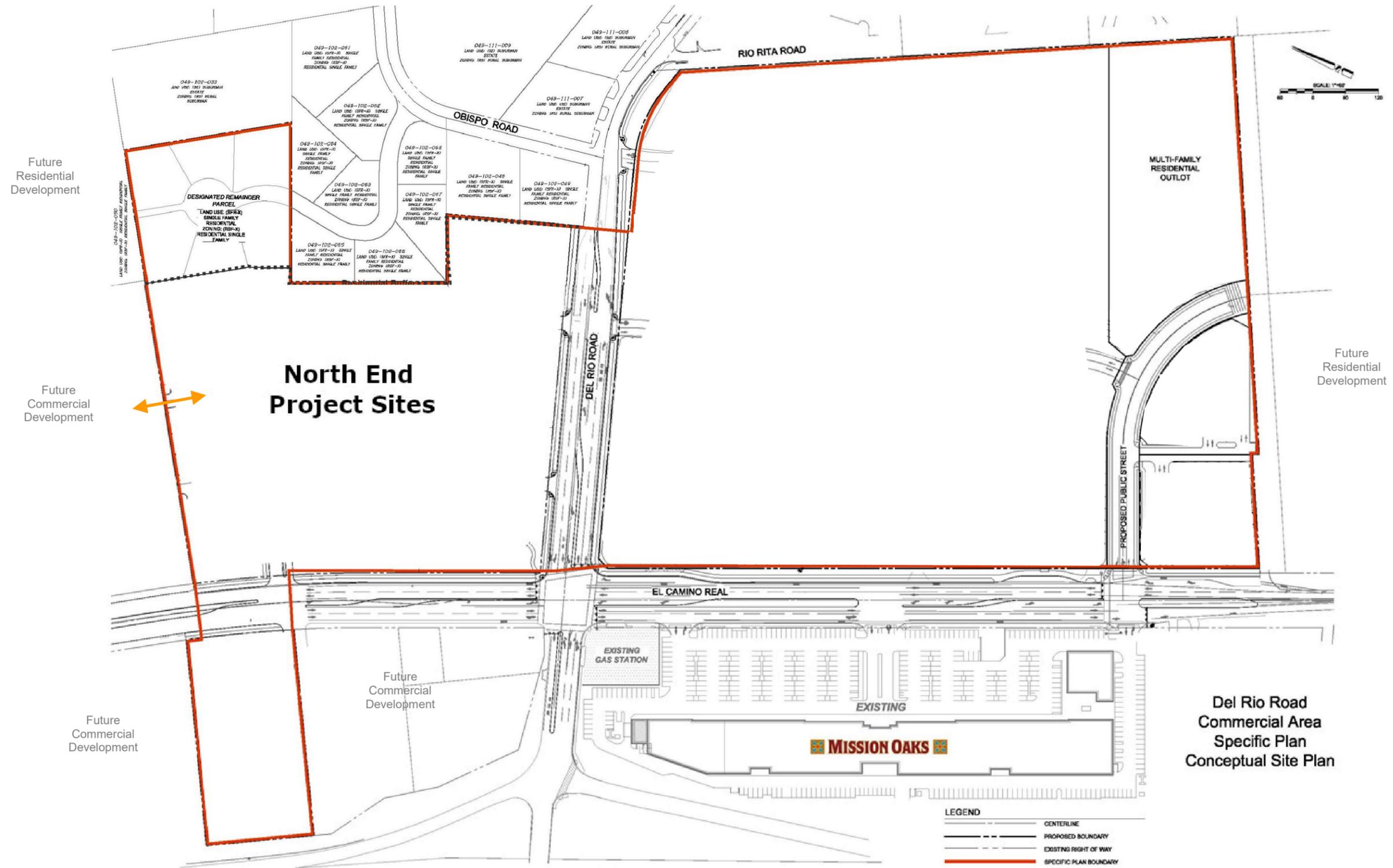


Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan

**3.2.1 SOUTH-EAST PROJECT SITE LAND USE POLICIES**

The South-East Project site consists of four parcels divided into the following land use and zoning designations:

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
High Density Residential (HDR)	Residential Multiple Family (RMF-24)

The commercially designated/zoned parcels are located toward the west of the site, fronting El Camino Real and Del Rio Road. The residentially designated/zoned parcel is located on the southeastern portion of the project site, mainly abutting existing single family homes along Rio Rita Street and the proposed public road.

The following South-East Project site land use policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The Major Tenant parcel could accommodate a wide variety of retail, office, light industrial or other uses as allowed by the General Plan.
- 2) Uses shall be consistent with the underlying CR zoning district and as modified in Section 4.1.1 of this Specific Plan.
- 3) The South-East Project site has two 1-acre Commercial Outparcels that may each consist of a building up to 5,000 square feet (see #5) in size.
- 4) Assumed floor area based on trip generation. Square-footages may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.
- 5) The South-East Project site has one 2.8 acre Multiple Family Outparcel (RMF-20) designated for development at a later date.

**3.2.2 NORTH END PROJECT SITE LAND USE POLICIES**

The North End Project site consists of eight parcels and one designated remainder parcel divided into the following land use and zoning designations:

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
Single Family Residential (SFR-X)	Residential Single Family (RSF-X)

The following North End Project land use policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Non-residential uses will be developed consistent with the underlying CR zoning district and as modified in Section 4.1.1 of this Specific Plan.
- 2) Assumed floor area based on trip generation. Square-footages may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.
- 3) The North End Project site designated approximately 1.7 acres of land as single family residential. This area will be designated as a Planned Development Overlay 17 as part

of the Specific Plan which allows residential uses in the RSF-X zone up to a maximum of 4 units per gross acre.

### **3.3 CIRCULATION POLICIES**

The transportation and circulation system for the Del Rio Road Commercial Area Specific Plan is designed to utilize the existing roadway system with the addition of one local street (proposed public road) and commercial drives as needed to serve individual development areas. The system also includes policies to require paths for non-vehicular circulation to connect various subareas to each other and to the City of Atascadero in general. The proposed circulation network and policies are designed to efficiently move vehicular traffic through and around the Specific Plan area and to allow pedestrians a safe path from public and private areas to and from the entrances. The circulation plan promotes transit use, bicycling and walking as convenient modes of transportation for commuting and shopping. The circulation plan enhances connectivity with adjacent areas, where feasible to reduce traffic impacts on major streets.

#### **3.3.1 VEHICLE & TRUCK ACCESS POLICIES**

Vehicular access to the Specific Plan area is provided by Del Rio Road, El Camino Real, and the proposed public road. Conceptual vehicular access points to the site are shown in Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan. Restrictions on turning movements are assumed based on preliminary traffic analysis and assumed driveway locations and may be modified with subsequent traffic analyses to the satisfaction of the City Engineer.

Primary access to the South-East Project site is envisioned by one driveway on Del Rio Road and one driveway from the proposed public road near the south of the site that connects to El Camino Real. Additionally, a secondary entrance is provided by one drive way on Del Rio Road. The secondary entrance is envisioned to be designed to gain access to the loading areas at the rear of the proposed major tenant site. The secondary driveway access on Del Rio Road is designed to align with Obispo Road. An optional access point at El Camino Real, aligned with the existing Mission Oaks main entrance may be approved by the City Engineer should less intensive traffic generating uses be developed on-site and it can be shown that there are no queuing impacts for a dedicated turn pocket on El Camino Real into the South-East project site. Access to the two outparcels and the multi-family site shall be from the proposed public road.

Primary access to the North End Project site is envisioned to be off of El Camino Real with secondary access off of Del Rio Rd.

Driveway restrictions will be analyzed with all Master plan of Development and Construction submittals to ensure safe turning movements and driveway placement in relation to traffic improvements and adjacent commercial developments.

Except as otherwise modified by mitigation measures required in the Specific Plan EIR and/or project conditions of approval, the following vehicle and truck access policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Street improvements on Del Rio Road and El Camino Real as generally described below, and as included as mitigation measures in the certified Specific Plan Final

- Environmental Impact Report, will be constructed and financed by developments within the Specific Plan boundary, facilitating access to the subject sites, and acting to maintain efficient and safe vehicular travel along adjacent roadways.
- 2) El Camino Real and Del Rio Road will be improved in accordance with the adopted plan improvements or to the satisfaction of the City Engineer. The Master Plan of Development for each project site will include conditions of approval that implement the timing and details of all traffic improvements.
  - 3) In addition to required frontage improvements, Del Rio Road shall be widened to accommodate a right turn lane onto US101 northbound. Signal modifications and timing shall be completed in to ensure safe and efficient traffic flow. Developments shall pay their fair share towards these improvements based on traffic impacts.
  - 4) The existing traffic signal at El Camino Real and Del Rio Road will be modified to accommodate the proposed roadway improvements.
  - 5) Del Rio Road, east of Obispo Road, will be improved to provide one-half (20') of a standard Collector Road section on the project side of the centerline. This widened section will transition to match the existing pavement width east of the Rio Rita Road. The intersection at Rio Rita Road will be reconstructed to conform to the increased width of Del Rio Road. Rio Rita Road will be improved to provide a smooth transition to Del Rio Road and maintain continuity of drainage.
  - 6) A decorative concrete three rail fence will be constructed on the South-East project site's east property line.
  - 7) The applicant will offer to the City of Atascadero a ten-foot grant of right of way along its easterly property line for public road purposes. The abutting property owners shall have the right to grade within the right of way.
  - 8) A public road will be constructed in the southern portion of the South-East Project site, which will intersect El Camino Real opposite the southerly entrance to the Mission Oaks Center. This intersection will be signalized, and the road will be designed to the City's current collector standard as a two lane road. The Major Tenant, Commercial Outparcels, and the Multiple Family Outparcel may take access off this road. The road will be designed to connect to the properties to the south of the project site. This road will be dedicated to the City of Atascadero and accepted for maintenance purposes.
  - 9) Driveway access points will be designed to align with existing and proposed driveways across the major streets as well as existing or planned public roads, to the greatest extent possible. Restrictions on turning movements may be amended by conditions of approval for individual Master Plans of Development for each project site. Access may be restricted beyond what is stated in the Specific Plan should the City Engineer deem it necessary for vehicular, pedestrian, or bike safety, or should it be deemed necessary for the function of street intersections, the 101 interchange, or on-site circulation flow.

To the extent the Vehicle & Truck Access Policies are inconsistent with the mitigation measures required in the Specific Plan EIR and/or conditions of approval required by the City, the mitigation measures and/or conditions of approval shall apply. The proposed physical configurations of the right-of-ways will allow for safe and efficient travel to and from the site.

### **3.3.2 NON-VEHICULAR & PUBLIC TRANSPORTATION ACCESS POLICIES**

The Specific Plan encourages non-motorized travel by creating travel routes that ensure destinations may be reached conveniently by public transportation, bicycling or walking.

Individual project sites should be designed to allow pedestrians a safe path from public and private areas to and from the commercial retail and restaurant entrances.

The Specific Plan incorporates the following non-vehicular improvements and/or features, thereby facilitating access to the South-East Project and North End Project sites and acting to maintain efficient and safe vehicular travel along adjacent roadways:

The following non-vehicular and public transportation policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) A turn out shall be provided on El Camino Real in front of the South-East Project site in order to accommodate a bus stop in accordance with City Engineering Standards.
- 2) Project site frontages shall be designed with pedestrian access and ADA accessible pathways via public sidewalks on Del Rio Road, El Camino Real and the new public road. Private walkways and delineated paths to each building within the Specific Plan area are encouraged.
- 3) Project sites shall include ADA accessible elements in compliance with accessibility requirements.
- 4) Public transportation is permitted throughout the Specific Plan area.
- 5) Secure bicycle parking shall be provided near building entrances.
- 6) Bicycle travel accommodations shall be provided in each direction along the South-East Project and North End Project frontage on El Camino Real and Del Rio Road.

LAND USE PLAN

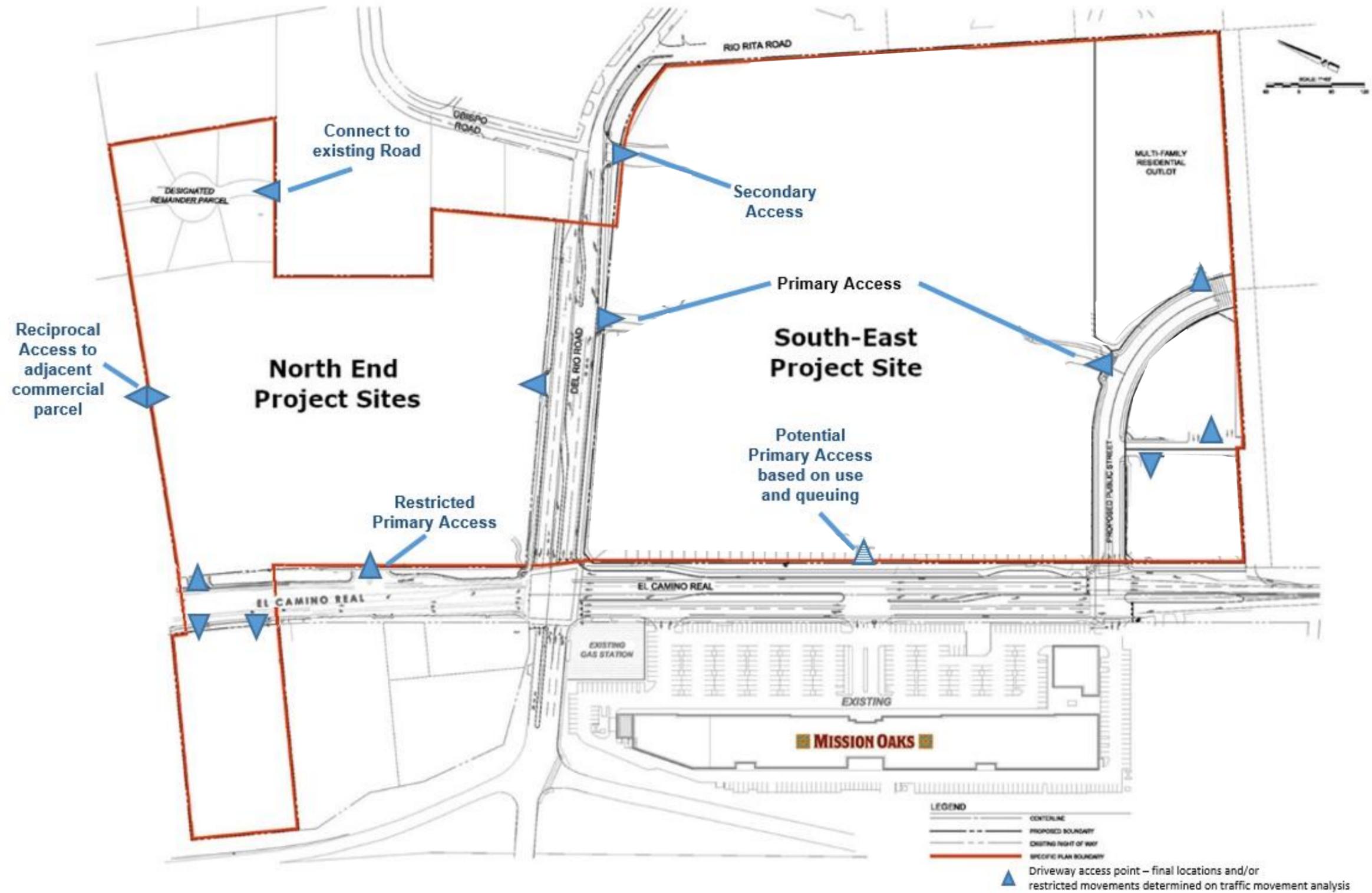


Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan

### **3.4 PUBLIC FACILITIES POLICIES**

The following section describes the backbone infrastructure systems that will be installed and financed by development within the Specific Plan area that is required to serve the development of the Del Rio Road Commercial Area Specific Plan.

The following public facilities policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Water, wastewater, and drainage improvements will be designed to provide adequate levels of service for the maximum level of the planned development.
- 2) All plans and improvements will be consistent with the City of Atascadero's General Plan and City infrastructure requirements.
- 3) The proposed electric, natural gas, and communication utilities shall be connected to utility provider facilities in accordance with applicable standards.
- 4) All wires, conductors, cables, raceways, and conduits for electrical, telecommunications, cable, and similar services that provide direct service to any property shall, within the boundary lines of such property, be installed underground. Associated equipment and appurtenances such as surface mounted transformers, pedestal mounted terminal boxes, meters, and service cabinets may be placed aboveground and shall be screened and located behind the front setback line of said property.

#### **3.4.1 WATER POLICIES**

The Del Rio Road Commercial Area Specific Plan is served with potable water by the Atascadero Mutual Water Company.

The following water policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The South-East Project site will be served by a new water main in the proposed public road which connects to the existing water main in El Camino Real and/or new public street.
- 2) The North End Project will be served by connections to the existing water main in El Camino Real and/or the existing water main in Del Rio Road.
- 3) A new water main shall be constructed in the new public street.
- 4) All water infrastructure design plans and construction will be approved the Atascadero Mutual Water Company prior to development.
- 5) All backflow preventers will be located in landscaped areas outside the public way.

#### **3.4.2 WASTEWATER & SEWER POLICIES**

The project wastewater will be conveyed by existing sanitary sewer main lines to the existing City of Atascadero wastewater treatment plant. The existing sewer main lines convey effluent to the City's existing treatment plant located on Gabarda Road.

The following wastewater and sewer policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The South-East Project will connect to the existing sewer main in El Camino Real and/or a new sewer main in the proposed public road.
- 2) The North End Project will connect to the existing sewer main in El Camino Real and/or the existing sewer main in Del Rio Road.
- 3) A new sewer main shall be constructed in the new public street.

### **3.4.3 STORM DRAINAGE POLICIES**

The Specific Plan area will discharge its stormwater run-off in accordance with the City's Storm Water Management Plan. Stormwater will flow into the City's storm drain collection system and ultimately be discharged into Grave's Creek. The existing drainage within the Specific Plan area is discussed in Section 2.3: Existing Physical Conditions.

The following storm drain policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) During construction, all work shall meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality.
- 2) During construction, Best Management Practices (BMPs) will be implemented for erosion control in accordance with an approved erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP).
- 3) During operations, all activities shall comply with the City of Atascadero's Storm Water Mitigation Plan (SWMP). This includes operational BMPs identified in the SWMP, including waste management and materials control, source control and treatment controls, to limit the conveyance of pollutants offsite.
- 4) The South-East Project and North End Project sites will safely convey storm runoff to public facilities. Historical drainage patterns and flows will be maintained to the extent feasible.

### **3.4.4 ELECTRICITY POLICIES**

Del Rio Road Commercial Area Specific Plan area is served with electricity by Pacific Gas and Electric Company. No new energy producing facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following electricity policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Both the South-East Project and North End Project developments shall include the construction of on-site utility lines and provide easements to meet PG&E requirements.
- 2) All wires, conductors, cables, raceways, and conduits for electrical and similar services that provide direct service to any property shall be installed underground within the boundary lines of such property.
- 3) All utility lines along the project frontages shall be undergrounded consistent with City code requirements.

### **3.4.5 NATURAL GAS POLICIES**

Del Rio Road Commercial Area Specific Plan area is served with gas by The Gas Company. No new facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following natural gas policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Service of gas to the Specific Plan area will be in accordance with The Gas Company policies and PUC regulations.

### **3.4.6 COMMUNICATIONS POLICIES**

Del Rio Road Commercial Area Specific Plan area is provided landline telephone and communication services by AT&T and Spectrum and cable television by Spectrum, satellite, and other local providers. No new facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following communication policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Both the South-East Project and North End Project sites will construct on-site utility lines to meet utility company requirements and PUC regulations.
- 2) All wires, conductors, cables, raceways, and conduits that provide direct service to any property shall be installed underground within the boundary lines of such property.
- 3) All utility lines along the project frontages shall be undergrounded consistent with City code requirements.

### **3.5 GRADING PLAN POLICIES**

The Major Tenant parcel, two Commercial Outparcels, and the North End Project parcels will be cleared, graded, and otherwise prepared for construction. It is anticipated that the South-East project site will require a significant amount of grading to accommodate a level pad. It is anticipated that the North end site will require some imported material to accommodate commercial development. The concept grading plans indicate approximately 50,000 cubic yards of import from the South-East Project Site to the North End Project Site and approximately 205,000 CY of dirt is expected to be exported from the South-East Project site to a suitable receiver site.

The following grading policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) All grading shall comply with the current edition of the International Building Code, and the City of Atascadero Community Development and Public Works Departments standards.
- 2) Development within the Specific Plan area will cooperate to the greatest extent feasible to utilize excess material on each individual development site prior to exporting outside the Del Rio Specific Plan area.
- 3) Any residual debris resulting from site clearing and preparation will be disposed of/recycled in accordance with City requirements.
- 4) The South-East Project and the North End Project do not propose to grade their respective residential outparcels at this time. Future grading for the residential parcels will comply with City requirements, as determined at the time an application for a specific project is submitted to the City.

### **3.6 COMMUNITY FACILITIES POLICIES**

Community services and facilities including fire protection, police protection, U.S. mail, and solid waste disposal are summarized below. A more detailed discussion of facilities and services is presented in the Specific Plan EIR certified for the project.

#### **FIRE PROTECTION**

The City of Atascadero Fire Department provides fire prevention and suppression, hazardous materials mitigation, and disaster planning services. This department serves the Del Rio Road

Commercial Area Specific Plan area. The closest fire station to the site is Station #1 located at 6005 Lewis Avenue. Fire protection needs are analyzed in the Specific Plan EIR.

The following fire protection policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) All fire hydrants shall be approved by the Fire Department.
- 2) The City of Atascadero Fire Department shall review and approve all water improvement plans and Fire Department Connections (FDC's) prior to installation.
- 3) All structures shall include automatic sprinkler systems and alarm systems as required by the latest applicable codes
- 4) All driveways and perimeter drives aisles will be have signage that states "Fire Lanes – No Parking".

#### POLICE PROTECTION

The Del Rio Road Commercial Area Specific Plan is served by the City of Atascadero Police Department ("APD"). APD operates in cooperation with the surrounding law enforcement agencies under the "State Mutual Aid Pact". The department's headquarters is located at 5505 El Camino Real approximately two miles from the site. Police protection needs are analyzed in the Specific Plan EIR.

#### U.S. MAIL

Mail service is provided by the United States Postal Service (USPS). The USPS will be consulted regarding the location of the mail depositories which shall be installed per USPS recommendations.

#### SOLID WASTE & RECYCLING STORAGE

Solid waste is collected by the Atascadero Waste Alternatives, Inc., a private company under contract with the City of Atascadero. Solid Waste Service is provided to the Del Rio Road Commercial Area Specific Plan area by Atascadero Waste Alternatives, Inc. Solid waste will be disposed of at the Chicago Grade Landfill located at 2290 Homestead Road, Templeton, CA 93465.

**DEVELOPMENT STANDARDS**

**IV DEVELOPMENT STANDARDS**

4.1	Commercial Retail (CR) Development Standards	IV-1
4.1.1	Permitted Uses	IV-1
4.1.2	Property Development Standards	IV-2
4.2	Residential Multiple Family (RMF-20) Development Standards	IV-2
4.2.1	Permitted Uses	IV-3
4.2.2	Property Development Standards	IV-3
4.3	Residential Single Family (RSF-X) Development Standards	IV-3
4.3.1	Permitted Uses	IV-3
4.3.2	Property Development Standards	IV-3

## DEVELOPMENT STANDARDS

### DEVELOPMENT STANDARDS

This chapter establishes policies and standards for development of the land uses and buildings within the Del Rio Road Commercial Area Specific Plan area. The Specific Plan creates a specific identity within the plan area through application of the Atascadero Municipal Code and unique development standards. The purpose of these standards is to support, through careful site evaluation and design, the establishment of land uses in a manner that protects the public health, safety, and welfare. To the extent the development standards of the Specific Plan and the Atascadero Municipal Code are in conflict, the development standards of the Specific Plan shall prevail.

#### 4.1 COMMERCIAL RETAIL (CR) DEVELOPMENT STANDARDS

These development standards implement the Commercial Retail (CR) zoning designation. The planning areas zoned CR allow the development of commercial uses, which provide residents and visitors with a variety of retail, office, lodging, restaurant, and personal and tourist serving uses. It is the intent of these regulations to establish a comprehensive set of standards and respond to community needs for general commercial uses.

##### 4.1.1 PERMITTED USES

All uses shall be consistent with the underlying CR (Commercial Retail) zoning district for allowed and conditionally allowed uses, with the following modifications:

- 1) The following uses shall be allowed or allowed as modified:
  - a) Brewery – Production
  - b) Building Materials and Hardware w/ outdoor sales less than 20,000 sf
  - c) Data and Computer Services Center
  - d) Farm Equipment and Supplies with outdoor sales area up to 20,000 square-feet.
  - e) Horticultural Specialties w/ outdoor sales area less than 20,000 sf
  - f) Manufacturing – Low Intensity
  - g) Medical Research
  - h) Research and Development
  - i) Warehousing – (must have an active office and employee component that is at least 25% of floor area)
  
- 2) The following uses shall be conditionally allowed with the following additional finding: The use must make a strategic contribution to and synergy with a viable commercial center; including consideration of revenue generation, compatibility, and phasing:
  - a) Auto Repair Services (indoor only, no outdoor storage of inoperative vehicles)
  - b) Manufacturing and Processing – High Intensity (indoor only)
  - c) Winery – production
  - d) Health Care Services, with the following findings:
    - i) The overall use area within the Specific Plan does not exceed 20%
    - ii) Adequate parking remains for future build-out and development of the Specific Plan area with a variety of uses
  - e) RCFE – Independent Living / Senior Apartments (on the second floor or above only)
  - f) Recreational Vehicle Parks with the following findings:
    - i) The use may only be allowed on the South-East project site

## DEVELOPMENT STANDARDS

- ii) The use must be limited to stays of less than 30-days and be a transient lodging use subject to TOT.
  - iii) The use may occupy a maximum of 20% of the South-East project site
  - iv) The use must be visually screened from El Camino Real and the adjacent residential uses
  - v) RV parks must be an integral part of the master Plan of Development of the site that includes other visitor serving elements.
  - g) Warehousing – (where the active office and employee component is less than 25% of the floor area) - providing a finding of community benefit can be made
- 1) The following uses shall be prohibited:
- a) Adult Day Care Facility
  - b) Adult Oriented Business
  - c) Building Materials and Hardware w/ outdoor sales or storage area 20,000 sf or greater
  - d) Drive-through Sales or Services
  - e) Horticultural Specialties with outdoor storage or sales area of 20,000 sf or greater
  - f) Kennels
  - g) Medical Extended Care Services: 6 residents or less
  - h) Medical Extended Care Services: 7 residents or more
  - i) Parking lots
  - j) RCFE – Assisted Living
  - k) RCFE – Retirement Hotel
  - l) Service Stations
  - m) Small Family Day Care (unless within a permitted residential unit by State Law)
  - n) Sports Assembly

**DEVELOPMENT STANDARDS**

**4.1.2 PROPERTY DEVELOPMENT STANDARDS**

The site development standards for Commercial Retail (CR) zoned parcels within the Del Rio Road Commercial Area Specific Plan are as presented in Table 4-1: Commercial Retail (CR) Development Standards.

**TABLE 4-1: COMMERCIAL RETAIL (CR) DEVELOPMENT STANDARDS**

<b>BUILDING SITE</b>	
Parcel Size:	No minimum parcel size with shared parking and access easements recorded
Lot Width:	No minimum lot width
Lot Depth:	No minimum lot depth
Lot Coverage:	No maximum; subject to required building setbacks, parking, and landscape requirements.
<b>MAXIMUM BUILDING HEIGHT</b>	
Occupied Building Height:	35 feet
Non-Occupied Building Height: (Architectural Features)	45 feet
<b>MINIMUM BUILDING SETBACKS</b>	
Front Yard:	10 feet for street trees. Encroachments permitted with MPD approval
Side Yard:	10 feet for street trees. Encroachments permitted with MPD approval
Rear Yard:	None
Adjacent to Residential zoned Property:	30 Feet
Setback from Right-of-way to parking:	10 Feet
Notes:	<ul style="list-style-type: none"> <li>▪ Building height shall be measured from the finished pad elevation to top of roof, excluding architectural features.</li> <li>▪ Occupied Building means the region normally occupied by people generally consisting of the space between the finished pad and 6 feet above the floor or roof, excluding architectural features.</li> <li>▪ Non-Occupied Building (Architectural Features) means a building feature or space where the floor to ceiling height is 10 feet or less outside the occupied building area that adds to the visual interest of a structure. Non-Occupied Building area may contain ventilation or air conditioning equipment.</li> <li>▪ Setbacks shall be measured from the edge of rights-of-way or property line as applicable.</li> <li>▪ Depressed ramps and stairways may project into required setbacks, yards or spaces between buildings more than 4 feet as approved by the Community Development Director, but may not be located within the Right-of-Way unless approved by the City Engineer.</li> </ul>

**4.2 RESIDENTIAL MULTIFAMILY (RMF-24) DEVELOPMENT STANDARDS**

These development standards implement the Residential Multifamily (RMF-24) zoning designation. The RMF-24 zoning designation allows for the development of high density residential uses at a minimum of 20 units per acre. The Residential Multiple Family Outparcel

## DEVELOPMENT STANDARDS

within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero Municipal Code and standards in effect at the time the application for Vesting Tentative Parcel Map AT09-0073 was deemed complete on November 5, 2010 or any subsequent Vesting Map should that entitlement expire. After the City of Atascadero deemed complete the Specific Plan project applications for the development approvals and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the High Density Residential (HDR) land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), then subsequently amended the density and name of the designation to RMF-24 with a maximum based density of 24 units per acre. Therefore, the proposed multiple family portion of the Major Tenant site shall be limited to a maximum of 24 units per acre, consistent with the maximum density analyzed in the Specific Plan EIR 2020 addendum. The Residential Multiple Family Outparcel will apply for a Conditional Use Permit approval as a subsequent project pursuant to section 6.7 of the Specific Plan, and will be subject to review by the City at that time. Refer to the City of Atascadero Municipal Code for further development standards and design guidelines.

### 4.2.1 PERMITTED USES

Permitted Uses shall comply with Title 9, Chapter 3, Article 3, of the Atascadero Municipal Code.

### 4.2.2 PROPERTY DEVELOPMENT STANDARDS

Property Development Standards shall comply with the following City of Atascadero Municipal Codes: Title 9, Chapter 4.

### 4.3 RESIDENTIAL SINGLE FAMILY (RSF-X) DEVELOPMENT STANDARDS:

These development standards implement the Residential Single Family (RSF-X) zone and Planned Development Overlay Zone No. 17 designations. The RSF-X zoning designation typically allows for the development of single family residential uses not to exceed 2 units per acre. However, the Single Family Outparcel also falls within the Planned Development Overlay 17, which permits density greater than the limits specified in the RSF-X zone. Specifically, Planned Development Overlay 17 allows residential uses in the RSF-X zone up to a maximum of 4 units per acre. Approximately 1.7 acres of single family residential uses have been included in the Specific Plan area. Accordingly, a maximum of up to 6 primary dwelling units would be permitted in this area.

The Single Family Outparcel within the Specific Plan shall be consistent with the City of Atascadero's Municipal Code and Standards and the development standards of Planned Development Overlay No. 17. The Single Family Outparcel will apply for subdivision mapping and permits as a subsequent project pursuant to section 6.7 of the Specific Plan, and will be subject to review by the City at that time. Refer to the City of Atascadero Municipal Code for further development standards and design guidelines.

## DEVELOPMENT STANDARDS

### 4.3.1 PERMITTED USES

Permitted Uses shall comply with Title 9, Chapter 3, Article 3, of the Atascadero Municipal Code.

### 4.3.2 PROPERTY DEVELOPMENT STANDARDS

Property Development Standards shall comply with City of Atascadero Municipal Codes: Title 9, Chapter 4.

**DESIGN GUIDELINES**

**V DESIGN GUIDELINES**

5.1 Commercial Retail (CR) Design Guidelines	V-1
5.1.1 General Design Concepts	V-1
5.1.2 Landscaping	V-10
5.1.3 Parking & Parking Lot	V-15
5.1.4 Lighting	V-15
5.1.5 Signage	V-15
5.1.6 Fencing & Screening	V-16
5.1.7 On-Site Circulation	V-17
5.1.8 Loading	V-17
5.1.9 Outdoor Storage	V-18
5.2 Residential Multiple Family (RMF-24) Design Guidelines	V-18
5.3 Residential Single Family (RSF-X) Design Guidelines	V-18

## DESIGN GUIDELINES

### DESIGN GUIDELINES

The purpose of these design guidelines is to provide a guide for developers, builders, architects, engineers, landscape architects and others involved in the preparation of development proposals to ensure a consistent architectural design theme, use of materials, signage, and level of quality throughout the Specific Plan area. The design guidelines will assist the City of Atascadero staff and decision making authorities with criteria to evaluate future development proposals. To the extent the design guidelines of the Specific Plan and the Atascadero Municipal Code are in conflict, the Specific Plan's design guidelines shall prevail.

#### 5.1 COMMERCIAL RETAIL (CR) DESIGN GUIDELINES

These design guidelines provide for the design and development of Commercial Retail (CR) uses within the Specific Plan area. The design guidelines set forth in this section will ensure that future development within the Specific Plan area is consistent.

Development of the South-East and the North End project sites pursuant to the project approvals described in Section 1.5, including approval of a Master Plan of Development, are deemed to be consistent with the Design Guidelines of the Specific Plan and shall proceed directly to ministerial building permit and construction plan review. Design review for the two Commercial Outparcel uses to ensure consistency with the Design Guidelines of the Specific Plan shall occur during the Plot Plan Review approval process pursuant to Section 6.7 of the Specific Plan.

##### 5.1.1 GENERAL DESIGN

Within the Del Rio Road Commercial Area Specific Plan, site design addresses the nature and function of the uses, buildings, and features. The architectural design guidelines are intended to provide overall direction in the design of structures within the Specific Plan area. Architectural design and details for the South-East Project and North End Project sites should be integrated throughout the Specific Plan area. Design within the Del Rio Road Commercial Area Specific Plan should meld function and form, not one to the exclusion of the other. These guidelines are meant to be flexible over time and correspond with changing conditions in lifestyles, the marketplace and economic conditions.

The following design guidelines are intended to facilitate design integrity between the variety of uses within the Del Rio Road Commercial Area Specific Plan area:

- 1) Placement of buildings should consider the existing context of the commercial area, the location of adjacent land uses, and the location of major traffic generators.
- 2) The architecture (height, scale, style) of each building within the Specific Plan area should be compatible with other structures within the Specific Plan. Building sites should be developed consistent with architectural exhibits in a coordinated manner to provide order and diversity and avoid disorderly development.
- 3) Buildings within the Specific Plan may accommodate retail, office, tourism, and personal services among others. Developers may incorporate "prototype" architectural standards in the design and development of structures if they are consistent with the architectural quality and character of Specific Plan. Buildings may incorporate simple rectangular forms which may be broken up by creating horizontal emphasis through the use of reveals, trellises, landscaping, trim, windows, eaves, cornices, complimentary colors or other architectural and design devices consistent with the architectural exhibits.

## DESIGN GUIDELINES

- 4) Figures 5-1 through 5-4 illustrate the conceptual architectural themes for development within the Specific Plan area.
- 5) Buildings should be carefully articulated; front, side, and rear elevations should provide variation in massing, wall, and roof forms. Use of thematic features and materials are important elements and are encouraged.
- 6) Large smooth, unarticulated surfaces should be avoided. A mixture of smooth and textured blocks for concrete walls is encouraged. Exterior materials requiring high maintenance responsibilities such as stained wood, clapboard, or shingles should be avoided. Large areas of intense white or dark colors should be avoided. Subdued colors should be used as dominant overall colors. Bright colors should only be used for trim and/or specialized uses (store identification, etc.).
- 7) Building materials should be selected and detailed for compatibility throughout the site. Buildings should incorporate a mix of at least two prevalent materials and at least one accent material including block, split faced block, decorative veneer, stucco, architectural metal siding, wood or wood look features, or decorative exposed concrete. These materials should be used in combinations that yield an impression of permanence as well as respect for the surrounding environment and authentic architectural styles. Please refer also to Figures 5-1 through 5-4.
- 8) Complementary design features should be utilized to unify the specific plan area.
- 9) All buildings should incorporate thematic benches, trash receptacles, bollards, and bike racks.
- 10) Prior to submittal for Building Plan Check and the issuance of building permits, full color renderings and color boards representing the exterior colors and materials to be used shall be submitted to the Community Development Department.
- 11) Exterior mechanical equipment shall be screened from public view.
  - a. All roof mounted heating and cooling equipment shall be screened from view by a parapet or other structural feature and designed to match the total structure.
  - b. All ground-mounted utility appurtenances shall be located away from public view or adequately screened. Screening should be of a material complimentary to the structure and/or heavy landscaping and berming.
- 12) Wall mounted items such as roof ladders and electrical panels shall not be located adjacent to public rights-of-way, unless secured to prevent public access. Service areas (areas for loading/unloading, unpacking of goods, etc.) shall be simple and efficient, and shall not interfere visually or physically with other building operations. No utility appurtenances shall be permitted directly within a pedestrian area.

DESIGN GUIDELINES



Figure 5-1: Architectural Design Concept – Main Features

DESIGN GUIDELINES

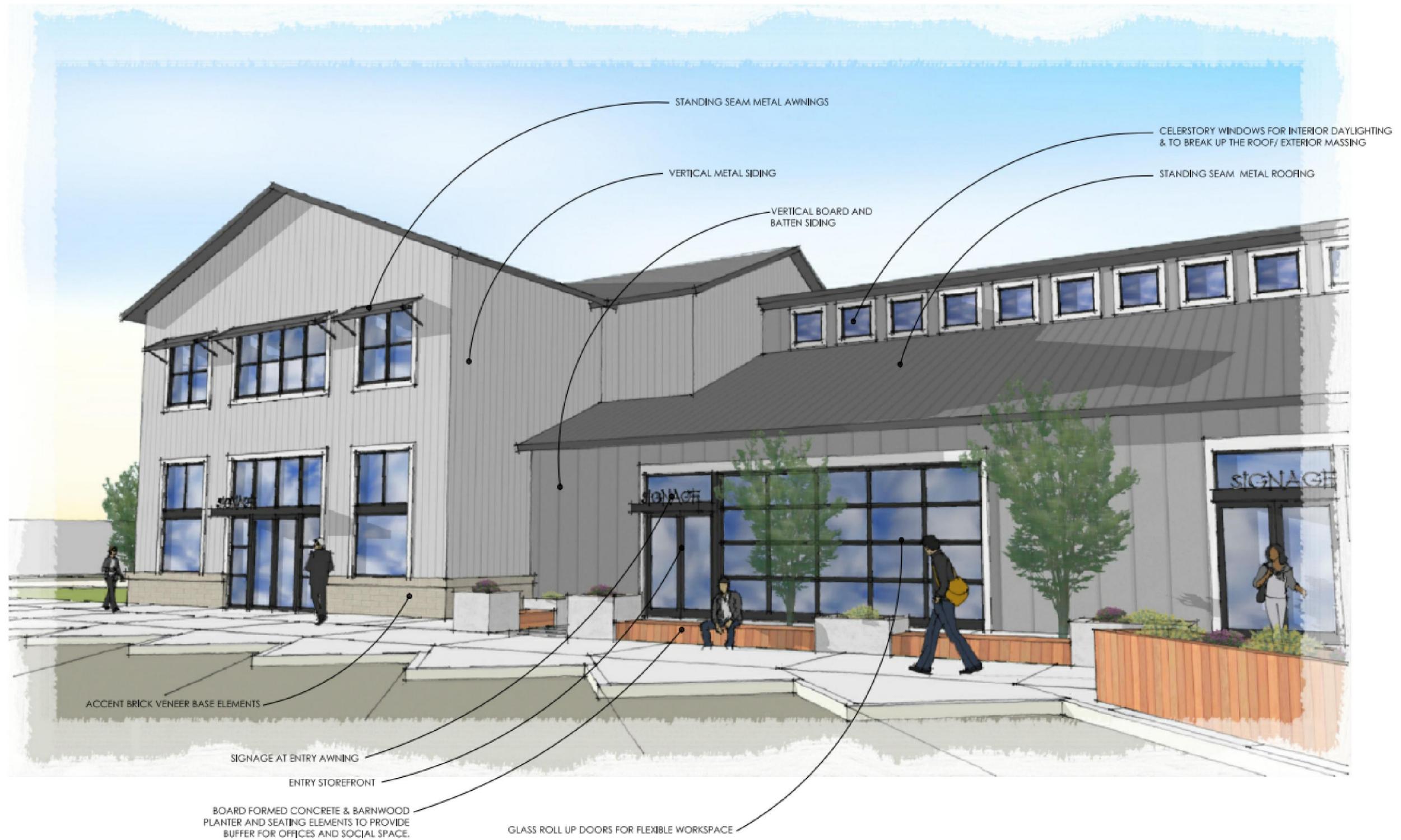


Figure 5-2: Architectural Design Concept – Secondary Features

DESIGN GUIDELINES



Figure 5-3: Architectural Design Concept – Outdoor Space

**DESIGN GUIDELINES**



**Architectural Theme:** *Contemporary Agrarian*

**Design and Material Features:**

- Gable and shed roof elements
- Vertical accents at corners and entry points
- Earth toned colors
- Mix of metal, wood, concrete, and glass
- Large openings and windows
- Geometric form
- Overlapping horizontal and vertical elements
- Layered façade elements

Figure 5-4: Architectural Design Concept – Architectural Theme Elements

## DESIGN GUIDELINES

### 5.1.2 LANDSCAPING

The environment envisioned for the Del Rio Road Commercial Area Specific Plan area will be established, in large part, by its landscape treatment. Landscaping is to be designed to highlight positive visual features and to provide a cool, pleasant outdoor environment. Landscaping is also intended to give structure and identity to the overall project. The Conceptual Landscape Palette for the area within the Specific Plan boundaries is available in Figure 5-5. The following landscaping design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Final Landscaping Plans will be prepared consistent with the all local and State Water Efficient Landscape and Irrigation codes and shall be submitted for approval to the Community Development Director.
- 2) Landscape and irrigation construction plans should substantially conform to the approved Master Plan of Development.
- 3) Permanent automatic irrigation systems (including low flow systems) compliant with the Atascadero Municipal Code should be provided in all landscaped areas.
- 4) Low flow irrigation systems are highly recommended within the Specific Plan area. Sprinkler heads located immediately adjacent to parking areas should be of the "pop-up" variety instead of risers.
- 5) The irrigation system should be designed to avoid overspray onto structures, streets, sidewalks, windows, walls and fences.
- 6) The use of turf areas shall be reduced to a minimum. Turf should only be used when there is a functional purpose.
- 7) Within individual landscaped areas, plants should be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site and in accordance with the Atascadero Municipal Code. Drought-resistant and native plant species are encouraged.
- 8) Landscaping should be maintained in an acceptable manner with dead and destroyed landscape items replaced as soon as practical.
- 9) Planters shall not drain into parking areas so as to accumulate mud or other residue.
- 10) Building setbacks that are not used for drive entries, parking, loading, pedestrian walkways, or approved outdoor uses should be landscaped. All unpaved areas within developed portions of the site should be landscaped according to an approved landscape plan.
- 11) No landscaping is required adjacent to the portions of buildings where loading doors and customer pick-up areas are located.
- 12) The parking lot landscaping should include canopy trees to reduce urban heat island effects and provide a pleasant pedestrian experience throughout the parking areas.
- 13) Landscaping along the street frontages of El Camino Real, Del Rio Road, and the new public road should be planted with a combination of trees, shrubs, and groundcover planted in a clearly perceptible pattern that creates a sense of scale or rhythm along these roadways consistent with the approved Landscape Plan
- 14) Street trees shall not be planted along Rio Rita Road in order to protect the viewshed of the existing development above Rio Rita Road.
- 15) All trees used within required landscaped areas, including parking areas, shall have a minimum size of 24" box unless specific agreement is made with the Community Development Department.

**DESIGN GUIDELINES**

- 16) All shrubs used within required landscaped areas, including parking areas, shall utilize a mixture of sizes one-to-five (1-5) gallons and shall be dispersed evenly throughout the landscaped areas.
- 17) All trees within the Specific Plan area shall be staked or provided with guy wires.
- 18) Landscaping along public rights-of-way should be designed to aesthetically screen and soften blank walls, parking areas, storage areas, utility boxes, and other non-aesthetic items.
- 19) The planting of hedge shrubs and/or vines along exterior structures and screen walls is encouraged to deter potential graffiti.
- 20) Landscaped areas should be delineated with a 6-inch high and 6-inch wide concrete curb or equivalent. Curb may be broken to allow water to flow into depressed planted areas.
- 21) Mulch should be applied in a 3-inch layer in all shrub and groundcover areas.
- 22) All new and disturbed slopes shall be revegetated.
- 23) Landscaping shall be planted concurrent with the development of the individual lots within the Specific Plan area.
- 24) In addition, landscape improvements in each project's right-of-way frontage, including road medians, shall be installed and completed prior to occupancy of each project's first tenant. All landscape improvements in the public right-of-way shall be approved by the City Engineer and will require an encroachment permit.
- 25) Retaining walls in excess of 4 feet in height shall be setback from the right of way a minimum of 5 feet. Individual walls may not exceed 6 feet in height, and multiple, stepped walls with a minimum separation of 5 feet shall be utilized where grades require additional height. All retaining walls shall use high quality decorative materials and shall be consistent with the architectural design theme of the development. Wall exceptions may be granted with Design Review Committee approval based on findings that the wall(s) is designed as a decorative site feature.

DESIGN GUIDELINES

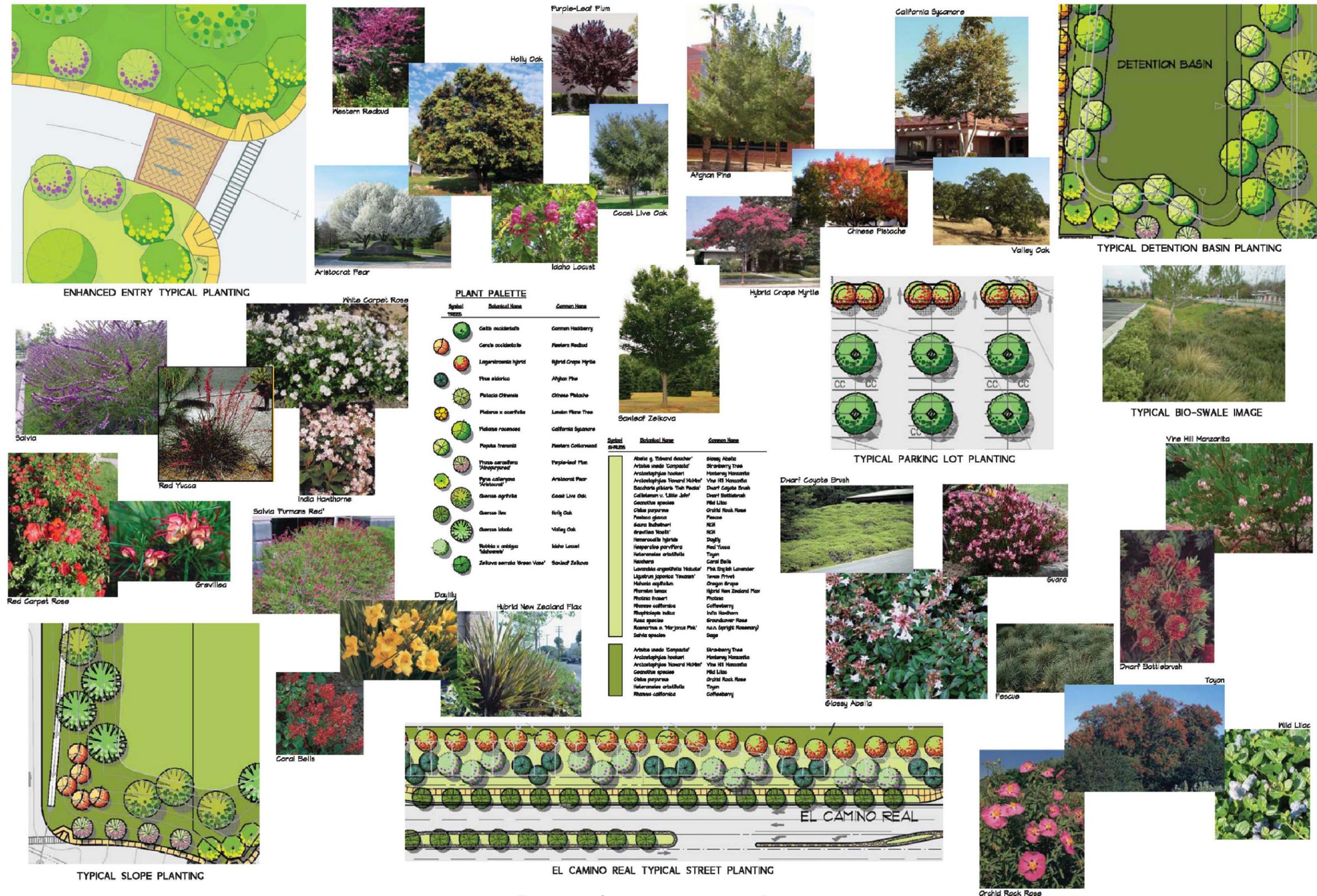


Figure 5-5: Conceptual Landscape Palette

## DESIGN GUIDELINES

### 5.1.3 PARKING & PARKING LOT

All parking and parking lots within the Specific Plan area shall comply with Title 9, Sections 4.114 through 4.119 of the Atascadero Municipal Code and the following parking and parking lot standards listed below:

- 1) Parking spaces should be oriented to ensure visibility of pedestrians, bicyclists and other motorists while entering, leaving or circulating within a parking area.
- 2) The installation of parking facilities shall occur concurrently with the development of individual parcels and shall be designed for interconnecting access to future subsequent development.
- 3) Individual parcels are must be designed to share parking fields if they are adjacent and within the same zoning designation.
- 4) Parking areas shall have lighting capable of providing adequate illumination for safety and security. Such lighting shall be indirect, hooded, and arranged to reflect light away from adjoining properties and streets.
- 5) All parking areas should be paved with Portland cement, concrete, asphalt or other appropriate approved material as established by the City Engineer. Curbing or wheel stops should be provided around parking lot perimeter.
- 6) Parking areas should be provided with curbs, bollards, or similar permanent devices where necessary to prevent parked vehicles from bumping buildings, landscaping, or perimeter walls.
- 7) Canopy trees shall be provided at an average of approximately one (1) tree per thirty (30) feet along parking rows.
- 8) Individual tree planters may be used in lieu of landscape fingers provided the parking lot complies with all other applicable landscaping requirements.
- 9) Parking areas that face El Camino Real, and are at least five (5) feet above the adjacent roadway, shall not be required to be screened with a landscaped berm. Parking areas that face El Camino Real, and are less than five (5) feet above the adjacent roadway, shall be screened with a landscape berm a minimum of thirty (30) inches in height unless the City Engineer finds that intervening landscaping sufficiently blocks headlight glare.
- 10) Commercial grade bicycle racks should be conveniently located close to building entrances.

### 5.1.4 LIGHTING

All lighting within the Specific Plan area shall comply with Title 9, Section 4.137 of the Atascadero Municipal Code and the following lighting standards listed below:

- 1) Lighting sources in parking lots may be up to thirty (30) feet in height.
- 2) Lighting sources shall be full cut off type fixtures that are shielded, diffused, or indirect in order to avoid glare to pedestrians, motorists, and surrounding residential areas.
- 3) Lighting fixtures shall be selected and located to confine the area of illumination to within the site boundaries consistent with the approved photometric plans.
- 4) To minimize the total number of freestanding light standards, full cut off type wall-mounted lighting fixtures should be utilized where feasible and consistent with building architecture.

## DESIGN GUIDELINES

### 5.1.5 SIGNAGE

Signage and graphics are an important element within the Del Rio Road Commercial Area Specific Plan. The intent of the Sign Program is to provide commercial tenants maximum sign exposure in a manner that will complement the overall image of the combined projects.

All signage shall comply with the Sign Program shown in Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program. The following additional signage standards shall also apply within the Specific Plan area:

- 1) Monument signs should be incorporated into landscaped areas to minimize visual mass.
- 2) All ground-mounted signs shall be set back from the ultimate curb face and positioned so as not to create a hazard for either pedestrian or vehicular traffic.
- 3) All signs and their supporting structures shall be constructed of metal, wood or comparable weatherproof material and shall be enclosed as to provide against their infestation by birds and vermin.
- 4) Each tenant shall be responsible for providing their own building signs. Each tenant is responsible for obtaining all required sign and building permits from the City. Each tenant shall be responsible for all fees required.
- 5) Tenant wall signs shall be designed with individual lettering and custom graphics. Use of external illumination, neon and other features are encouraged. Signs shall complement architectural themes. No internally illuminated cabinets shall be allowed unless an integral part of a small custom sign feature. Logos and corporate slogans need not consist of individual letters but should be compatible with the Sign Program and design theme.
- 6) Any requested deviation from the approved sign program shall require the approval of the Community Development Director or designee and may require the review of an Administrative Use Permit. Tenants shall be responsible for compliance with this program and all City codes and requirements. Additional signage may be requested by the Commercial Outparcels and future residential uses at the time specific development projects are proposed.
- 7) Additional sign area allowance or unique signage elements not otherwise permitted by the approved Sign Programs or by the City's Sign Ordinance, may be processed as an Administrative Use Permit.

DESIGN GUIDELINES

WALL SIGNS

Wall signs may be externally lit or internally illuminated individual channel letters with light directed through the letters set in an opaque background. If the sign is externally lit, top mounted light fixtures which shine light downward and are fully shielded must be used. Wall signs may contain stylized font and/or company logos. Refer to the following pages for size limitation. Letter height shall be proportionate to the sign size and the building architecture. The area of the sign shall not exceed one square foot per lineal foot of business frontage.



PROJECTING SIGNS

One suspended or projecting sign is allowed per business. Projecting signs must have 8' of clearance from the sidewalk and project no more than 5' beyond the building facade. Projecting signs shall not exceed 15 SF with a maximum letter height of 10". Projecting signs, if lit, shall be externally lit with top mounted light fixtures which shine light downward and are fully shielded.  
**NOTE: Projecting and/or under canopy signs to have 3D appearance with dimension, with a ten (10) inch maximum letter height.**



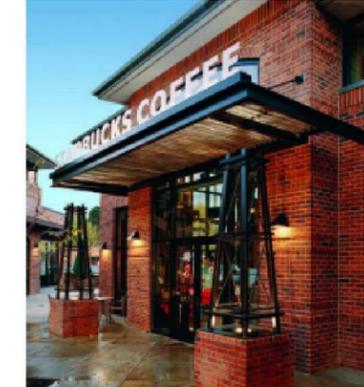
HANGING SIGNS

One suspended or projecting sign is allowed per business. Hanging or Under Canopy signs must have 7' of clearance from the sidewalk. Hanging signs shall not exceed 15 SF with a maximum letter height of 10". Hanging signs, if lit, shall be externally lit with top mounted light fixtures which shine light downward and are fully shielded.  
**NOTE: Projecting and/or under canopy signs to have 3D appearance with dimension, with a ten (10) inch maximum letter height.**



AWNING/ SUSPENDED SIGNS

Awning Signs shall be limited to the front valance of the awning and shall contain the name of the business. Awning or canopy signs must have 8' of clearance from the sidewalk and project no more than 5' beyond the building facade with maximum slope less than sixty degrees. Projecting signs shall not exceed 15 SF. Awning signs shall not be illuminated.



CHALKBOARD SIGNS

Chalkboard or changeable menu signs shall be made of a smooth hard panel for writing on with chalk. This type of sign is permitted for restaurants, wine tasting rooms and other businesses whose primary business is food/beverage. The chalkboard shall not exceed 6 SF and may be either attached to a wall, on a pole in the ground or in a planter, if illuminated, it must be externally lit with top mounted light fixtures which shine light downward and are fully shielded. The chalkboard sign contributes to the maximum overall aggregate area of 150 SF.



WINDOW LETTERING

Window lettering shall be done professionally and may be painted on the inside or the outside of the window. If painted on the outside, a sealer must be applied and regular maintenance is required. Only the name of the business and/or logo is permissible. Lettering is limited to 8" in height and shall not exceed 50% of the window area. Lessee may have window lettering on one window on each frontage. If the window is paned (i.e., French windows), then lettering shall be limited to a single pane (i.e., a word may not be spelled out with one letter in each pane extending across several panes).



Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program

## DESIGN GUIDELINES

### 5.1.6 FENCING & SCREENING

Fencing and screening should be designed to highlight positive visual features and to screen negative ones. The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Fencing and screening should be used to a minimum within the Specific Plan area.
- 2) Walls and fences may be used to retain earth or screen loading and storage areas, refuse receptacles, and utility structures.
- 3) Walls should be designed to be low and to perform their screening function.
- 4) Walls and fences should be designed to complement the architectural design, color and materials of adjacent buildings.
- 5) Landscaping should be used in combination with walls when possible.
- 6) A decorative three-rail fence shall be provided along the southwest side of Rio Rita Road to protect against accidental pedestrian access to the top of the slope east of the Major Tenant.

### 5.1.7 ON-SITE CIRCULATION

The on-site circulation standards within the Del Rio Road Commercial Area Specific Plan will ensure the efficient and safe passage of vehicles and pedestrians to and from the various commercial uses within the Specific Plan area. The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) On-site circulation should be designed for efficient vehicular and pedestrian movement.
- 2) The circulation system shall include adequate directional signs for entrances, exits, parking areas, loading areas, and other uses.
- 3) On-site driveways and parking areas shall be designed to provide common access between the Specific Plan area and adjacent properties.
- 4) Sight lines required for safe automobile movement shall be kept clear. Screens and structures shall not block such sight lines, both for entering and leaving the individual developments, and the project site.
- 5) The design and location of vehicular entries (curb cuts) for individual development sites shall provide the driver ample time to perceive them when approaching the site. Intersections and driveway approaches should be kept clear of obstructions such as traffic signal standards and landscaping.
- 6) Individual buildings and parcels need not have direct access to a public street; however, reciprocal access agreements shall be recorded to ensure that adequate ingress and egress is available to each lot and building within the Specific Plan area and that the entirety of the center functions as one development regardless of underlying lot lines and ownership.
- 7) Adequate pedestrian amenities such as benches and shade structures (or shade trees) should be installed near building entrance or at the curbside/sidewalk adjacent to buildings within the Del Rio Road Commercial Area Specific Plan area.
- 8) Designated pedestrian walkways across traffic lanes should be striped to distinguish them from the surrounding paved areas.
- 9) On-site pedestrian walkways should provide direct, safe, and adequate movement paths between parking areas and building entrances.
- 10) Service truck access routes should be designed to limit interaction with visitor and pedestrian traffic.

## DESIGN GUIDELINES

### 5.1.8 LOADING

The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Loading areas should be designed to provide for maneuvering on site and not from or within a public street. Direct loading from a public street is not permitted.
- 2) Loading areas may be permitted adjacent to a public street provided they are screened by a combination of screen walls, ornamental landscaping, and/or portions of on-site buildings.
- 3) Loading areas visible from a public street or parking area should be screened by solid wing walls (constructed of materials such as concrete, concrete block, masonry, and brick) and/or appropriate landscaping so that said loading area is adequately shielded from public view. All such loading areas shall be maintained in a clean and orderly condition.
- 4) Screen walls and wing walls should be provided adjacent to loading doors and loading areas visible to the public and should be of a compatible material with adjacent buildings, and shall be of sufficient height to provide adequate visual screening.

### 5.1.9 ACCESSORY STORAGE

The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Outdoor storage shall be screened from public view.
- 2) Refuse storage and disposal areas, other than trash compactors, should be within trash enclosures with at least three sides composed of a solid wall which is not less than 6 feet in height. The fourth side may consist of a solid metal gate painted to match or coordinate with the adjacent building (slatted chain link is not acceptable). Cardboard bales shall be removed regularly.
- 3) Refuse containers shall be provided in sufficient number, and should be placed in convenient location(s).
- 4) Trash enclosures may accommodate recycling bins.
- 5) Trash gates should remain closed except when in use, and remain in good working order.
- 6) Trash areas should not be used for storage. The premises should be kept in a neat and orderly condition at all times, and all improvements should be maintained in a condition of good repair and appearance.
- 7) Adequate shopping cart storage should be provided as needed.
- 8) No permanent storage of material is allowed on the outside of the building.
- 9) Outdoor storage provisions do not apply to outdoor sales areas, sidewalk sales, enclosed storage, and "garden centers."

## 5.2 RESIDENTIAL MULTIPLE FAMILY (RMF-24) DESIGN GUIDELINES

The Residential Multiple Family (RMF-24) parcel within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero Municipal Code and Standards in effect at the time the application for Vesting Tentative Parcel Map AT09-0073 was deemed complete on November 5, 2010 or subsequent vested entitlement should the original entitlement expire. Design review for the Multifamily Outparcel use to ensure consistency with the Design

## DESIGN GUIDELINES

Guidelines of the Specific Plan shall occur during the Conditional Use Permit approval process pursuant to Section 6.7 of the Specific Plan.

### 5.3 RESIDENTIAL SINGLE FAMILY (RSF-X) DESIGN GUIDELINES

The Residential Single Family (RSF-X) remainder parcel within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero's Municipal Code and Standards. Design review for the Single Family Outparcel use to ensure consistency with the Design Guidelines of the Specific Plan shall occur during the Subdivision Tract Map Approval process pursuant to Section 6.7 of the Specific Plan. Refer to the City of Atascadero Municipal Code for further design guidelines.

**IMPLEMENTATION AND ADMINISTRATION**

**VI IMPLEMENTATION AND ADMINISTRATION**

6.1 Interpretation	VI-1
6.2 Definition of Terms	VI-1
6.3 Enforcement	VI-1
6.4 Severability	VI-1
6.5 Implementation of Development Standards	VI-2
6.6 Implementation of Design Guidelines	VI-2
6.7 Application Processing	VI-2
6.8 Financing & Phasing of Development	VI-3
6.8.1 South-East Project Site	VI-3
6.8.2 North End Project Site	VI-4
6.9 Maintenance	VI-4
6.9.1 City Maintenance Responsibility	VI-4
6.9.2 Other Agency Maintenance Responsibility	VI-5
6.9.3 Private Maintenance	VI-5
6.10 Substantial Conformance	VI-5
6.10.1 Procedure	VI-6
A. Application	VI-6
B. Hearing	VI-6
C. Action by Reviewing Authority	VI-6
6.8 Specific Plan Amendments	VI-6

## IMPLEMENTATION AND ADMINISTRATION

### IMPLEMENTATION AND ADMINISTRATION

The City of Atascadero adopted this Specific Plan following certification by the City of the Specific Plan EIR and concurrent with the issuance of certain additional development approvals described in Section 1.5 of this Specific Plan. This Specific Plan serves as an implementation tool for the City's General Plan, and establishes the overlay zone for the combined Project sites. Following adoption of the Specific Plan and the development approvals described in Section 1.5, development within the Specific Plan area shall proceed pursuant to Section 6.7 of this Specific Plan.

The Del Rio Road Commercial Area Specific Plan shall be implemented, amended, revised or adjusted according to the procedures identified in this section. These procedures have been developed to ensure consistency with the adopted Del Rio Road Commercial Area Specific Plan, to encourage continuity in design and development of the community, and to promote high standards of site design. These revision and amendment procedures also provide for adaptation to special or supplementary development standards that may be adopted from time to time to implement the Del Rio Road Commercial Area Specific Plan.

#### 6.1 INTERPRETATION

These regulations shall be held to be minimum requirements in their application and interpretation. No provision herein is intended to abrogate or interfere with any deed restriction, covenant, easement, or other agreement between parties.

Interpretations of the provisions of this Specific Plan are subject to subsections (a) through (c) of Section 9-1.109 of the Atascadero Municipal Code, except that interpretation of allowable uses not specifically listed in the Atascadero Municipal Code for the CR (Commercial Retail) zoning district or Chapter 4 of this Specific Plan are subject to a substantial conformance determination pursuant to Section 6.10 of this Specific Plan.

#### 6.2 DEFINITION OF TERMS

The meaning and construction of words, phrases, titles and terms shall be the same as provided in Atascadero Municipal Code and Atascadero General Plan, unless otherwise specifically provided in the Specific Plan.

#### 6.3 ENFORCEMENT

The Del Rio Road Commercial Area Specific Plan is enforceable through the measures and regulations detailed in Title 9 of the City of Atascadero Municipal Code.

The standards contained in the Specific Plan have been adopted by ordinance and are enforceable to the same extent as standards contained in the Zoning Regulation and other City Codes.

#### 6.4 SEVERABILITY

If any term, provision, condition, requirement, or portion thereof of this Specific Plan is for any reason held invalid, unenforceable, or unconstitutional, the remainder of this Specific Plan or the application of such term, provision, condition, requirement, or portion thereof to circumstances

## IMPLEMENTATION AND ADMINISTRATION

other than those in which it is held to be invalid, unenforceable, or unconstitutional, shall not be affected thereby; and each other term, provision, condition, requirement, or portion thereof shall be held valid and enforceable to the fullest extent permitted by law.

### 6.5 IMPLEMENTATION OF DEVELOPMENT STANDARDS

Adoption of the Specific Plan by the City, includes adoption of the development standards and policies described in Chapter 4: Development Standards. Development standards and policies contained in this document shall supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, development standards and policies in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general standards and policies applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where development standards or policies relating to a particular subject have not been provided in the Specific Plan, the existing development standards and policies of the City's General Plan and Zoning Ordinance shall continue to apply.

### 6.6 IMPLEMENTATION OF DESIGN GUIDELINES

Adoption of the Specific Plan by the City includes adoption of the Design Guidelines contained in Chapter 5: Design Guidelines, of the Specific Plan. The Design Guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of development projects as described in Section 6.7: Application Processing. Design guidelines contained in this document shall supplement or replace those of the City of Atascadero Municipal Code and/or the Appearance Review Manual as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, design guidelines in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general design guidelines applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where design guidelines relating to a particular subject have not been provided in the Specific Plan, the existing design guidelines of the City's General Plan and Zoning Ordinance shall continue to apply.

### 6.7 APPLICATION PROCESSING

Development of the South-East project parcels and the North End Project parcels shall require approval of a Master Plan of Development, including the two Commercial Outparcels, Multiple Family Outparcel, and Single Family Outparcel in accordance with the following processes:

- **Master Plan of Development Approval.** A Master Plan of Development in the form of a Conditional use Permit shall be required for both the commercial and residential portions of the development subject to final action by the City Council. A Master Plan of Development can include conceptual approval of the two commercial outparcels on the South-East project site. Should approval be conceptual, a plot plan review shall be required for these sites as described below.

## IMPLEMENTATION AND ADMINISTRATION

- **Plot Plan Review.** The two Commercial Outparcel uses shall obtain Plot Plan review approval pursuant to Atascadero Municipal Code Section 9-2.108 unless detailed approval is included in the Master Plan of development. In this case, the two Commercial Outparcel uses shall not require Precise Plan and Conditional Use approvals as described in Atascadero Municipal Code Sections 9-2.109 through 9-2.110 unless specific requested uses trigger that process.
- **Tentative Map Approval.** The Single Family Outparcel, and any other land or airspace subdivisions shall obtain a tentative tract or parcel map approval pursuant to Atascadero Municipal Code Title 11.
- **Administrative Use Permit.** Request for additional sign area allowances or unique signage elements not otherwise permitted by the approved Sign Programs or by the City's Sign Ordinance, may be processed as an Administrative Use Permit.
- **Master Plan of Development Amendments.** Modifications to any approved Master Plan of Development for any project site shall be processed as a Use Permit amendment subject to final action by the City Council. Minor changes may be permitted without Use Permit amendment if a finding of substantial conformance can be made by the Planning Director in accordance with Section 6.10.

Any development proposed within the Specific Plan area that is not in substantial conformance with this Specific Plan, shall proceed pursuant to approval by the City of applications as determined by the Community Development Director to be necessary at the time of project application submittal.

### 6.8 FINANCING & PHASING OF DEVELOPMENT

The South-East and North End Projects are self-supporting commercial projects with individual owners/developers responsible for onsite and offsite improvements necessary to support development of the project.

Phasing of development ultimately will be determined solely by the project developers, based on market conditions and other factors. Required infrastructure and community facilities shall be installed and public services shall be available to serve each phase of development as it occurs. Based on current market information, development within the Specific Plan area is generally anticipated to occur as follows.

#### 6.8.1 SOUTH-EAST PROJECT PHASING

Phase 1:

- Rough grading of the commercial parcels, and preparation of the Major Tenant building pad. Export excess cut material to a suitable receiver site.
- Precise grading of the Major Tenant parcel, the proposed new public road, and driveways onto Del Rio Road and El Camino Real.
- Detention basin/drainage improvements (onsite and offsite).
- Provision of undergrounded utilities including stubs to Commercial Outparcels 2 and 3.
- Construction of the Major Tenant building required parking area, and driveways.
- Install landscaping on Major Tenant parcel.

## IMPLEMENTATION AND ADMINISTRATION

- Construction of offsite improvements (as detailed in Chapter 3: Land Use Concept) in Del Rio Road and El Camino Real, the new public road, and intersection improvements required for operation of the Major Tenant and Outparcels 2 and 3.
- Sewer and water line connection to existing offsite utility lines

### Phase 2:

- Construction of Commercial Outparcels 2 and 3 may, but need not, occur concurrently with the construction of the Major Tenant parcel.
- Precise Grading and pad preparation for Commercial Outparcel buildings (Parcel 2 and/or 3)
- Construction of Commercial Outparcel buildings (Parcels 2 and/or 3)
- Wet and dry utility connection to stubs provided in Phase 1 (Parcel 2 and/or 3)
- Landscape parking areas and corners in Parcel 2 and/or 3
- Completion of the new public road and landscaping

Note: Multiple Family Outparcel development is not included and any project phasing will be permitted separately pursuant to Section 6.7 of this Specific Plan.

### 6.8.2 NORTH END PROJECT PHASING

#### Phase 1:

- Site Demolition

#### Phase 2:

- Complete public improvements and frontage improvements
- Construction of on-site infrastructure and drainage improvements
- On-site grading, parking, landscape improvements, and finished construction pads

#### Phase 3:

- Individual commercial buildings (as tenants are secured)

Note: Single Family Outparcel development is not included and any project phasing will be permitted separately pursuant to Section 6.7 of this Specific Plan.

### 6.9 MAINTENANCE

Public and private improvements constructed as part of development of the Specific Plan area shall be maintained through a combination of public and private entities as described below.

#### 6.9.1 CITY MAINTENANCE RESPONSIBILITY

Public facilities are planned for public maintenance by the City or the appropriate utility service provider and include, but are not limited to, the following:

- All public streets within the Specific Plan area, excluding residential subdivisions.
- Public traffic signals and traffic control signs within the public right-of-way within the Specific Plan area.
- Public improvements constructed in the public right-of-way inside of and outside of the Specific Plan area.
- All sewer mains, excluding lateral connections.

## IMPLEMENTATION AND ADMINISTRATION

- The existing and expanded public storm drain systems in the public right-of-way or dedicated easements.

### 6.9.2 OTHER AGENCY MAINTENANCE RESPONSIBILITY

The following facilities will be maintained by other agencies:

- Atascadero Mutual Water Company: public on-site and offsite water facilities within the Specific Plan area.
- PG&E: Accepted street lighting within public rights-of-way in the Specific Plan area.
- Caltrans: Public improvements within the Caltrans right-of-way.
- All private electrical, natural gas, telephone, cable TV, and other non-City utilities.

### 6.9.3 PRIVATE MAINTENANCE

Private and public improvements to be maintained by the developers include, but are not limited to, the following:

- Streets, drives, lanes and pedestrian paths on private property within the Specific Plan area.
- Public streets within any residential subdivisions
- Traffic control signs and pavement markings on private property within the Specific Plan area.
- Landscaping and lighting on private property within the Specific Plan area.
- Property line walls, fences, retaining walls, refuse storage areas, signs, slopes, and parking lots.
- Open space areas on private property within the Specific Plan area including detention facilities, bio-swales, and other low-impact-development features.
- Newly constructed drainage facilities on private property within the Specific Plan area.
- Landscaped frontages within the right-of-way of all public streets.
- Street lighting within public rights of way in the Specific Plan area shall be maintained by the developer unless otherwise maintained by PG&E.
- Landscaping within any center medians of all public streets fronting the Specific Plan area.

### 6.10 SUBSTANTIAL CONFORMANCE

During review of construction plans and building permit applications, the Community Development Director or designee shall have the limited ability to interpret the Specific Plan and determine that the proposed development is in substantial conformance with the Del Rio Road Commercial Area Specific Plan. The use of substantial conformance is intended to ensure orderly development, quality aesthetic design, and safe and harmonious placement of uses within the Specific Plan area. Determinations of substantial conformance shall be made administratively by the Community Development Director or designee without the need for a public hearing. In some cases, the determination may be forwarded to the Design Review Committee. A substantial conformance determination made pursuant to this Section 6.10 shall be considered a ministerial decision that is not subject to CEQA.

A project proposal for development within the Specific Plan area shall be considered to be in substantial conformance with the Specific Plan, not requiring a Specific Plan amendment, in the event that any of the following occurs:

## IMPLEMENTATION AND ADMINISTRATION

- The addition of a land use not listed in Chapter 4: Development Standards, of this Specific Plan, provided that the proposed use is determined to be equivalent in its nature and intensity to a use listed in Chapter 4 of this Specific Plan.
- A change in utility or public service provider to the Specific Plan area.
- Minor changes or adjustments to lot lines or the alignment of access roads, community facility plans, or public infrastructure facility plans such as drainage, sewer, water and other utilities.
- Minor deviations from the Land Use Plan and related policies, as contained in Chapter 3: Land Use Plan, of the Specific Plan.
- The merger of the two Commercial Outparcels into a single Commercial Outparcel to be developed with a retail, restaurant or office use, provided the development does not exceed the combined maximum floor area permitted for the two Commercial Outparcels of 10,000 square feet. A voluntary merger application shall be required in order to complete any lot merger.
- Minor deviations from the sign program that are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- Minor changes to landscape materials and streetscape design which are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- Minor deviations from the design guidelines which are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- A reduction in the minimum required parking spaces, provided that a parking study demonstrates the proposed reduction in parking spaces is justified based on the mix of uses within the Specific Plan area and the use of shared parking between those uses.
- Other modifications of a similar nature to those listed above which are deemed minor by the Community Development Director or designee, that are in keeping with the purpose and intent of the approved Specific Plan.

### 6.10.1 PROCEDURE

#### A. APPLICATION

Applications for the determination of substantial conformance shall be made on forms provided by the Community Development Director or designee and shall be accompanied by a filing fee and a Plot Plan, as described in Section 9-2.108 of the Atascadero Municipal Code. Applications shall be made by the owner of the property for which the approval is sought, or an authorized agent.

#### B. HEARING

No public hearing shall be required for a determination of substantial conformance unless the Community Development Director refers the item to the Design Review Committee.

#### C. ACTION BY REVIEWING AUTHORITY

The reviewing authority for a determination of substantial conformance shall be the Community Development Director or designee. The Community Development Director or designee shall determine by providing written notice to the applicant that the proposed addition of a land use or other revision requested pursuant to this Section 6.10 is in substantial conformance with the Del Rio Road Commercial Area Specific Plan if it complies with all applicable provisions of Atascadero Municipal Code Title 9 and is consistent with the purpose and intent of this Specific

**IMPLEMENTATION AND ADMINISTRATION**

Plan. The action of the Community Development Director or designee shall be final with no appeal.

**6.11 SPECIFIC PLAN AMENDMENTS**

Amendments to the Del Rio Road Commercial Area Specific Plan shall be required for revisions that are beyond the scope of substantial conformance determinations. Specific Plan Amendments shall be processed pursuant to the provisions of the California Government Code Section 65453(a).

**CITY OF ATASCADERO**

**DEL RIO ROAD  
COMMERCIAL AREA  
SPECIFIC PLAN**

**March 2012**  
September 2020

**eda** design  
professionals  
civil engineers ♦ land surveyors ♦ land planners  
1998 Santa Barbara Street, Suite 200  
San Luis Obispo, CA 93401

**Adopted July 2012**  
**Amended October, 2020**



# CITY OF ATASCADERO

## DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN

***Prepared for:***  
The City of Atascadero

***Prepared by:***



**eda – design professionals**  
1998 Santa Barbara Street, Suite 200  
San Luis Obispo, CA 93401  
(805) 549-8658

***In Conjunction with:***

Omni Design Group, Inc.  
Perkowitz + Ruth Architects  
Conceptual Design & Planning Company

## **ACKNOWLEDGEMENTS**

FROM 2012

### ***City Council***

Bob Kelley, Mayor  
Tom O'Malley, Mayor Pro Tem  
Jerry Clay, Sr., Council Member  
Roberta Fonzi, Council Member  
Brian Sturtevant, Council Member

### ***Planning Commission***

Chuck Ward, Chairperson  
Dennis Schmidt, Vice Chairperson  
Christian Cooper, Commissioner  
Len Colamarino, Commissioner  
Beth Wingett, Commissioner  
David Bentz, Commissioner  
Mark Dariz, Commission

### ***City Staff***

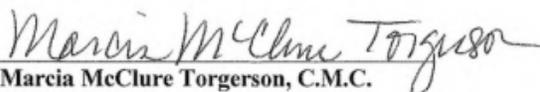
Wade McKinney, City Manager  
Warren Frace, Community Development Director  
Russ Thompson, Director of Public Works  
Brady Cherry, Community Services Director  
Kurt Stone, Fire Chief

**CERTIFICATION**

I, **Marcia McClure Torgerson, C.M.C.**, City Clerk of the City of Atascadero, hereby certify that the foregoing is a true and correct copy of Ordinance No. 562, adopted by the Atascadero City Council at a regular meeting thereof held on July 10, 2012, and that it has been duly published pursuant to State Law.

DATED:

7-18-12



**Marcia McClure Torgerson, C.M.C.**  
City Clerk  
City of Atascadero, California

**ORDINANCE NO. 562**

**SPECIFIC PLAN DOCUMENT ADOPTION**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, AMENDING THE  
ATASCADERO MUNICIPAL CODE BY ADDING A TABLE  
FOR THE SPECIFIC PLAN DOCUMENT FOR THE SP-2  
ZONING DISTRICT FOR THE  
DEL RIO COMMERCIAL AREA  
(SP 2009-0003)**

**DEL RIO COMMERCIAL AREA SPECIFIC PLAN  
WALMART STORES INC. / THE ROTTMAN GROUP /  
MONTECITO BANK AND TRUST**

**WHEREAS**, an application has been received from:

Walmart Stores, Inc. (2001 S.E. 10th Street Bentonville, AR 72716-0550) Owner, and  
EDA Design Professionals (1998 Santa Barbara St. Suite 200 San Luis Obispo, CA 93401)  
Applicant, and;

The Rottman Group (P.O. Box 227 Santa Maria, CA 93456-0227) Owner, and Omni  
Design Group (689 Tank Farm Road San Luis Obispo, CA 93453) Applicant, and;

Montecito Bank and Trust (1010 State Street, Santa Barbara, California 93101) Owner,  
and Omni Design Group (689 Tank Farm Road San Luis Obispo, CA 93453) Applicant,

to consider Planning Applications PLN 2007-1245 and PLN 2007-1246, for a project  
consisting of General Plan Amendments, Zone Text and Map Amendments, Specific Plan,  
Vesting Tentative Parcel Maps, Tree Removal Permits and certification of an Environmental  
Impact Report ("EIR") on a 39.3± acre site located on El Camino Real and Del Rio Road,  
Atascadero, CA 93422 (APN 049-112-002, 018, 019, 022, ,036, 039, 049-151-005, 036, 037,  
040, 041, 049-102-020, 031, 032, 045, 048, 056 and 049-131-070); and,

**WHEREAS**, the site's current General Plan Land Use Designation is General  
Commercial (GC), Commercial Park (CPK), Single-Family Residential (SFR-X), High-Density  
Residential (HDR), Medium-Density Residential (MDR), and Suburban Estates (SE); and,

**WHEREAS**, the site's current Zoning Designation is Commercial Retail (CR),  
Commercial Park (CPK), Residential Single-Family (RSF-X), Residential Multi Family (RMF-  
20), Residential Multi Family (RMF-10), and Residential Suburban (RS); and,

**City of Atascadero  
Ordinance No. 562  
Page 2 of 11**

**WHEREAS**, the Planning Commission has recommended that the City Council approve a General Plan Land Use Diagram Amendment to change the Land Use Designation of lots within the project site to Commercial Retail (CR), High-Density Residential (HDR), and Single-Family Residential (SFR-X); and,

**WHEREAS**, the Planning Commission has recommended that the City Council approve a Zoning Ordinance Text Change and Zoning Map Amendment to establish zoning code text for Specific Plan Zone 2 and to change the zoning of lots with the project area to Commercial Retail (CR), Residential Single-Family (RSF-X), and Residential Multi Family (RMF-20), with a Specific Plan Zone 2 overlay on the entire project site; and,

**WHEREAS**, the General Plan has designated the project site as an area requiring a comprehensive master plan in order to minimize environmental impacts and maximize community compatibility (General Plan Table II-5) and to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and,

**WHEREAS**, a Final EIR, Finding of Fact and Statement of Overriding Considerations have been prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); 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**, the Final EIR, Finding of Fact and Statement of Overriding Considerations have been recommended by the Planning Commission for certification to the City Council; and,

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Code Text to protect the health, safety and welfare of its citizens by applying orderly development and expanding commercial opportunities within the City; and,

**WHEREAS**, timely and properly noticed Public Hearings upon the subject Specific Plan application was held by the Planning Commission and City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning amendments; and,

**WHEREAS**, the Planning Commission of the City of Atascadero, at a Public Hearing held on June 5, 2012, studied and considered the Del Rio Road Commercial Area Specific Plan (SP 2009-0003), after first studying and considering the Final EIR, Finding of Fact and Statement of Overriding Considerations prepared for the project; and,

**WHEREAS**, the Planning Commission of the City of Atascadero recommended the City Council approve the Del Rio Road Commercial Area Specific Plan (SP 2009-0003); and,

**WHEREAS**, the Atascadero City Council, at a Public Hearing held on June 26, 2012, studied the Planning Commission's recommendation and considered the Del Rio Road

City of Atascadero  
Ordinance No. 562  
Page 3 of 11

Commercial Area Specific Plan (SP 2009-0003), after first studying and considering the Final EIR, Finding of Fact and Statement of Overriding Considerations prepared for the project; and,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Findings** for Approval of Del Rio Road Commercial Area Specific Plan.

The City Council finds as follows:

1. **The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the SP-2 Ordinance; and,**
2. **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,**
3. **The proposed Specific Plan will be compatible with existing or desired conditions in surrounding neighborhoods and surrounding General Plan land uses and General Plan policies.**

As discussed in General Plan Amendment Finding No. 5, the proposed Project will be compatible with existing and desired conditions in surrounding neighborhoods. The proposed Project would allow the development of an efficient and attractive community retail hub in North Atascadero. The Project will serve the growing local demand for retail products, groceries and restaurants in North Atascadero, while at the same time revitalizing one of the City's larger and more visible properties located just off Highway 101. Approval of the Project will allow for the development of a master planned commercial center consistent with General Plan policies.

As discussed in detail in General Plan Amendment Finding No. 4, the proposed Project is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

4. **Modification of zoning regulations, development standards, or processing requirements is warranted by the design and amenities incorporated.**

As discussed in General Plan Amendment Findings No. 3 and 5, project design, features and amenities will transform a currently underutilized location into a vibrant retail hub in an ideal location, providing an aesthetic and commercial boon to the immediate and surrounding areas and serving the growing local demand for retail and groceries in North Atascadero. With incorporation of the site design, landscaping and architectural features discussed in the General Plan Amendment Findings, the Project has been specifically designed to be compatible with existing development, neighborhoods and the environment. Without the

approval of the Specific Plan, Zone Change and General Plan Amendment, the City's goal of creating an efficient, attractive and cohesive master-planned commercial center of this type at this ideal location would not be possible. In addition to creating additional employment and business opportunities and attracting much needed tax revenue, the Project will satisfy the long time demands of residents for a grocery store in the northern part of the City, while offering a broad array of convenient shopping and restaurant options. Accordingly, modification of zoning regulations and development standards is warranted by the Project design and the amenities provided by the Project.

**5. The Specific Plan standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.**

The proposed General Plan Amendment, Zone Change and Specific Plan would allow the development of a master-planned, vibrant and attractive and cohesive community retail hub to North Atascadero which is not possible under the current zoning. The Project will serve the growing local demand for discount retail, groceries and restaurants in North Atascadero, while at the same time revitalizing one of the City's larger and more visible properties. Approval of the Specific Plan, Zone Change and General Plan Amendment will allow development of a commercial center and economic development of the area.

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that benefits local shoppers, the general public, and the City of Atascadero. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the site and surrounding properties, as well as the needs of the commercial land uses proposed for the site. These efforts are intended to foster greater economic development and design opportunities than could be achieved through the use of conventional zoning and development standards.

The benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements. The Del Rio Road Commercial Area Specific Plan serves as the overlay zone for the Project. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are not required in the Code and that ensure a high standard of design for the site. In addition, it facilitates design integrity between the variety of uses (i.e.,

achieves General Plan objective of a master planned commercial center). Also, the additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping and buffer areas throughout the site, to further blend the Project with the surrounding area.

**6. Benefits derived from the Specific Plan Zone 2 zone cannot be reasonably achieved through existing development standards or processing requirements.**

The benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are beyond the Municipal Code standard in order to ensure a high standard of design and compatibility for the site. In addition, it facilitates design integrity between the variety of uses (i.e. achieves General Plan objective of a master planned commercial center). Also, the additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping and buffer areas throughout the site, to further blend in with the surrounding area.

**7. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and offers certain redeeming features to compensate for requested modifications.**

As discussed in General Plan Amendment Findings No. 3 and 5, in addition to revitalizing one of the City's larger and more visible properties, the Project would serve as an example for the community in energy efficiency by incorporating a variety of sustainability features in the construction, design and operation of the store that would reduce its demand for resources, utilize non-toxic materials, and promote waste reduction. The additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping areas. The Project would also exceed the City's minimum landscaping requirements and contain robust landscaping and greenery to enhance the site and screen parked cars.

**8. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and will supplement or supersede any adopted ordinances, regulations and standards of the City which are applicable.**

The Del Rio Road Commercial Area Specific Plan implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. The Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The City's zoning standards are utilized

City of Atascadero  
Ordinance No. 562  
Page 6 of 11

for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Development regulations and requirements contained in the Specific Plan supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan will prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

**SECTION 2. Approval.** The Atascadero City Council, in a regular session assembled on June 26, 2012, approved the Del Rio Road Commercial Area Specific Plan for the SP-2 zoning overlay district as described in the following:

1. EXHIBIT A: Del Rio Commercial Area Specific Plan
2. EXHIBIT B: Addendum – Del Rio Road Commercial Area Specific Plan

**SECTION 3:** A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

City of Atascadero  
Ordinance No. 562  
Page 7 of 11

INTRODUCED at a regular meeting of the City Council held on June 26, 2012, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on July 10, 2012, by the following roll call vote:

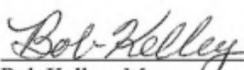
AYES: Council Members Clay, Fonzi, O'Malley, Sturtevant and Mayor Kelley

NOES: None

ABSTAIN: None

ABSENT: None

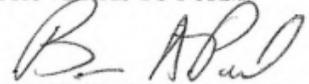
CITY OF ATASCADERO

  
\_\_\_\_\_  
Bob Kelley, Mayor

ATTEST:

  
\_\_\_\_\_  
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Brian A. Pierik, City Attorney

**TABLE OF CONTENTS**

**I OVERVIEW**

1.1 Purpose	I-1
1.2 Legal Authority	I-1
1.3 Project Location	I-2
1.4 Project Description & Objectives	I-2
1.5 Development Approval Components	I-6
1.6 Relationship to General Plan & Zoning Ordinance	I-7
1.7 California Environmental Quality Act (CEQA) Compliance	I-7

**II SETTING & EXISTING CONDITIONS**

2.1 Existing Land Use Conditions	II-1
2.1.1 Existing Land Use & Zoning Designations	II-1
2.1.2 Surrounding Land Uses & Zoning Designations	II-3
2.2 Existing Circulation	II-4
2.2.1 Regional Circulation	II-4
2.2.2 Local Circulation	II-4
2.2.3 Public Transportation	II-5
2.3 Existing Physical Conditions	II-6
2.4 Existing Utilities	II-7

**III LAND USE PLAN**

3.1 Land Uses	III-1
3.1.1 General Commercial (GC)	III-1
3.1.2 High Density Residential (HDR)	III-1
3.1.3 Single Family Residential (SFR-X)	III-2
3.2 Land Use Policies	III-2
3.2.1 South-East Project Site	III-4
3.2.2 North End Project Site	III-5
3.3 Circulation Policies	III-6
3.3.1 Vehicle & Truck Access Policies	III-6
3.3.2 Non-Vehicular & Public Transportation Access Policies	III-7

**TABLE OF CONTENTS**

3.4 Public Facilities Policies	III-13
3.4.1 Water Policies	III-13
3.4.2 Wastewater & Sewer Policies	III-13
3.4.3 Storm Drainage Policies	III-14
3.4.4 Electricity Policies	III-15
3.4.5 Natural Gas Policies	III-15
3.4.6 Communications Policies	III-15
3.5 Grading Policies	III-16
3.6 Community Facilities Policies	III-16

**IV DEVELOPMENT STANDARDS**

4.1 Commercial Retail (CR) Development Standards	IV-1
4.1.1 Permitted Uses	IV-1
4.1.2 Property Development Standards	IV-2
4.2 Residential Multiple Family (RMF-20) Development Standards	IV-2
4.2.1 Permitted Uses	IV-3
4.2.2 Property Development Standards	IV-3
4.3 Residential Single Family (RSF-X) Development Standards	IV-3
4.3.1 Permitted Uses	IV-3
4.3.2 Property Development Standards	IV-3

**V DESIGN GUIDELINES**

5.1 Commercial Retail (CR) Design Guidelines	V-1
5.1.1 General Design Concepts	V-1
5.1.2 Landscaping	V-10
5.1.3 Parking & Parking Lot	V-15
5.1.4 Lighting	V-15
5.1.5 Signage	V-15
5.1.6 Fencing & Screening	V-16
5.1.7 On-Site Circulation	V-17
5.1.8 Loading	V-17

**TABLE OF CONTENTS**

5.1.9 Outdoor Storage	v-18
5.2 Residential Multiple Family (RMF-20) Design Guidelines	v-18
5.3 Residential Single Family (RSF-X) Design Guidelines	v-18

**VI IMPLEMENTATION AND ADMINISTRATION**

6.1 Interpretation	VI-1
6.2 Definition of Terms	VI-1
6.3 Enforcement	VI-1
6.4 Severability	VI-1
6.5 Implementation of Development Standards	VI-2
6.6 Implementation of Design Standards	VI-2
6.7 Application Processing	VI-2
6.8 Financing & Phasing of Development	VI-3
6.8.1 South-East Project Site	VI-3
6.8.2 North End Project Site	VI-4
6.9 Maintenance	VI-4
6.9.1 City Maintenance Responsibility	VI-4
6.9.2 Other Agency Maintenance Responsibility	VI-5
6.9.3 Private Maintenance	VI-5
6.10 Substantial Conformance	VI-5
6.10.1 Procedure	VI-6
6.11 Specific Plan Amendments	VI-6

**TABLE OF CONTENTS**

**VII EXHIBITS**

Exhibit 1: City of Atascadero Existing Land Use	VII-1
Exhibit 2: City of Atascadero Proposed Land Use	VII-2
Exhibit 3: City of Atascadero Existing Zoning	VII-3
Exhibit 4: City of Atascadero Proposed Zoning	VII-4

**VIII APPENDICES**

Appendix A: Precise Description of Specific Plan Boundary	A-1
Appendix B: Project Consistency Analysis	C-1

**TABLE OF CONTENTS**

**LIST OF TABLES**

Table 1-1: Specific Plan Land Use Summary	I-3
Table 2-1: South-East Project Site Land Use & Zoning Designations	II-1
Table 2-2: North End Project Site Land Use & Zoning Designations	II-3
Table 2-3: Surrounding Land Use & Zoning Designations	II-4
Table 3-1: Specific Plan Land Use Summary	III-2
Table 4-1: Commercial Retail (CR) Development Standards	IV-2

**LIST OF FIGURES**

Figure 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity	I-4
Figure 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Plan	I-5
Figure 2-1: Specific Plan Existing Land Use & Zoning Designations	II-2
Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan	III-3
Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan	III-8
Figure 5-1: Architectural Design Concept – Main Features	V-3
Figure 5-2: Architectural Design Concept – Secondary Features	V-4
Figure 5-3: Architectural Design Concept – Outdoor Space	V-5
Figure 5-4: Architectural Design Concept – Architectural Theme Elements	V-6
Figure 5-5: Conceptual Landscape Palette	V-9
Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program	V-12

**OVERVIEW**

**I OVERVIEW**

1.1 Purpose	I-1
1.2 Legal Authority	I-1
1.3 Project Location	I-2
1.4 Project Description & Objectives	I-2
1.5 Development Approval Components	I-6
1.6 Relationship to General Plan & Zoning Ordinance	I-7
1.7 California Environmental Quality Act (CEQA) Compliance	I-7

## **OVERVIEW**

The Del Rio Road Commercial Area Specific Plan (“Specific Plan”) Layout encompasses two sites totaling approximately 39 acres (the “Specific Plan area”) generally located at the intersection of Del Rio Road and El Camino Real in the northern portion of the City of Atascadero (the “City”). The Specific Plan is a comprehensive plan for the development of vacant commercial parcels at the Del Rio and El Camino Real intersection. These large development sites comprise significant opportunity locations for expanding jobs, tourism and housing in the northern end of the City.

### **1.1 PURPOSE**

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that provides jobs and economic development in the City of Atascadero to help balance the significant imbalance of jobs to housing. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the development sites and surrounding properties, as well as the needs of the commercial land uses proposed for the development sites. These efforts are intended to foster greater economic development and design opportunities than could be achieved through the use of conventional zoning and development standards.

The Del Rio Road Commercial Area Specific Plan serves as the overlay zone for the combined South-East and North End Project sites. This Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area.

### **1.2 LEGAL AUTHORITY**

The Del Rio Road Commercial Area Specific Plan has been prepared in accordance with California Government Code, Title 7, Division 1, Chapter 3, Article 8 Sections 65450 through 65457. The California Government Code authorizes jurisdictions to adopt Specific Plans by resolution as policy documents or by ordinance as regulatory documents. The law allows preparation of Specific Plans, as may be required for the implementation of the General Plan, and further allows for their review and adoption. Specific plans act as a bridge between General Plan and individual development standards and guidelines, capital improvement programs and financing methods into a single document that is tailored to meet the needs of a specific area.

The Specific Plan implements the following: (1) General Plan land use designation of General Commercial and zoning designation of Commercial Retail for the South-East and North End commercial centers; (2) General Plan land use designation of High Density Residential (HDR) and zoning designation of Residential Multiple Family-20 (RMF-20) for the Multiple Family South-East Outparcel; and (3) General Plan land use designation of Single Family Residential and zoning designation of Residential Single Family-X (RSF-X) for the Single Family North End Outparcel.

The standards contained in the Specific Plan have been adopted by ordinance and are enforceable to the same extent as standards contained in the Zoning Ordinance and other City

Codes. In the event of an inconsistency between the Specific Plan and the underlying zoning regulations, the provisions of the Specific Plan shall prevail. The meaning and construction of words, phrases, titles and terms shall be the same as provided in Atascadero Municipal Code and Atascadero General Plan, unless otherwise specifically provided in the Specific Plan.

### **1.3 PROJECT LOCATION**

The Del Rio Road Commercial Area Specific Plan is comprised of two sites totaling approximately 39 acres that are located in the northern portion of the City of Atascadero in close proximity to U.S. Highway 101. The South-East Project site is bounded by Del Rio Road to the north, El Camino Real to the west, Rio Rita Road to the east, and residential uses to the south. The North End Project sites are bounded by residential and commercial lots to the north, residential lots to the east, undeveloped commercial uses on El Camino Real and Highway 101 to the west, and Del Rio Road and vacant commercial lots to the south. The legal description for the Specific Plan area is contained in Appendix A. The location of the Specific Plan area is illustrated in Figures 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity and 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Site Plan.

### **1.4 PROJECT DESCRIPTION & OBJECTIVES**

Below is a general description of the South-East Project and North End Project. More detailed information on the combined projects is provided in Chapter 3: Land Use Concept.

The development of the South-East Project site is proposed to be subdivided into four lots; one lot proposes a major tenant site; two other parcels are designed for smaller Commercial sites (Outparcels), and one additional parcel is designed for residential development (Multiple Family Outparcel). The South-East Project site totals approximately 26 acres, and is located at the southeast corner of El Camino Real and Del Rio Road.

The Master Plans of Development for the North End Project sites include a commercial / business park on eight parcels as well as one Single Family Outparcel and a tourist serving use on the west side of El Camino Real. The North End Project totals approximately 13 acres, and is located on the northeast corner of El Camino Real and Del Rio Road and on the west side of El Camino Real approximately 500 feet from the centerline intersection of Del Rio Road and El Camino Real.

A summary of the land uses within the Specific Plan area is presented in Table 1-1: Specific Plan Land Use Summary.

Implementation of this Specific Plan will accomplish the following objectives:

- Implements the Atascadero General Plan providing development consistent with the City's planned land uses;
- Provides development that maximizes the property's use potential in a manner consistent with the City's General Plan;
- Maximizes and broadens the City's sales tax base by providing local and regional job producing and tax-generating uses;
- Improves and maximizes economic viability of the currently vacant and underutilized project site and area through the establishment of a new commercial/jobs center;

**OVERVIEW**

- Creates additional employment-generating opportunities for the citizens of Atascadero and surrounding communities;
- Develops smaller, locally oriented retail and restaurant uses to complement the employment uses;
- Provides where necessary adequate infrastructure and public amenities;
- Enhances the local economy by capturing job opportunities that are leaking to adjacent cities;
- Complements the existing retail base in the City of Atascadero located in the southern part of the City;
- Locates a commercial project at the intersection of two major streets, providing convenient employment, tourist serving, residential, and shopping opportunities for residences on the north side of Atascadero consistent with the General Plan’s Urban Form Frameworks;
- Ensures the consistent and rational development of the site in accordance with established functional, environmental, and aesthetic standards.

**TABLE 1-1: SPECIFIC PLAN DEVELOPMENT SUMMARY**

	LAND AREA	FLOOR AREA / DENSITY
<b>SOUTH-EAST PROJECT SITE</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
MAJOR TENANT PARCEL	19 ac.	129,560* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
MULTIPLE FAMILY OUTPARCEL	2.8 ac.	67 d.u.
DEDICATIONS	2.2 ac.	--
<b>SUBTOTAL SOUTH-EAST PROJECT SITE</b>	26 ac. (gross)	139,560* sq. ft. (44 d.u.)
<b>NORTH END PROJECT</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
COMMERCIAL PARCELS (NORTH END PROJECT SITE – EAST)	9.3 ac.	193,000* sq. ft.
HOTEL (NORTH END PROJECT SITE – WEST)	1.7 ac.	73,833* sq. ft. / 120 rooms
SINGLE FAMILY OUTPARCEL	1.7 ac.	6 d.u.
DEDICATIONS	0.3 ac.	--
<b>SUBTOTAL NORTH END</b>	13 ac. (gross)	266,833* sq. ft. (6 d.u.)
<b>SPECIFIC PLAN</b>		
<b>TOTAL</b>	39 ac. gross	406,393* sq. ft. (50 d.u.)

\* Assumed square-footage based on trip generation. Building floor area may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.

OVERVIEW

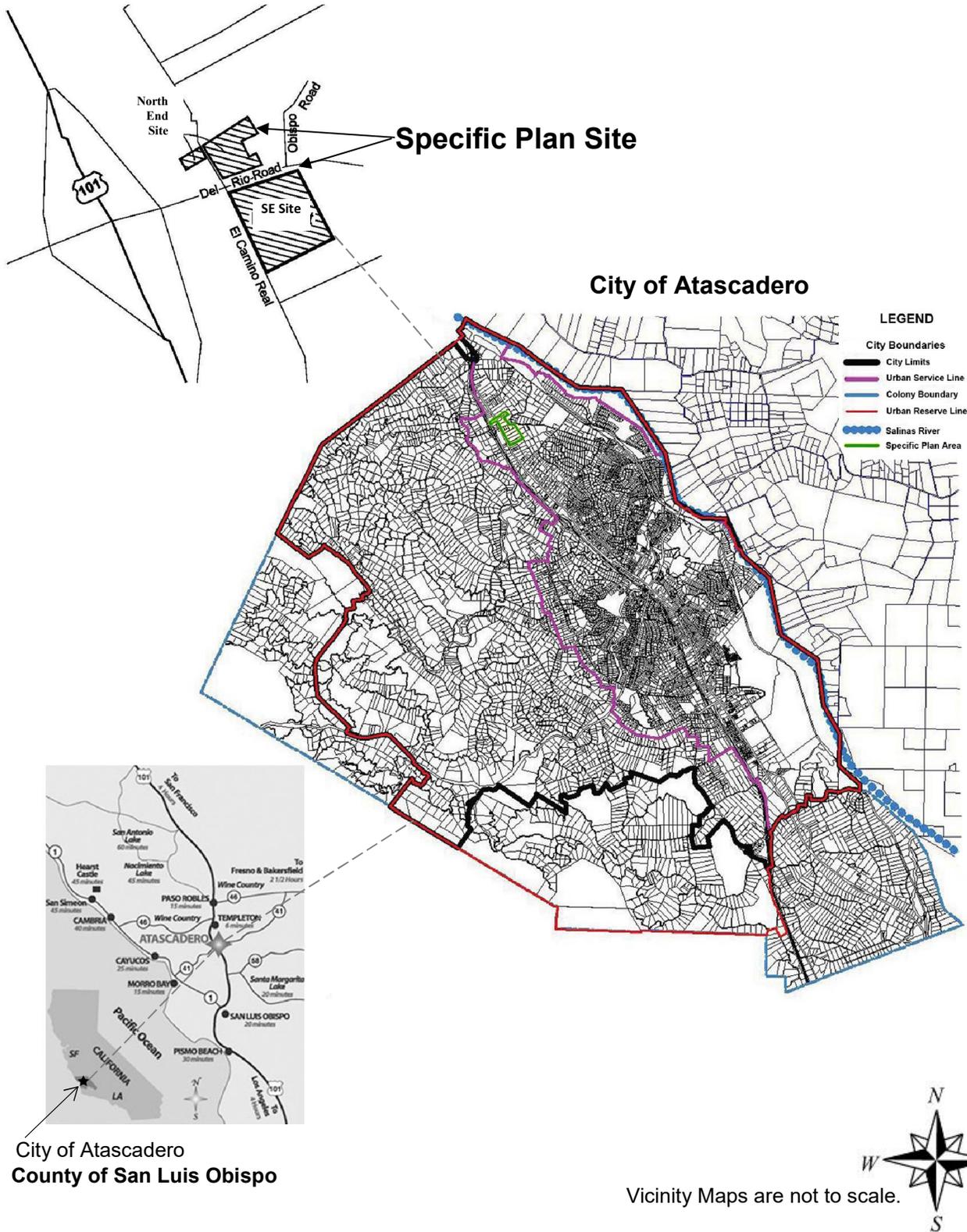


Figure 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity

OVERVIEW

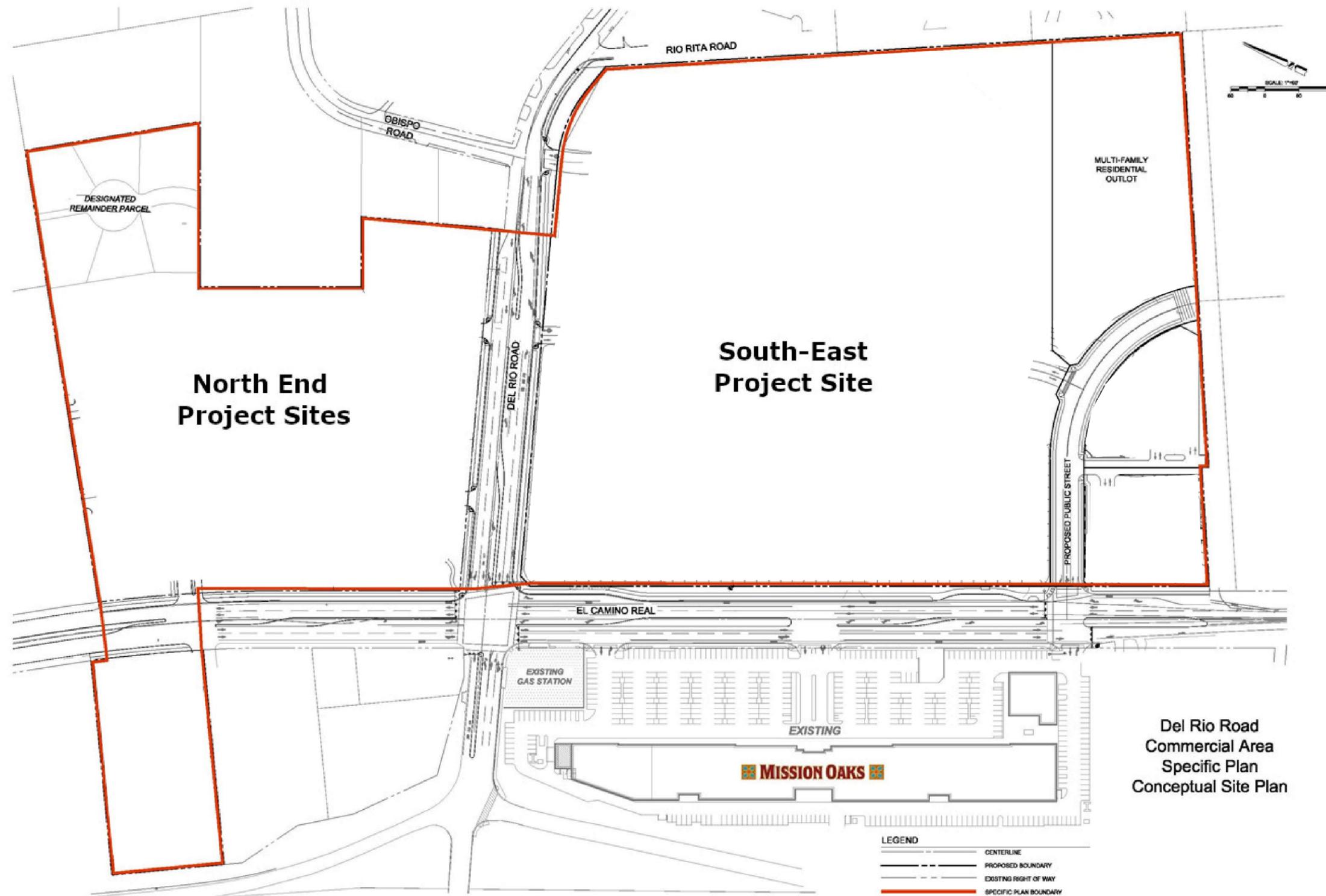


Figure 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Plan

## OVERVIEW

### 1.5 DEVELOPMENT APPROVAL COMPONENTS

The components of the development approval process for the South-East Project and North End Project sites are discussed below. The City has issued the following development approvals for the South-East Project and North End Project sites concurrently with the Specific Plan adoption:

- **General Plan Land Use Diagram Amendment.** A General Plan Land Use Diagram Amendment adopted by the City of Atascadero which changes: (1) the South-East Project's (a) High Density Residential (HDR), Medium Density Residential (MDR), and a portion of the Suburban Estates (SE) designated property to General Commercial (GC); and (b) 2.8-acre remainder of the existing residentially designated property to HDR to accommodate a Residential Multiple Family (RMF-20) use; and (2) the North End Project's (a) Single Family Residential-X (SFR-X) and Commercial Park (CPK) designated property to GC; and (b) 1.7-acre remainder of the existing residentially designated property to SFR-X in order to accommodate a Single Family use. Existing and proposed Land Use diagrams can be found in Exhibits 4 and 5.
- **Del Rio Road Commercial Area Specific Plan.** The Specific Plan, adopted by ordinance, serves as the implementation tool for the General Plan and overlay zone for the combined South-East Project and North End Project sites. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for the Specific Plan area. In the event of an inconsistency between the Specific Plan and the underlying zoning regulations, the provisions of the Specific Plan shall prevail.
- **Zone Change.** A Zone Change adopted by the City of Atascadero which changes: (1) the South-East Project's (a) Residential Multiple Family-20 (RMF-20), Residential Multiple Family -10 (RMF-10), and a portion of the Residential Suburban (RS) zoned-property to the CR Zone; and (b) 2.8-acres of residentially zoned property to RMF-20 to accommodate a Multiple Family use; and (2) the North End Project's Residential Single Family (RSF-X) and Commercial Park (CPX) zoned property to the CR and RSF-X zones. Existing and proposed Zoning diagrams can be found in Exhibits 6 and 7.

After the City of Atascadero deemed complete the project applications for the development approvals, including an application for Vesting Tentative Parcel Map AT09-0073, and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the High Density Residential (HDR) land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), and subsequently amended the name of the zone to RMF-24. Consistent with the recent update to the City of Atascadero General Plan and Zoning Ordinance, the proposed multiple family portion of the South-East Project Site is zoned RMF-24. Assumed development potential at this increased density was assessed as part of the 2020 traffic analysis update and therefore, the site can be developed under the full density of the RMF-24 zoning district.

- **Subdivision via Vesting Tentative Parcel Maps.** Approved Vesting Tentative Parcel Maps which reconfigure the: (1) South-East Project site consisting of 11 parcels into four separate parcels for a major tenant site, two Commercial Outparcels, and one Multiple Family Outparcel; and (2) North End Project site consisting of 7 parcels into eight commercial retail parcels and one remainder parcel for future residential development as allowed by Section 66426(c) of the Subdivision Map Act.
- **Tree Removal Permits and Protection Plans.** Approvals to remove approximately 86 native trees on the South-East Project site and approximately 46 native trees on the North End Project sites to accommodate the proposed development scheme.

Development of the South-East Project and the North End Project consistent with the development approvals described in this Section 1.5 shall be processed in accordance with Section 6.7: Application Processing, of this Specific Plan. The development approvals are contained in the Master Plan of Development(s).

#### 1.6 RELATIONSHIP TO THE GENERAL PLAN & ZONING ORDINANCE

The City of Atascadero adopted its General Plan on June 25, 2002. The Del Rio Road Commercial Area Specific Plan is consistent with and implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. Appendix B, the Project Consistency Analysis, demonstrates how the Del Rio Road Commercial Area Specific Plan is consistent with the General Plan. Accordingly, all projects that are found to be consistent with this Specific Plan are deemed consistent with the General Plan.

The Del Rio Road Commercial Area Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that have been customized to achieve the specific vision for the project area. The City's zoning standards are utilized for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Projects shall be evaluated for consistency with the intent of Specific Plan policies and for conformance with development standards and design guidelines. Development regulations and requirements contained in this document shall supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

#### 1.7 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The Specific Plan Environmental Impact Report ("Specific Plan EIR") for the Del Rio Road Commercial Area Specific Plan, certified by the City of Atascadero and prepared in accordance with the California Environmental Quality Act ("CEQA") and City of Atascadero requirements

## OVERVIEW

provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Specific Plan EIR includes recommended mitigation measures for the development projects and addresses project alternatives.

A primary function of the Del Rio Road Commercial Area Specific Plan and corresponding Specific Plan EIR is to reduce the need for future detailed planning and environmental review. Accordingly, the potential environmental impacts associated with the development of the Major Tenant and two Commercial Outparcels at the South-East site, and North End site uses have been fully analyzed at the project level in the Specific Plan EIR in accordance with CEQA, and therefore, require no further environmental review. (*See California Public Resources Code, Sections 21166, 21083.3; California Code of Regulations, Sections 15162, 15183.*) No specific development plans have been proposed for the Multiple Family Outparcel or the Single Family Outparcel; thus, the potential environmental impacts associated with their development of those parcels have been programmatically analyzed in the Specific Plan EIR in accordance with CEQA at their maximum permitted density. At the time a specific development project is proposed for either of the residential uses, the City shall make a determination as to whether the project would create new environmental impacts or require additional mitigation measures previously not analyzed or required in the Specific Plan EIR. If the City finds that no new environmental impacts would occur or no new mitigation measures would be required, pursuant to CEQA Guidelines Section 15162, then the City shall approve the residential development project as being within the scope of the project covered by the program level analysis in the Specific Plan EIR, and shall require no further environmental review. (California Code of Regulations, Section 15168(c)(2)) If the City determines, however, that the project may result in new environmental impacts or require new mitigation measures, additional environmental review may be required.

## SETTING & EXISTING CONDITIONS

### II SETTING & EXISTING CONDITIONS

2.1	Existing Land Use Conditions	II-1
2.1.1	Existing Land Use & Zoning Designations	II-1
	A. South-East Project Site	II-1
	B. North End Project Site	II-3
2.1.2	Surrounding Land Uses & Zoning Designations	II-3
2.2	Existing Circulation	II-4
2.2.1	Regional Circulation	II-4
2.2.2	Local Circulation	II-4
	A. El Camino Real	II-4
	B. Del Rio Road East of El Camino Real	II-5
	C. Del Rio Road West of El Camino Real	II-5
2.2.3	Public Transportation	II-5
2.3	Existing Physical Conditions	II-6
2.4	Existing Utilities	II-7

**SETTING & EXISTING CONDITIONS**

**SETTING & EXISTING CONDITIONS**

The setting and existing conditions presented describe the Specific Plan area prior to the issuance of the development approvals described in Section 1.5 of this Specific Plan. The setting and existing conditions include information related to the Specific Plan location, existing and surrounding land uses and zoning designations, circulation, physical conditions, and utilities. This information provides context for the development concept discussed in Chapter 3: Land Use Concept.

**2.1 EXISTING LAND USE CONDITIONS**

The Del Rio Road Commercial Area Specific Plan area has historically consisted of low-density, sparsely populated residential uses. The majority of the current Specific Plan area can be characterized as unimproved and vacant. Vegetation at the site generally consists of scattered oak and sycamore trees, as well as non-native ornamental trees and shrubs.

At the time the Specific Plan was drafted, the South-East Project site contained the remnants of six previously demolished, dilapidated, and abandoned wood frame homes and related out-buildings. The site also contained a single Colony home which must be demolished or relocated. The effects of the development on this Colony home are fully disclosed and analyzed as part of the Specific Plan EIR prepared pursuant to CEQA.

At the time the Specific Plan was drafted the North End Project site contained one single family residential dwelling, and three out-buildings. The site also contained a single Colony home which must be demolished or relocated. The effects of the development on this Colony home are fully disclosed and analyzed as part of the Specific Plan EIR prepared pursuant to CEQA.

**2.1.1 EXISTING LAND USE & ZONING DESIGNATIONS**

The General Plan Land Use designations and zoning for the parcels contained within the Specific Plan area are illustrated in Figure 2-1: Specific Plan Existing Land Use & Zoning Designations.

**A. SOUTH-EAST PROJECT SITE**

The South-East Project site consists of eleven parcels with split land use and zoning designations:

**TABLE 2-1: SOUTH-EAST PROJECT SITE LAND USE & ZONING DESIGNATIONS**

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
High Density Residential (HDR)	Residential Multiple Family (RMF-20)
Medium Density Residential (MDR)	Residential Multiple Family (RMF-10)
Suburban Estates (SE)	Residential Suburban (RS)

SETTING & EXISTING CONDITIONS

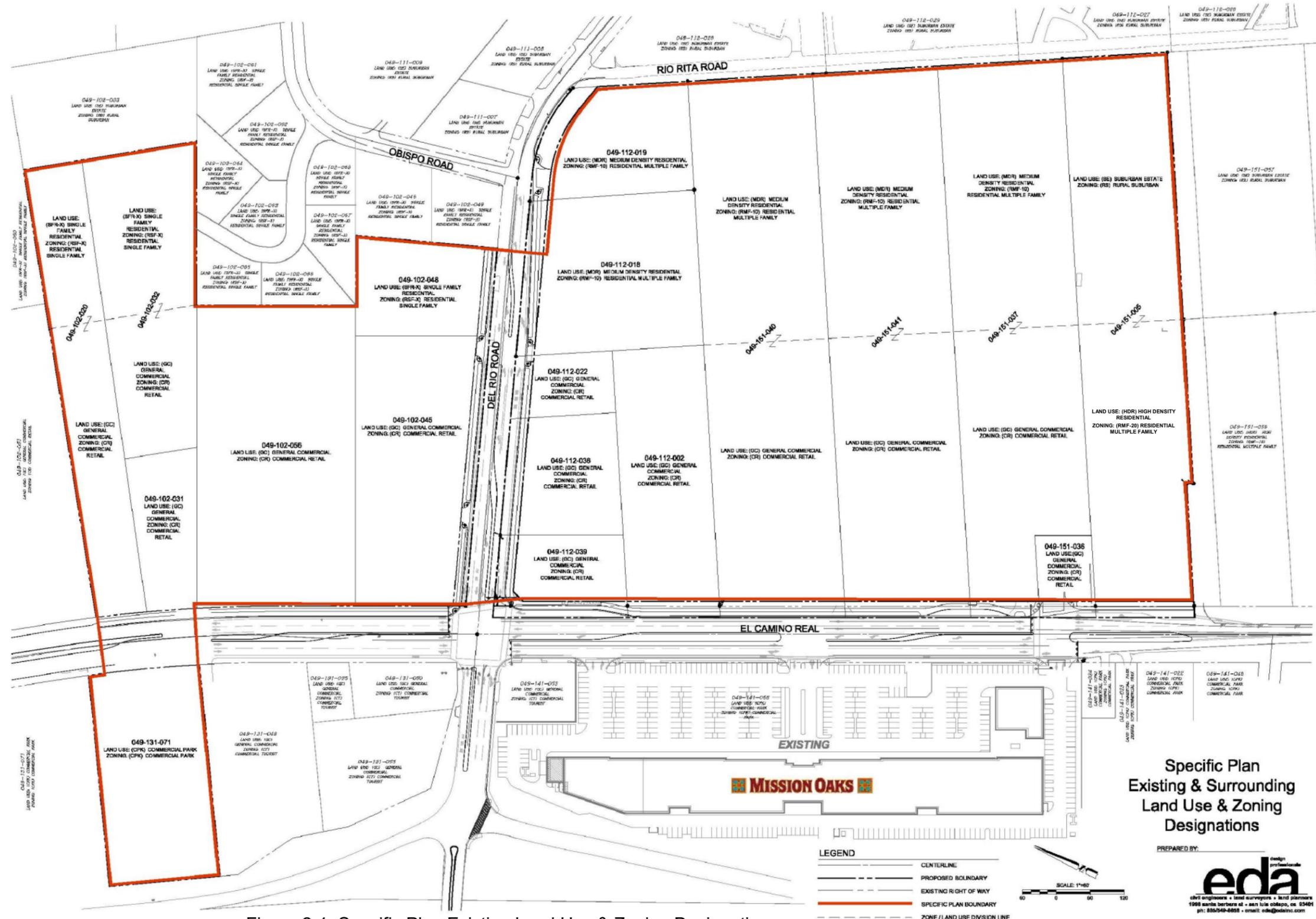


Figure 2-1: Specific Plan Existing Land Use & Zoning Designations

Specific Plan  
Existing & Surrounding  
Land Use & Zoning  
Designations

PREPARED BY:



**SETTING & EXISTING CONDITIONS**

The commercially designated/zoned parcels (totaling roughly 10 acres) are generally located on the western and northwestern portions of the site, fronting El Camino Real and a portion of Del Rio Road. The residentially designated/zoned parcels are generally located on the eastern and southeastern portions of the property, adjacent to and downhill from existing single-family homes across Rio Rita Road.

**B. NORTH END PROJECT SITE**

The North End Project site east of El Camino Real consists of seven parcels with split land use and zoning designations:

**TABLE 2-2: NORTH END PROJECT SITE LAND USE & ZONING DESIGNATIONS**

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
Commercial Park (CPK)	Commercial Park (CPK)
Single Family Residential (SFR-X)	Residential Single Family (RSF-X)

The commercially designated/zoned parcels (totaling roughly 8.5 acres) are generally located on the western portions of the site, fronting El Camino Real. The North End Project Site west of El Camino Real consists of one (1) parcel that is designated/zoned Commercial Park (CPK). The residentially designated/zoned parcels are generally located on the eastern portions of the property, mainly abutting existing single-family homes along Del Rio Road, Obispo Street and Marisol Way.

**2.1.2 SURROUNDING LAND USES & ZONING DESIGNATIONS**

The surrounding land uses include vacant/undeveloped land, single-family residential uses, and commercial uses. The land use and zoning designations surrounding the combined projects are also illustrated in Figure 2-1 and described more particularly below.

North of the North End Project site on the east side of El Camino Real are existing single-family residential uses. North of the North End Project site on the west side of El Camino Real are Commercial Park (Self Storage) uses.

South of the South-East Project site are single-family residential uses.

East of the Specific Plan area are Rio Rita Road, Obispo Road and Mirasol Way. Existing single-family residential dwellings are present in this area.

West of the Specific Plan area, across El Camino Real, are commercial properties, including the Mission Oaks Shopping Center and a Shell gas station.

**SETTING & EXISTING CONDITIONS**

**TABLE 2-3: SURROUNDING LAND USE & ZONING DESIGNATIONS**

	LAND USE	ZONING
<b>NORTH</b>	General Commercial (GC)	Commercial Retail (CR)
	Single Family Residential (SFR-X)	Residential Single Family (RSF-X)
<b>SOUTH</b>	High Density Residential (HDR)	Residential Multiple Family (RMF-20)
	Residential Suburban (RS)	Suburban Estate (SE)
<b>EAST</b>	Single Family Residential (SFR-X)	Residential Single Family (RSF-X)
	Residential Suburban (SE)	Suburban Estate (SE)
<b>WEST</b>	General Commercial (GC)	Commercial Tourist (CT)
	Commercial Park (CPK)	Commercial Park (CPK)

**2.2 EXISTING CIRCULATION**

**2.2.1 REGIONAL CIRCULATION**

Regional access to the Del Rio Road Commercial Area Specific Plan site is provided by U.S. Highway 101 and the Del Rio Road interchange. The interchange includes a grade separated overcrossing with signal controlled on- and off-ramps for both north and south bound traffic. Highway 101 provides north/south access to the Specific Plan area from surrounding communities and area. Additionally, the Specific Plan area is within three miles from California State Highway 41. Highway 41 provides east/west access from the outlying areas of the City of Atascadero from the City of Morro Bay to the area beyond the Town of Creston.

**2.2.2 LOCAL CIRCULATION**

Local access to the Del Rio Road Commercial Area Specific Plan is provided by El Camino Real and Del Rio Road. El Camino Real is a major arterial street that runs parallel with U.S. Highway 101 and provides north/south access to the Specific Plan site. El Camino Real is designated to be a four lane arterial, but is improved to two lanes within the Specific Plan area. Del Rio Road is both a minor arterial and collector street within the Specific Plan area and runs east/west providing access from the west side of Highway 101 and from eastern parts of Atascadero. The intersection of El Camino Real and Del Rio Road is signalized.

The following information describes the existing local streets abutting the Specific Plan area:

**A. EL CAMINO REAL:**

1) The South-East Project site:

- One Northbound (“NB”) lane at the south end of the Specific Plan area, which transitions to two NB lanes and then to one NB through lane, one dedicated left turn lane onto Westbound (“WB”) Del Rio Road, and one dedicated right turn lane onto Eastbound (“EB”) Del Rio Road at the signalized Del Rio intersection. Striped bike lane and unpaved shoulder.

## SETTING & EXISTING CONDITIONS

- Two Southbound (“SB”) lanes at the Del Rio intersection, which transition into one SB lane near the south end of the Specific Plan area. Curb, gutter and sidewalk, and bike lane.
  - Posted speed limit of 45 mph, raised medians, lane transition striping.
- 2) The North End Project site:
- One NB lane and one SB lane across the site frontage, with striped bike lane on the east side.
  - At the Del Rio intersection, the SB roadway transitions into a through/right turn lane and a dedicated left turn lane onto EB Del Rio.
  - Posted speed limit of 45 mph, separated by a double yellow line, lane transition striping, a paved and striped shoulder, no curb, gutter, or sidewalk.
- B. DEL RIO ROAD, EAST OF EL CAMINO REAL:
- 1) One traffic lane each, EB and WB.
  - 2) Painted double yellow line through the Specific Plan area. No curb, gutter, or sidewalk, or delineated bike lanes.
  - 3) Posted speed limit of 40 mph.
- C. DEL RIO ROAD, WEST OF EL CAMINO REAL:
- 1) One WB lane, one EB right turn lane, one EB through-left turn lane.
  - 2) Raised center median; curb, gutter and sidewalk on south side of road only.
  - 3) No Posted speed limit.

### 2.2.3 PUBLIC TRANSPORTATION

Public transportation in the Atascadero area is generally available through San Luis Obispo Regional Transit Authority (“SLORTA”), Atascadero Transit, and Dial-a-Ride/Ride-On.

The SLORTA provides fixed route service throughout San Luis Obispo County from San Miguel to Santa Maria. SLORTA’s Route 9 provides hourly, local and express service, plus limited Saturday and Sunday local service. Route 9 travels Highway 101, between San Luis Obispo, Cal Poly, Santa Margarita, Atascadero, Templeton, Paso Robles and San Miguel seven days a week with less frequency on Saturdays and Sundays. There are 19 southbound bus stops and 20 northbound stops located along El Camino Real (ECR) within the Atascadero city limits. Northbound bound stops near the project area include ECR at Del Rio (Mission Oaks Plaza), ECR at Atalaya and ECR at Santa Cruz. Southbound stops include ECR at Atalaya and ECR at Del Rio (Mission Oaks Plaza).

Atascadero Transit operates Dial A Ride, a demand response public transit system serving seniors and the general public, including disabled and mobility-impaired individuals. Atascadero Dial A Ride provides local service throughout the city limits of Atascadero and extends to the Las Tablas medical corridor in Templeton to accommodate the needs of residents. All Atascadero Transit vehicles are wheelchair accessible and have bicycle racks to accommodate two bicycles. Dial A Ride serves as a connector for residents in need of transportation to reach the RTA fixed route bus stops on El Camino Real which provide accessible transportation throughout San Luis Obispo and Northern Santa Barbara counties.

## SETTING & EXISTING CONDITIONS

Demand response door-to door transit service is available through Atascadero Transit. Additionally, Dial-a-Ride/Ride-On is available for those that are unable to independently use fixed route transit because of physical or mental disability.

### EXISTING PHYSICAL CONDITIONS

#### TOPOGRAPHY

The Del Rio Road Commercial Area Specific Plan site is characterized by low rolling hills and flats on and immediately surrounding the site. The North End Project site is generally flat with slopes of less than 5%. The South-East Project site has moderate slopes ranging from 5% to 12%. Elevations range from approximately 970 feet above mean sea level at the southeast corner to about 860 feet at the northwest corner, with the terrain slightly sloping in a northwesterly direction. No USGS identified blue line water ways are located within or adjacent to the project boundaries.

#### SOIL

The USDA soil survey indicates the dominant soils present in the site vicinity are the Arnold loamy sand, 9 to 30 % slopes and Oceano loamy sand, 2 to 9 % slopes. The Arnold soils are found on hills and formed in weathered sandstone. The Oceano soils are found on dunes and formed in sandy eolian deposits.

#### HYDROLOGY & DRAINAGE

The Specific Plan area rolls toward the north and west at slopes ranging from five to ten percent. The soils are mostly clayey sand with soft rock located two to four feet below the surface. The ground cover condition is fair.

#### *Hydrology & Drainage of the South-East Project site*

The site can be divided into three watersheds that all drain to either El Camino Real or to Del Rio Road. The runoff from one small watershed flows east, bounded by Del Rio Road and Rio Rita Road. The runoff from the other small watershed flows south along El Camino Real. The majority of the runoff, which is generated by the large watershed, flows to a storm drain located at the intersection of El Camino Real and Del Rio Road. From there the runoff flows into Caltrans drainage structures under Highway 101 and eventually into Graves Creek, a blue line creek and direct tributary to the Salinas River.

#### *Hydrology & Drainage of the North End Project site*

The east portion of the existing site's predominate surface flow is to the northwest corner of the site to an existing double 4-foot wide box culvert that crosses El Camino Real and discharges onto the western portion of the site. An existing drainage ditch cuts through the southeast corner of the western portion of the site and then proceeds offsite in a southwesterly direction to a culvert that crosses U.S. Highway 101. Predominate surface flow on the western portion of the site is in a southern direction towards that drainage ditch.

#### BIOLOGICAL RESOURCES

The Del Rio Road Commercial Area Specific Plan site contains two habitat types: non-native annual grassland and ornamental-developed land. Approximately 166 native trees are present within the Specific Plan area, including: Coast Live Oaks, Valley Oaks, Black Walnuts, and California Sycamores. These trees are subject to the City of Atascadero's Native Tree Ordinance. In addition, the site has the potential to support special-status plant and wildlife

## SETTING & EXISTING CONDITIONS

species. However, no special status plant species were observed within the project site during floristic surveys, and none are expected to be impacted by the proposed project. Further, no special-status wildlife species or sign of such species were observed within the Specific Plan area during reconnaissance surveys.

### EXISTING UTILITIES

A general description of the existing utilities for the South-East Project and North End Project sites is provided below. The proposed distribution, location, extent and intensity of major components of public transportation, sewage, water, drainage solid waste disposal, energy and other essential facilities proposed to be located within the Specific Plan area are described in Sections 3.3 through 3.6 of the Specific Plan.

#### WATER

The Atascadero Mutual Water Company provides potable water service to the Specific Plan area. Water is provided by existing underground water mains in El Camino Real and Del Rio Road.

#### SANITARY SEWER

The Specific Plan area, like the rest of Atascadero, is provided sanitary sewer service by the City of Atascadero. Existing underground sewer mains in El Camino Real or Del Rio Road will convey project effluent to the City's existing treatment plant located on Gabarda Road.

#### ELECTRICITY

The Specific Plan area is served with electricity service provided by Pacific Gas and Electric Company via existing transmission and distribution lines.

#### GAS

The Specific Plan area is served with gas service provided by the Gas Company via existing underground pipelines.

#### COMMUNICATIONS

The Specific Plan area is provided landline telephone services by AT&T and cable television services by Charter Cable, both via existing facilities.

#### SOLID WASTE DISPOSAL

The Specific Plan area is provided solid waste service by Atascadero Waste Alternatives, Inc. Solid waste is disposed of at the Chicago Grade Landfill.

**LAND USE PLAN**

**III LAND USE PLAN**

3.1	Land Uses	III-1
3.1.1	General Commercial (GC)	III-1
3.1.2	High Density Residential (HDR)	III-1
3.1.3	Single Family Residential (SFR-X)	III-2
3.2	Land Use Policies	III-2
3.2.1	South-East Project Site	III-4
3.2.2	North End Project Site	III-5
3.3	Circulation Policies	III-6
3.3.1	Vehicle & Truck Access Policies	III-6
3.3.2	Non-Vehicular & Public Transportation Access Policies	III-7
3.4	Public Facilities Policies	III-13
3.4.1	Water Policies	III-13
3.4.2	Wastewater & Sewer Policies	III-13
3.4.3	Storm Drainage Policies	III-14
	A. South-East Project Site	III-14
	B. North End Project Site	III-14
3.4.4	Electricity Policies	III-15
3.4.5	Natural Gas Policies	III-15
3.4.6	Communications Policies	III-15
3.5	Grading Policies	III-16
3.6	Community Facilities Policies	III-16

## **LAND USE PLAN**

The Specific Plan serves as the overlay zoning for the Del Rio Road Commercial Area Specific Plan area. The Land Use Plan provides the overall framework for development within the Specific Plan. Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan shows the location and arrangement of the land use designations. A general description of the uses proposed within the Specific Plan is provided below.

### **3.1 LAND USE DESIGNATIONS**

Land uses within the Del Rio Road Commercial Area Specific Plan are summarized below and include General Commercial, Multi-family Residential, and Single-Family Residential as shown in Figure 3-1: Del Rio Road Commercial Area Specific Plan Land Use Plan.

#### **3.1.1 GENERAL COMMERCIAL (GC)**

The General Commercial (GC) land use category provides Commercial Retail (CR) development opportunities for a wide range of commercial and business uses to accommodate retail, employment, and service needs of the City and surrounding areas. Approximately 32 acres of General Commercial uses have been included in the Specific Plan. These uses are generally located along Del Rio Road and El Camino Real. Foreseeable commercial uses within the commercial area will primarily consist of office, retail, and service oriented uses including, but not limited to, general merchandise stores, wholesaling and distribution, low-intensity manufacturing, restaurants, lodging and business support uses.

#### **3.1.2 HIGH DENSITY RESIDENTIAL (HDR)**

The High Density Residential (HDR) land use category provides for Residential Multiple Family (RMF-24) development characterized by apartment, condominium, and townhouse development within the City's urban service line, with a minimum density of 20 units per acre. After the City of Atascadero deemed complete the project applications for the development approvals, including an application for Vesting Tentative Parcel Map AT09-0073, and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the HDR land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), then subsequently amended the density and name of the designation to RMF-24 with a maximum based density of 24 units per acre. Consistent with the recent update to the City of Atascadero General Plan and Zoning Ordinance, the proposed multiple family portion of the South-East site is zoned RMF-24. Approximately 2.8 acres of High Density Residential uses have been included in the Specific Plan. Accordingly, a maximum of up to 67 dwelling units would be permitted in this area. This use is located on the southeastern portion of the project site, mainly abutting existing single-family homes along Rio Rita Street and the proposed public road.

#### **3.1.3 SINGLE FAMILY RESIDENTIAL (SFR-X)**

The Single Family Residential (SFR-X) land use category provides for Residential Single Family (RSF-X) development within the City's urban services line with a maximum base density of 2 units per acre. However, the Single Family Outparcel also falls within the existing Planned Development Overlay 17, which permits density greater than the limits specified in the RSF-X zone. Specifically, Planned Development Overlay 17 allows residential uses in the RSF-X zone up to a maximum of 4 units per acre. Approximately 1.7 acres of single-family residential uses have been included in the Specific Plan area. Accordingly, a maximum of up to 6 dwelling units

**LAND USE PLAN**

would be permitted in this area. This use is located on the northeastern portion of the property, mainly abutting existing single-family homes and taking access from Marisol Way.

**3.2 LAND USE POLICIES**

The Del Rio Road Commercial Area Specific Plan sites are intended to function as two commercial centers providing community oriented uses with a focus on employment, service, retail, and office opportunities. The combined projects consist of commercial and residential uses on approximately 39 acres of land. The Specific Plan area contains thirteen lots, with the majority of the area intended for the development of the commercial uses and their respective parking, as described in Table 3-1: Specific Plan Land Use Summary. The Specific Plan land uses will be developed substantially consistent with Table 3-1 and Figure 3-1. However, developers shall have no obligation to develop the project or develop the full floor area/density presented in Table 3-1. It is also important to note that assumed floor area estimates were used to determine traffic impacts from the project. Floor area may be increased if it can be shown that the total number of trips (total daily and peak hour) do not exceed the thresholds established in the most recent comprehensive traffic analysis.

**TABLE 3-1: SPECIFIC PLAN LAND USE SUMMARY**

	LAND AREA	FLOOR AREA / DENSITY
<b>SOUTH-EAST PROJECT SITE</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
MAJOR TENANT PARCEL	19 ac.	129,560* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
MULTIPLE FAMILY OUTPARCEL	2.8 ac.	67 d.u.
DEDICATIONS	2.2 ac.	--
<b>SUBTOTAL SOUTH-EAST PROJECT SITE</b>	26 ac. (gross)	139,560* sq. ft. (44 d.u.)
<b>NORTH END PROJECT SITE</b>		
<b>PARCEL</b>	<b>SITE AREA</b>	<b>BUILDING AREA</b>
COMMERCIAL PARCELS (NORTH END PROJECT SITE – EAST)	9.3 ac.	193,000* sq. ft.
HOTEL (NORTH END PROJECT SITE – WEST)	1.7 ac.	73,833* sq. ft. / 120 rooms
SINGLE FAMILY OUTPARCEL	1.7 ac.	6 d.u.
DEDICATIONS	0.3 ac.	--
<b>SUBTOTAL NORTH END PROJECT SITE</b>	13 ac. (gross)	266,833* sq. ft. (6 d.u.)
<b>SPECIFIC PLAN</b>		
<b>TOTAL</b>	39 ac. (gross)	406,393* sq. ft. (50 d.u.)

\* Assumed square-footage based on trip generation. Building floor area may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.

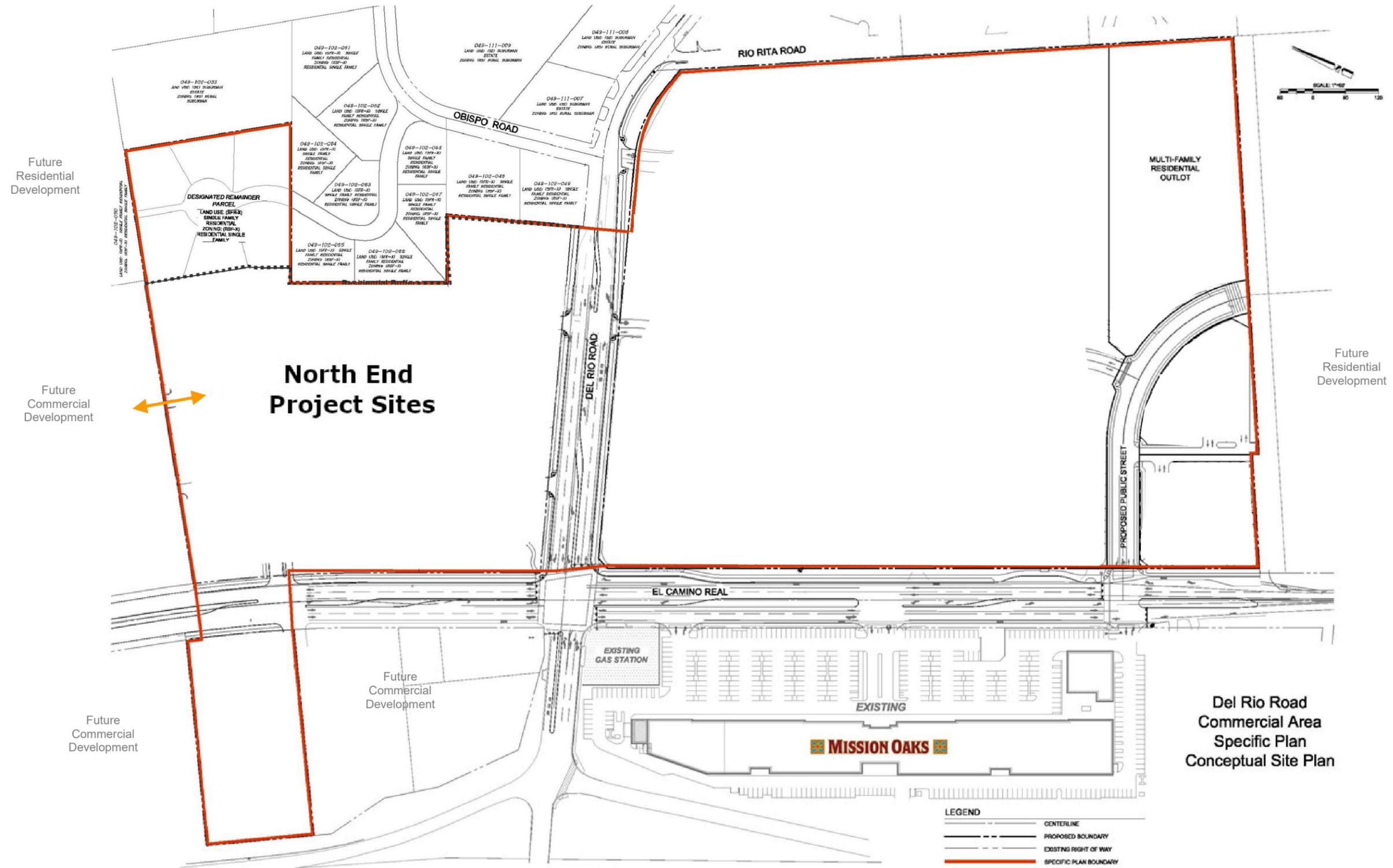


Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan

**3.2.1 SOUTH-EAST PROJECT SITE LAND USE POLICIES**

The South-East Project site consists of four parcels divided into the following land use and zoning designations:

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
High Density Residential (HDR)	Residential Multiple Family (RMF-24)

The commercially designated/zoned parcels are located toward the west of the site, fronting El Camino Real and Del Rio Road. The residentially designated/zoned parcel is located on the southeastern portion of the project site, mainly abutting existing single family homes along Rio Rita Street and the proposed public road.

The following South-East Project site land use policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The Major Tenant parcel could accommodate a wide variety of retail, office, light industrial or other uses as allowed by the General Plan.
- 2) Uses shall be consistent with the underlying CR zoning district and as modified in Section 4.1.1 of this Specific Plan.
- 3) The South-East Project site has two 1-acre Commercial Outparcels that may each consist of a building up to 5,000 square feet (see #5) in size.
- 4) Assumed floor area based on trip generation. Square-footages may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.
- 5) The South-East Project site has one 2.8 acre Multiple Family Outparcel (RMF-20) designated for development at a later date.

**3.2.2 NORTH END PROJECT SITE LAND USE POLICIES**

The North End Project site consists of eight parcels and one designated remainder parcel divided into the following land use and zoning designations:

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
Single Family Residential (SFR-X)	Residential Single Family (RSF-X)

The following North End Project land use policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Non-residential uses will be developed consistent with the underlying CR zoning district and as modified in Section 4.1.1 of this Specific Plan.
- 2) Assumed floor area based on trip generation. Square-footages may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.
- 3) The North End Project site designated approximately 1.7 acres of land as single family residential. This area will be designated as a Planned Development Overlay 17 as part

of the Specific Plan which allows residential uses in the RSF-X zone up to a maximum of 4 units per gross acre.

### **3.3 CIRCULATION POLICIES**

The transportation and circulation system for the Del Rio Road Commercial Area Specific Plan is designed to utilize the existing roadway system with the addition of one local street (proposed public road) and commercial drives as needed to serve individual development areas. The system also includes policies to require paths for non-vehicular circulation to connect various subareas to each other and to the City of Atascadero in general. The proposed circulation network and policies are designed to efficiently move vehicular traffic through and around the Specific Plan area and to allow pedestrians a safe path from public and private areas to and from the entrances. The circulation plan promotes transit use, bicycling and walking as convenient modes of transportation for commuting and shopping. The circulation plan enhances connectivity with adjacent areas, where feasible to reduce traffic impacts on major streets.

#### **3.3.1 VEHICLE & TRUCK ACCESS POLICIES**

Vehicular access to the Specific Plan area is provided by Del Rio Road, El Camino Real, and the proposed public road. Conceptual vehicular access points to the site are shown in Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan. Restrictions on turning movements are assumed based on preliminary traffic analysis and assumed driveway locations and may be modified with subsequent traffic analyses to the satisfaction of the City Engineer.

Primary access to the South-East Project site is envisioned by one driveway on Del Rio Road and one driveway from the proposed public road near the south of the site that connects to El Camino Real. Additionally, a secondary entrance is provided by one drive way on Del Rio Road. The secondary entrance is envisioned to be designed to gain access to the loading areas at the rear of the proposed major tenant site. The secondary driveway access on Del Rio Road is designed to align with Obispo Road. An optional access point at El Camino Real, aligned with the existing Mission Oaks main entrance may be approved by the City Engineer should less intensive traffic generating uses be developed on-site and it can be shown that there are no queuing impacts for a dedicated turn pocket on El Camino Real into the South-East project site. Access to the two outparcels and the multi-family site shall be from the proposed public road.

Primary access to the North End Project site is envisioned to be off of El Camino Real with secondary access off of Del Rio Rd.

Driveway restrictions will be analyzed with all Master plan of Development and Construction submittals to ensure safe turning movements and driveway placement in relation to traffic improvements and adjacent commercial developments.

Except as otherwise modified by mitigation measures required in the Specific Plan EIR and/or project conditions of approval, the following vehicle and truck access policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Street improvements on Del Rio Road and El Camino Real as generally described below, and as included as mitigation measures in the certified Specific Plan Final

- Environmental Impact Report, will be constructed and financed by developments within the Specific Plan boundary, facilitating access to the subject sites, and acting to maintain efficient and safe vehicular travel along adjacent roadways.
- 2) El Camino Real and Del Rio Road will be improved in accordance with the adopted plan improvements or to the satisfaction of the City Engineer. The Master Plan of Development for each project site will include conditions of approval that implement the timing and details of all traffic improvements.
  - 3) In addition to required frontage improvements, Del Rio Road shall be widened to accommodate a right turn lane onto US101 northbound. Signal modifications and timing shall be completed in to ensure safe and efficient traffic flow. Developments shall pay their fair share towards these improvements based on traffic impacts.
  - 4) The existing traffic signal at El Camino Real and Del Rio Road will be modified to accommodate the proposed roadway improvements.
  - 5) Del Rio Road, east of Obispo Road, will be improved to provide one-half (20') of a standard Collector Road section on the project side of the centerline. This widened section will transition to match the existing pavement width east of the Rio Rita Road. The intersection at Rio Rita Road will be reconstructed to conform to the increased width of Del Rio Road. Rio Rita Road will be improved to provide a smooth transition to Del Rio Road and maintain continuity of drainage.
  - 6) A decorative concrete three rail fence will be constructed on the South-East project site's east property line.
  - 7) The applicant will offer to the City of Atascadero a ten-foot grant of right of way along its easterly property line for public road purposes. The abutting property owners shall have the right to grade within the right of way.
  - 8) A public road will be constructed in the southern portion of the South-East Project site, which will intersect El Camino Real opposite the southerly entrance to the Mission Oaks Center. This intersection will be signalized, and the road will be designed to the City's current collector standard as a two lane road. The Major Tenant, Commercial Outparcels, and the Multiple Family Outparcel may take access off this road. The road will be designed to connect to the properties to the south of the project site. This road will be dedicated to the City of Atascadero and accepted for maintenance purposes.
  - 9) Driveway access points will be designed to align with existing and proposed driveways across the major streets as well as existing or planned public roads, to the greatest extent possible. Restrictions on turning movements may be amended by conditions of approval for individual Master Plans of Development for each project site. Access may be restricted beyond what is stated in the Specific Plan should the City Engineer deem it necessary for vehicular, pedestrian, or bike safety, or should it be deemed necessary for the function of street intersections, the 101 interchange, or on-site circulation flow.

To the extent the Vehicle & Truck Access Policies are inconsistent with the mitigation measures required in the Specific Plan EIR and/or conditions of approval required by the City, the mitigation measures and/or conditions of approval shall apply. The proposed physical configurations of the right-of-ways will allow for safe and efficient travel to and from the site.

### **3.3.2 NON-VEHICULAR & PUBLIC TRANSPORTATION ACCESS POLICIES**

The Specific Plan encourages non-motorized travel by creating travel routes that ensure destinations may be reached conveniently by public transportation, bicycling or walking.

Individual project sites should be designed to allow pedestrians a safe path from public and private areas to and from the commercial retail and restaurant entrances.

The Specific Plan incorporates the following non-vehicular improvements and/or features, thereby facilitating access to the South-East Project and North End Project sites and acting to maintain efficient and safe vehicular travel along adjacent roadways:

The following non-vehicular and public transportation policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) A turn out shall be provided on El Camino Real in front of the South-East Project site in order to accommodate a bus stop in accordance with City Engineering Standards.
- 2) Project site frontages shall be designed with pedestrian access and ADA accessible pathways via public sidewalks on Del Rio Road, El Camino Real and the new public road. Private walkways and delineated paths to each building within the Specific Plan area are encouraged.
- 3) Project sites shall include ADA accessible elements in compliance with accessibility requirements.
- 4) Public transportation is permitted throughout the Specific Plan area.
- 5) Secure bicycle parking shall be provided near building entrances.
- 6) Bicycle travel accommodations shall be provided in each direction along the South-East Project and North End Project frontage on El Camino Real and Del Rio Road.

LAND USE PLAN

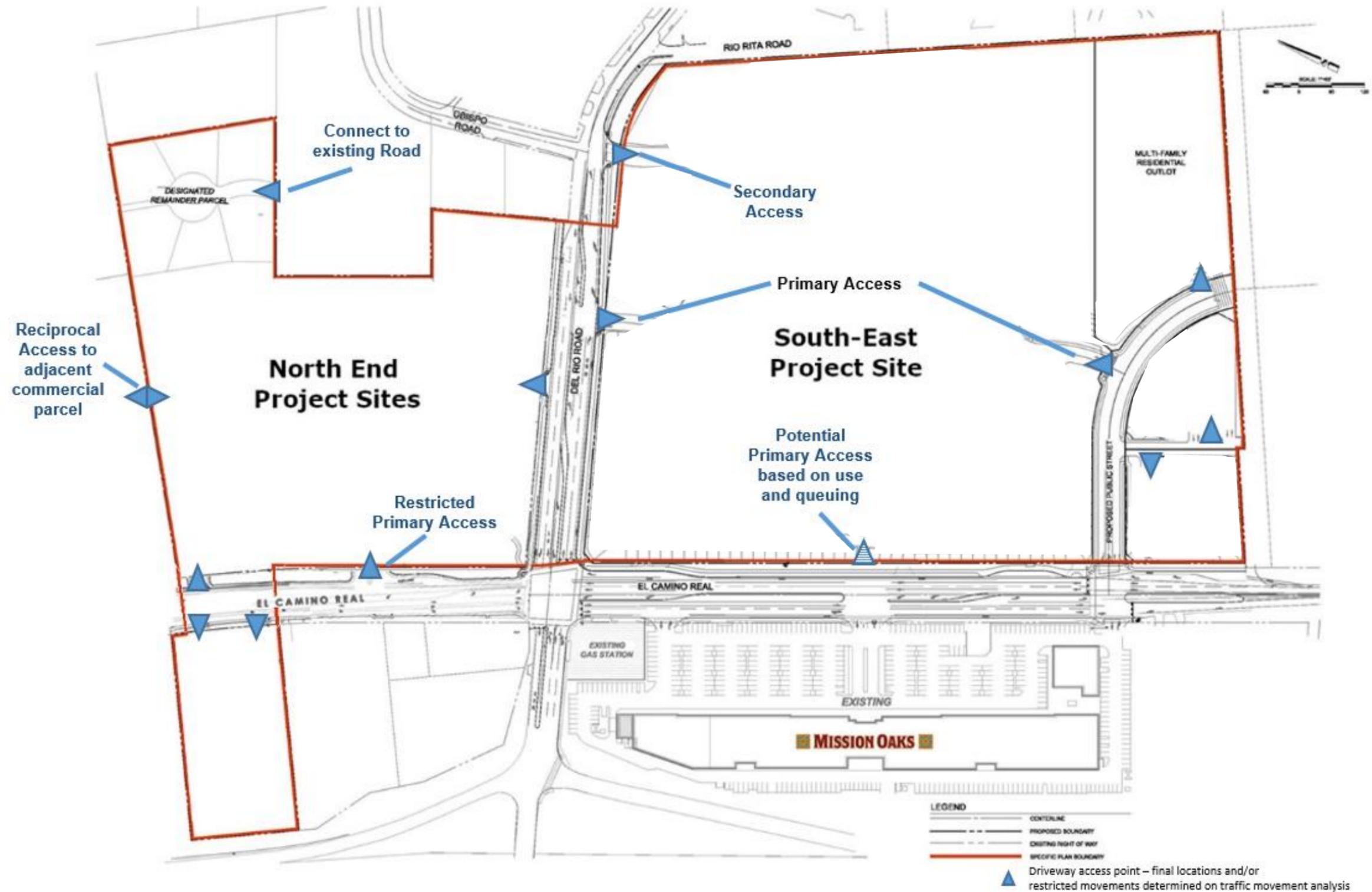


Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan

### **3.4 PUBLIC FACILITIES POLICIES**

The following section describes the backbone infrastructure systems that will be installed and financed by development within the Specific Plan area that is required to serve the development of the Del Rio Road Commercial Area Specific Plan.

The following public facilities policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Water, wastewater, and drainage improvements will be designed to provide adequate levels of service for the maximum level of the planned development.
- 2) All plans and improvements will be consistent with the City of Atascadero's General Plan and City infrastructure requirements.
- 3) The proposed electric, natural gas, and communication utilities shall be connected to utility provider facilities in accordance with applicable standards.
- 4) All wires, conductors, cables, raceways, and conduits for electrical, telecommunications, cable, and similar services that provide direct service to any property shall, within the boundary lines of such property, be installed underground. Associated equipment and appurtenances such as surface mounted transformers, pedestal mounted terminal boxes, meters, and service cabinets may be placed aboveground and shall be screened and located behind the front setback line of said property.

#### **3.4.1 WATER POLICIES**

The Del Rio Road Commercial Area Specific Plan is served with potable water by the Atascadero Mutual Water Company.

The following water policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The South-East Project site will be served by a new water main in the proposed public road which connects to the existing water main in El Camino Real and/or new public street.
- 2) The North End Project will be served by connections to the existing water main in El Camino Real and/or the existing water main in Del Rio Road.
- 3) A new water main shall be constructed in the new public street.
- 4) All water infrastructure design plans and construction will be approved the Atascadero Mutual Water Company prior to development.
- 5) All backflow preventers will be located in landscaped areas outside the public way.

#### **3.4.2 WASTEWATER & SEWER POLICIES**

The project wastewater will be conveyed by existing sanitary sewer main lines to the existing City of Atascadero wastewater treatment plant. The existing sewer main lines convey effluent to the City's existing treatment plant located on Gabarda Road.

The following wastewater and sewer policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The South-East Project will connect to the existing sewer main in El Camino Real and/or a new sewer main in the proposed public road.
- 2) The North End Project will connect to the existing sewer main in El Camino Real and/or the existing sewer main in Del Rio Road.
- 3) A new sewer main shall be constructed in the new public street.

**LAND USE PLAN**

**3.4.3 STORM DRAINAGE POLICIES**

The Specific Plan area will discharge its stormwater run-off in accordance with the City's Storm Water Management Plan. Stormwater will flow into the City's storm drain collection system and ultimately be discharged into Grave's Creek. The existing drainage within the Specific Plan area is discussed in Section 2.3: Existing Physical Conditions.

The following storm drain policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) During construction, all work shall meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality.
- 2) During construction, Best Management Practices (BMPs) will be implemented for erosion control in accordance with an approved erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP).
- 3) During operations, all activities shall comply with the City of Atascadero's Storm Water Mitigation Plan (SWMP). This includes operational BMPs identified in the SWMP, including waste management and materials control, source control and treatment controls, to limit the conveyance of pollutants offsite.
- 4) The South-East Project and North End Project sites will safely convey storm runoff to public facilities. Historical drainage patterns and flows will be maintained to the extent feasible.

**3.4.4 ELECTRICITY POLICIES**

Del Rio Road Commercial Area Specific Plan area is served with electricity by Pacific Gas and Electric Company. No new energy producing facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following electricity policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Both the South-East Project and North End Project developments shall include the construction of on-site utility lines and provide easements to meet PG&E requirements.
- 2) All wires, conductors, cables, raceways, and conduits for electrical and similar services that provide direct service to any property shall be installed underground within the boundary lines of such property.
- 3) All utility lines along the project frontages shall be undergrounded consistent with City code requirements.

**3.4.5 NATURAL GAS POLICIES**

Del Rio Road Commercial Area Specific Plan area is served with gas by The Gas Company. No new facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following natural gas policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Service of gas to the Specific Plan area will be in accordance with The Gas Company policies and PUC regulations.

### **3.4.6 COMMUNICATIONS POLICIES**

Del Rio Road Commercial Area Specific Plan area is provided landline telephone and communication services by AT&T and Spectrum and cable television by Spectrum, satellite, and other local providers. No new facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following communication policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Both the South-East Project and North End Project sites will construct on-site utility lines to meet utility company requirements and PUC regulations.
- 2) All wires, conductors, cables, raceways, and conduits that provide direct service to any property shall be installed underground within the boundary lines of such property.
- 3) All utility lines along the project frontages shall be undergrounded consistent with City code requirements.

### **3.5 GRADING PLAN POLICIES**

The Major Tenant parcel, two Commercial Outparcels, and the North End Project parcels will be cleared, graded, and otherwise prepared for construction. It is anticipated that the South-East project site will require a significant amount of grading to accommodate a level pad. It is anticipated that the North end site will require some imported material to accommodate commercial development. The concept grading plans indicate approximately 50,000 cubic yards of import from the South-East Project Site to the North End Project Site and approximately 205,000 CY of dirt is expected to be exported from the South-East Project site to a suitable receiver site.

The following grading policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) All grading shall comply with the current edition of the International Building Code, and the City of Atascadero Community Development and Public Works Departments standards.
- 2) Development within the Specific Plan area will cooperate to the greatest extent feasible to utilize excess material on each individual development site prior to exporting outside the Del Rio Specific Plan area.
- 3) Any residual debris resulting from site clearing and preparation will be disposed of/recycled in accordance with City requirements.
- 4) The South-East Project and the North End Project do not propose to grade their respective residential outparcels at this time. Future grading for the residential parcels will comply with City requirements, as determined at the time an application for a specific project is submitted to the City.

### **3.6 COMMUNITY FACILITIES POLICIES**

Community services and facilities including fire protection, police protection, U.S. mail, and solid waste disposal are summarized below. A more detailed discussion of facilities and services is presented in the Specific Plan EIR certified for the project.

#### **FIRE PROTECTION**

The City of Atascadero Fire Department provides fire prevention and suppression, hazardous materials mitigation, and disaster planning services. This department serves the Del Rio Road

Commercial Area Specific Plan area. The closest fire station to the site is Station #1 located at 6005 Lewis Avenue. Fire protection needs are analyzed in the Specific Plan EIR.

The following fire protection policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) All fire hydrants shall be approved by the Fire Department.
- 2) The City of Atascadero Fire Department shall review and approve all water improvement plans and Fire Department Connections (FDC's) prior to installation.
- 3) All structures shall include automatic sprinkler systems and alarm systems as required by the latest applicable codes
- 4) All driveways and perimeter drives aisles will be have signage that states "Fire Lanes – No Parking".

#### POLICE PROTECTION

The Del Rio Road Commercial Area Specific Plan is served by the City of Atascadero Police Department ("APD"). APD operates in cooperation with the surrounding law enforcement agencies under the "State Mutual Aid Pact". The department's headquarters is located at 5505 El Camino Real approximately two miles from the site. Police protection needs are analyzed in the Specific Plan EIR.

#### U.S. MAIL

Mail service is provided by the United States Postal Service (USPS). The USPS will be consulted regarding the location of the mail depositories which shall be installed per USPS recommendations.

#### SOLID WASTE & RECYCLING STORAGE

Solid waste is collected by the Atascadero Waste Alternatives, Inc., a private company under contract with the City of Atascadero. Solid Waste Service is provided to the Del Rio Road Commercial Area Specific Plan area by Atascadero Waste Alternatives, Inc. Solid waste will be disposed of at the Chicago Grade Landfill located at 2290 Homestead Road, Templeton, CA 93465.

**DEVELOPMENT STANDARDS**

**IV DEVELOPMENT STANDARDS**

4.1	Commercial Retail (CR) Development Standards	IV-1
4.1.1	Permitted Uses	IV-1
4.1.2	Property Development Standards	IV-2
4.2	Residential Multiple Family (RMF-20) Development Standards	IV-2
4.2.1	Permitted Uses	IV-3
4.2.2	Property Development Standards	IV-3
4.3	Residential Single Family (RSF-X) Development Standards	IV-3
4.3.1	Permitted Uses	IV-3
4.3.2	Property Development Standards	IV-3

## DEVELOPMENT STANDARDS

### DEVELOPMENT STANDARDS

This chapter establishes policies and standards for development of the land uses and buildings within the Del Rio Road Commercial Area Specific Plan area. The Specific Plan creates a specific identity within the plan area through application of the Atascadero Municipal Code and unique development standards. The purpose of these standards is to support, through careful site evaluation and design, the establishment of land uses in a manner that protects the public health, safety, and welfare. To the extent the development standards of the Specific Plan and the Atascadero Municipal Code are in conflict, the development standards of the Specific Plan shall prevail.

#### 4.1 COMMERCIAL RETAIL (CR) DEVELOPMENT STANDARDS

These development standards implement the Commercial Retail (CR) zoning designation. The planning areas zoned CR allow the development of commercial uses, which provide residents and visitors with a variety of retail, office, lodging, restaurant, and personal and tourist serving uses. It is the intent of these regulations to establish a comprehensive set of standards and respond to community needs for general commercial uses.

##### 4.1.1 PERMITTED USES

All uses shall be consistent with the underlying CR (Commercial Retail) zoning district for allowed and conditionally allowed uses, with the following modifications:

1) The following uses shall be allowed or allowed as modified:

~~Auto Repair Services (indoor only, no outdoor storage of inoperative vehicles)~~

- a) Brewery – Production
- b) Building Materials and Hardware w/ outdoor ~~storage-sales~~ less than 20,000 sf
- c) Data and Computer Services Center
- d) Farm Equipment and Supplies with outdoor ~~sales~~ area up to 20,000 square-feet.
- e) Horticultural Specialties w/ outdoor ~~sales~~ area less than 20,000 sf
- f) Manufacturing – Low Intensity
- g) Medical Research
- h) Research and Development
- i) Warehousing – (must have an active office and employee component that is at least 25% of floor area)

2) The following uses shall be conditionally allowed with the following additional finding: The use must make a strategic contribution to and synergy with a viable commercial center; including consideration of revenue generation, compatibility, and phasing:

a) Auto Repair Services (indoor only, no outdoor storage of inoperative vehicles)

~~j)b) Manufacturing and Processing – High Intensity (indoor only)~~

~~k)c) Winery – production~~

~~l)d) Health Care Services, with the following findings:~~

- i) The overall use area within the Specific Plan does not exceed 20%
- ii) Adequate parking remains for future build-out and development of the Specific Plan area with a variety of uses

~~Outdoor Recreation Services~~

~~m)e) RCFE – Independent Living / Senior Apartments (on the second floor or above only)~~

## DEVELOPMENT STANDARDS

n)f) Recreational Vehicle Parks with the following findings:

- i) The use may only be allowed on the South-East project site
- ii) The use must be limited to stays of less than 30-days and be a transient lodging use subject to TOT.
- iii) The use may occupy a maximum of 20% of the South-East project site
- iv) The use must be visually screened from El Camino Real and the adjacent residential uses

v) RV parks must be an integral part of the master Plan of Development of the site that includes other visitor serving elements.

o)g) Warehousing – (where the active office and employee component is less than 25% of the floor area) - providing a finding of community benefit can be made

1) The following uses shall be prohibited:

- a) Adult Day Care Facility
- b) Adult Oriented Business
- c) Building Materials and Hardware w/ outdoor sales or storage area 20,000 sf or greater
- d) Drive-through Sales or Services
- e) Horticultural Specialties with outdoor storage or sales area of 20,000 sf or greater
- f) Kennels
- g) Medical Extended Care Services: 6 residents or less
- h) Medical Extended Care Services: 7 residents or more
- i) Parking lots
- j) RCFE – Assisted Living
- k) RCFE – Retirement Hotel
- l) Service Stations
- m) Small Family Day Care (unless within a permitted residential unit by State Law)
- n) Sports Assembly

**DEVELOPMENT STANDARDS**

**4.1.2 PROPERTY DEVELOPMENT STANDARDS**

The site development standards for Commercial Retail (CR) zoned parcels within the Del Rio Road Commercial Area Specific Plan are as presented in Table 4-1: Commercial Retail (CR) Development Standards.

**TABLE 4-1: COMMERCIAL RETAIL (CR) DEVELOPMENT STANDARDS**

<b>BUILDING SITE</b>	Parcel Size: No minimum parcel size with shared parking and access easements recorded Lot Width: No minimum lot width Lot Depth: No minimum lot depth Lot Coverage: No maximum; subject to required building setbacks, parking, and landscape requirements.
<b>MAXIMUM BUILDING HEIGHT</b>	Occupied Building Height: 35 feet Non-Occupied Building Height: 45 feet (Architectural Features)
<b>MINIMUM BUILDING SETBACKS</b>	Front Yard: 10 feet for street trees. Encroachments permitted with MPD approval Side Yard: 10 feet for street trees. Encroachments permitted with MPD approval Rear Yard: None Adjacent to Residential zoned Property: 30 Feet Setback from Right-of-way to parking: 10 Feet
Notes:	<ul style="list-style-type: none"> <li>▪ Building height shall be measured from the finished pad elevation to top of roof, excluding architectural features.</li> <li>▪ Occupied Building means the region normally occupied by people generally consisting of the space between the finished pad and 6 feet above the floor or roof, excluding architectural features.</li> <li>▪ Non-Occupied Building (Architectural Features) means a building feature or space where the floor to ceiling height is 10 feet or less outside the occupied building area that adds to the visual interest of a structure. Non-Occupied Building area may contain ventilation or air conditioning equipment.</li> <li>▪ Setbacks shall be measured from the edge of rights-of-way or property line as applicable.</li> <li>▪ Depressed ramps and stairways may project into required setbacks, yards or spaces between buildings more than 4 feet as approved by the Community Development Director, but may not be located within the Right-of-Way unless approved by the City Engineer.</li> </ul>

**4.2 RESIDENTIAL MULTIFAMILY (RMF-24) DEVELOPMENT STANDARDS**

These development standards implement the Residential Multifamily (RMF-24) zoning designation. The RMF-24 zoning designation allows for the development of high density residential uses at a minimum of 20 units per acre. The Residential Multiple Family Outparcel

## DEVELOPMENT STANDARDS

within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero Municipal Code and standards in effect at the time the application for Vesting Tentative Parcel Map AT09-0073 was deemed complete on November 5, 2010 or any subsequent Vesting Map should that entitlement expire. After the City of Atascadero deemed complete the Specific Plan project applications for the development approvals and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the High Density Residential (HDR) land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), then subsequently amended the density and name of the designation to RMF-24 with a maximum based density of 24 units per acre. Therefore, the proposed multiple family portion of the Major Tenant site shall be limited to a maximum of ~~16-24~~ units per acre, consistent with the ~~project application and~~ maximum density analyzed in the Specific Plan EIR 2020 addendum. The Residential Multiple Family Outparcel will apply for a Conditional Use Permit approval as a subsequent project pursuant to section 6.7 of the Specific Plan, and will be subject to review by the City at that time. Refer to the City of Atascadero Municipal Code for further development standards and design guidelines.

### 4.2.1 PERMITTED USES

Permitted Uses shall comply with Title 9, Chapter 3, Article 3, of the Atascadero Municipal Code.

### 4.2.2 PROPERTY DEVELOPMENT STANDARDS

Property Development Standards shall comply with the following City of Atascadero Municipal Codes: Title 9, Chapter 4.

### 4.3 RESIDENTIAL SINGLE FAMILY (RSF-X) DEVELOPMENT STANDARDS:

These development standards implement the Residential Single Family (RSF-X) zone and Planned Development Overlay Zone No. 17 designations. The RSF-X zoning designation typically allows for the development of single family residential uses not to exceed 2 units per acre. However, the Single Family Outparcel also falls within the Planned Development Overlay 17, which permits density greater than the limits specified in the RSF-X zone. Specifically, Planned Development Overlay 17 allows residential uses in the RSF-X zone up to a maximum of 4 units per acre. Approximately 1.7 acres of single family residential uses have been included in the Specific Plan area. Accordingly, a maximum of up to 6 primary dwelling units would be permitted in this area.

The Single Family Outparcel within the Specific Plan shall be consistent with the City of Atascadero's Municipal Code and Standards and the development standards of Planned Development Overlay No. 17. The Single Family Outparcel will apply for subdivision mapping and permits as a subsequent project pursuant to section 6.7 of the Specific Plan, and will be subject to review by the City at that time. Refer to the City of Atascadero Municipal Code for further development standards and design guidelines.

**DEVELOPMENT STANDARDS**

**4.3.1 PERMITTED USES**

Permitted Uses shall comply with Title 9, Chapter 3, Article 3, of the Atascadero Municipal Code.

**4.3.2 PROPERTY DEVELOPMENT STANDARDS**

Property Development Standards shall comply with City of Atascadero Municipal Codes: Title 9, Chapter 4.

**DESIGN GUIDELINES**

**V DESIGN GUIDELINES**

5.1 Commercial Retail (CR) Design Guidelines	V-1
5.1.1 General Design Concepts	V-1
5.1.2 Landscaping	V-10
5.1.3 Parking & Parking Lot	V-15
5.1.4 Lighting	V-15
5.1.5 Signage	V-15
5.1.6 Fencing & Screening	V-16
5.1.7 On-Site Circulation	V-17
5.1.8 Loading	V-17
5.1.9 Outdoor Storage	V-18
5.2 Residential Multiple Family (RMF-24) Design Guidelines	V-18
5.3 Residential Single Family (RSF-X) Design Guidelines	V-18

## DESIGN GUIDELINES

### DESIGN GUIDELINES

The purpose of these design guidelines is to provide a guide for developers, builders, architects, engineers, landscape architects and others involved in the preparation of development proposals to ensure a consistent architectural design theme, use of materials, signage, and level of quality throughout the Specific Plan area. The design guidelines will assist the City of Atascadero staff and decision making authorities with criteria to evaluate future development proposals. To the extent the design guidelines of the Specific Plan and the Atascadero Municipal Code are in conflict, the Specific Plan's design guidelines shall prevail.

#### 5.1 COMMERCIAL RETAIL (CR) DESIGN GUIDELINES

These design guidelines provide for the design and development of Commercial Retail (CR) uses within the Specific Plan area. The design guidelines set forth in this section will ensure that future development within the Specific Plan area is consistent.

Development of the South-East and the North End project sites pursuant to the project approvals described in Section 1.5, including approval of a Master Plan of Development, are deemed to be consistent with the Design Guidelines of the Specific Plan and shall proceed directly to ministerial building permit and construction plan review. Design review for the two Commercial Outparcel uses to ensure consistency with the Design Guidelines of the Specific Plan shall occur during the Plot Plan Review approval process pursuant to Section 6.7 of the Specific Plan.

##### 5.1.1 GENERAL DESIGN

Within the Del Rio Road Commercial Area Specific Plan, site design addresses the nature and function of the uses, buildings, and features. The architectural design guidelines are intended to provide overall direction in the design of structures within the Specific Plan area. Architectural design and details for the South-East Project and North End Project sites should be integrated throughout the Specific Plan area. Design within the Del Rio Road Commercial Area Specific Plan should meld function and form, not one to the exclusion of the other. These guidelines are meant to be flexible over time and correspond with changing conditions in lifestyles, the marketplace and economic conditions.

The following design guidelines are intended to facilitate design integrity between the variety of uses within the Del Rio Road Commercial Area Specific Plan area:

- 1) Placement of buildings should consider the existing context of the commercial area, the location of adjacent land uses, and the location of major traffic generators.
- 2) The architecture (height, scale, style) of each building within the Specific Plan area should be compatible with other structures within the Specific Plan. Building sites should be developed consistent with architectural exhibits in a coordinated manner to provide order and diversity and avoid disorderly development.
- 3) Buildings within the Specific Plan may accommodate retail, office, tourism, and personal services among others. Developers may incorporate "prototype" architectural standards in the design and development of structures if they are consistent with the architectural quality and character of Specific Plan. Buildings may incorporate simple rectangular forms which may be broken up by creating horizontal emphasis through the use of reveals, trellises, landscaping, trim, windows, eaves, cornices, complimentary colors or other architectural and design devices consistent with the architectural exhibits.

## DESIGN GUIDELINES

- 4) Figures 5-1 through 5-4 illustrate the conceptual architectural themes for development within the Specific Plan area.
- 5) Buildings should be carefully articulated; front, side, and rear elevations should provide variation in massing, wall, and roof forms. Use of thematic features and materials are important elements and are encouraged.
- 6) Large smooth, unarticulated surfaces should be avoided. A mixture of smooth and textured blocks for concrete walls is encouraged. Exterior materials requiring high maintenance responsibilities such as stained wood, clapboard, or shingles should be avoided. Large areas of intense white or dark colors should be avoided. Subdued colors should be used as dominant overall colors. Bright colors should only be used for trim and/or specialized uses (store identification, etc.).
- 7) Building materials should be selected and detailed for compatibility throughout the site. Buildings should incorporate a mix of at least two prevalent materials and at least one accent material including block, split faced block, decorative veneer, stucco, architectural metal siding, wood or wood look features, or decorative exposed concrete. These materials should be used in combinations that yield an impression of permanence as well as respect for the surrounding environment and authentic architectural styles. Please refer also to Figures 5-1 through 5-4.
- 8) Complementary design features should be utilized to unify the specific plan area.
- 9) All buildings should incorporate thematic benches, trash receptacles, bollards, and bike racks.
- 10) Prior to submittal for Building Plan Check and the issuance of building permits, full color renderings and color boards representing the exterior colors and materials to be used shall be submitted to the Community Development Department.
- 11) Exterior mechanical equipment shall be screened from public view.
  - a. All roof mounted heating and cooling equipment shall be screened from view by a parapet or other structural feature and designed to match the total structure.
  - b. All ground-mounted utility appurtenances shall be located away from public view or adequately screened. Screening should be of a material complimentary to the structure and/or heavy landscaping and berming.
- 12) Wall mounted items such as roof ladders and electrical panels shall not be located adjacent to public rights-of-way, unless secured to prevent public access. Service areas (areas for loading/unloading, unpacking of goods, etc.) shall be simple and efficient, and shall not interfere visually or physically with other building operations. No utility appurtenances shall be permitted directly within a pedestrian area.

DESIGN GUIDELINES



Figure 5-1: Architectural Design Concept – Main Features

DESIGN GUIDELINES

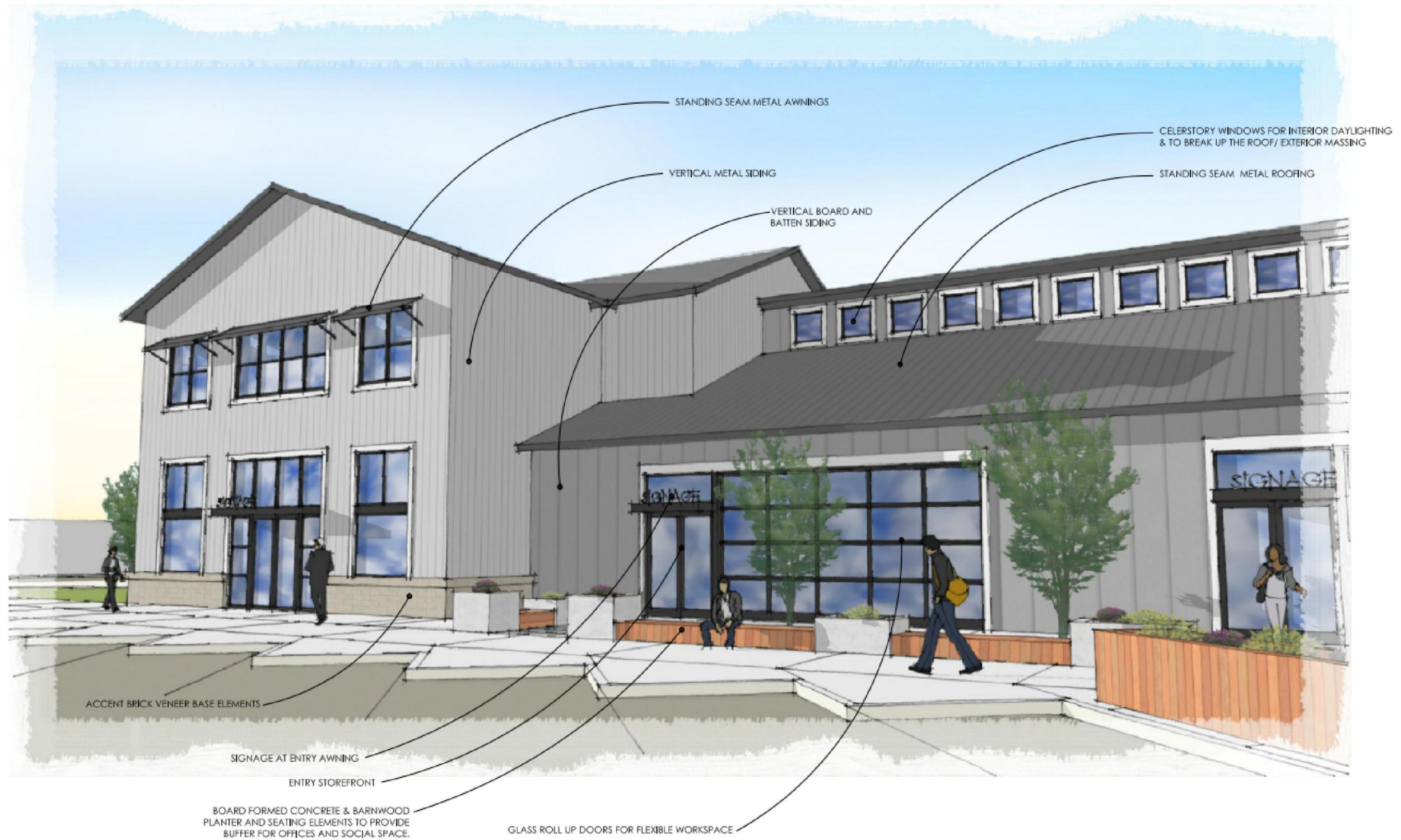


Figure 5-2: Architectural Design Concept – Secondary Features

DESIGN GUIDELINES



Figure 5-3: Architectural Design Concept – Outdoor Space

**DESIGN GUIDELINES**



**Architectural Theme:** *Contemporary Agrarian*

**Design and Material Features:**

- Gable and shed roof elements
- Vertical accents at corners and entry points
- Earth toned colors
- Mix of metal, wood, concrete, and glass
- Large openings and windows
- Geometric form
- Overlapping horizontal and vertical elements
- Layered façade elements

Figure 5-4: Architectural Design Concept – Architectural Theme Elements

### **5.1.2 LANDSCAPING**

The environment envisioned for the Del Rio Road Commercial Area Specific Plan area will be established, in large part, by its landscape treatment. Landscaping is to be designed to highlight positive visual features and to provide a cool, pleasant outdoor environment. Landscaping is also intended to give structure and identity to the overall project. The Conceptual Landscape Palette for the area within the Specific Plan boundaries is available in Figure 5-5. The following landscaping design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Final Landscaping Plans will be prepared consistent with the all local and State Water Efficient Landscape and Irrigation codes and shall be submitted for approval to the Community Development Director.
- 2) Landscape and irrigation construction plans should substantially conform to the approved Master Plan of Development.
- 3) Permanent automatic irrigation systems (including low flow systems) compliant with the Atascadero Municipal Code should be provided in all landscaped areas.
- 4) Low flow irrigation systems are highly recommended within the Specific Plan area. Sprinkler heads located immediately adjacent to parking areas should be of the "pop-up" variety instead of risers.
- 5) The irrigation system should be designed to avoid overspray onto structures, streets, sidewalks, windows, walls and fences.
- 6) The use of turf areas shall be reduced to a minimum. Turf should only be used when there is a functional purpose.
- 7) Within individual landscaped areas, plants should be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site and in accordance with the Atascadero Municipal Code. Drought-resistant and native plant species are encouraged.
- 8) Landscaping should be maintained in an acceptable manner with dead and destroyed landscape items replaced as soon as practical.
- 9) Planters shall not drain into parking areas so as to accumulate mud or other residue.
- 10) Building setbacks that are not used for drive entries, parking, loading, pedestrian walkways, or approved outdoor uses should be landscaped. All unpaved areas within developed portions of the site should be landscaped according to an approved landscape plan.
- 11) No landscaping is required adjacent to the portions of buildings where loading doors and customer pick-up areas are located.
- 12) The parking lot landscaping should include canopy trees to reduce urban heat island effects and provide a pleasant pedestrian experience throughout the parking areas.
- 13) Landscaping along the street frontages of El Camino Real, Del Rio Road, and the new public road should be planted with a combination of trees, shrubs, and groundcover planted in a clearly perceptible pattern that creates a sense of scale or rhythm along these roadways consistent with the approved Landscape Plan
- 14) Street trees shall not be planted along Rio Rita Road in order to protect the viewshed of the existing development above Rio Rita Road.
- 15) All trees used within required landscaped areas, including parking areas, shall have a minimum size of 24" box unless specific agreement is made with the Community Development Department.

**DESIGN GUIDELINES**

- 16) All shrubs used within required landscaped areas, including parking areas, shall utilize a mixture of sizes one-to-five (1-5) gallons and shall be dispersed evenly throughout the landscaped areas.
- 17) All trees within the Specific Plan area shall be staked or provided with guy wires.
- 18) Landscaping along public rights-of-way should be designed to aesthetically screen and soften blank walls, parking areas, storage areas, utility boxes, and other non-aesthetic items.
- 19) The planting of hedge shrubs and/or vines along exterior structures and screen walls is encouraged to deter potential graffiti.
- 20) Landscaped areas should be delineated with a 6-inch high and 6-inch wide concrete curb or equivalent. Curb may be broken to allow water to flow into depressed planted areas.
- 21) Mulch should be applied in a 3-inch layer in all shrub and groundcover areas.
- 22) All new and disturbed slopes shall be revegetated.
- 23) Landscaping shall be planted concurrent with the development of the individual lots within the Specific Plan area.
- 24) In addition, landscape improvements in each project's right-of-way frontage, including road medians, shall be installed and completed prior to occupancy of each project's first tenant. All landscape improvements in the public right-of-way shall be approved by the City Engineer and will require an encroachment permit.
- 25) Retaining walls in excess of 4 feet in height shall be setback from the right of way a minimum of 5 feet. Individual walls may not exceed 6 feet in height, and multiple, stepped walls with a minimum separation of 5 feet shall be utilized where grades require additional height. All retaining walls shall use high quality decorative materials and shall be consistent with the architectural design theme of the development. Wall exceptions may be granted with Design Review Committee approval based on findings that the wall(s) is designed as a decorative site feature.



## DESIGN GUIDELINES

### 5.1.3 PARKING & PARKING LOT

All parking and parking lots within the Specific Plan area shall comply with Title 9, Sections 4.114 through 4.119 of the Atascadero Municipal Code and the following parking and parking lot standards listed below:

- 1) Parking spaces should be oriented to ensure visibility of pedestrians, bicyclists and other motorists while entering, leaving or circulating within a parking area.
- 2) The installation of parking facilities shall occur concurrently with the development of individual parcels and shall be designed for interconnecting access to future subsequent development.
- 3) Individual parcels are must be designed to share parking fields if they are adjacent and within the same zoning designation.
- 4) Parking areas shall have lighting capable of providing adequate illumination for safety and security. Such lighting shall be indirect, hooded, and arranged to reflect light away from adjoining properties and streets.
- 5) All parking areas should be paved with Portland cement, concrete, asphalt or other appropriate approved material as established by the City Engineer. Curbing or wheel stops should be provided around parking lot perimeter.
- 6) Parking areas should be provided with curbs, bollards, or similar permanent devices where necessary to prevent parked vehicles from bumping buildings, landscaping, or perimeter walls.
- 7) Canopy trees shall be provided at an average of approximately one (1) tree per thirty (30) feet along parking rows.
- 8) Individual tree planters may be used in lieu of landscape fingers provided the parking lot complies with all other applicable landscaping requirements.
- 9) Parking areas that face El Camino Real, and are at least five (5) feet above the adjacent roadway, shall not be required to be screened with a landscaped berm. Parking areas that face El Camino Real, and are less than five (5) feet above the adjacent roadway, shall be screened with a landscape berm a minimum of thirty (30) inches in height unless the City Engineer finds that intervening landscaping sufficiently blocks headlight glare.
- 10) Commercial grade bicycle racks should be conveniently located close to building entrances.

### 5.1.4 LIGHTING

All lighting within the Specific Plan area shall comply with Title 9, Section 4.137 of the Atascadero Municipal Code and the following lighting standards listed below:

- 1) Lighting sources in parking lots may be up to thirty (30) feet in height.
- 2) Lighting sources shall be full cut off type fixtures that are shielded, diffused, or indirect in order to avoid glare to pedestrians, motorists, and surrounding residential areas.
- 3) Lighting fixtures shall be selected and located to confine the area of illumination to within the site boundaries consistent with the approved photometric plans.
- 4) To minimize the total number of freestanding light standards, full cut off type wall-mounted lighting fixtures should be utilized where feasible and consistent with building architecture.

## DESIGN GUIDELINES

### 5.1.5 SIGNAGE

Signage and graphics are an important element within the Del Rio Road Commercial Area Specific Plan. The intent of the Sign Program is to provide commercial tenants maximum sign exposure in a manner that will complement the overall image of the combined projects.

All signage shall comply with the Sign Program shown in Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program. The following additional signage standards shall also apply within the Specific Plan area:

- 1) Monument signs should be incorporated into landscaped areas to minimize visual mass.
- 2) All ground-mounted signs shall be set back from the ultimate curb face and positioned so as not to create a hazard for either pedestrian or vehicular traffic.
- 3) All signs and their supporting structures shall be constructed of metal, wood or comparable weatherproof material and shall be enclosed as to provide against their infestation by birds and vermin.
- 4) Each tenant shall be responsible for providing their own building signs. Each tenant is responsible for obtaining all required sign and building permits from the City. Each tenant shall be responsible for all fees required.
- 5) Tenant wall signs shall be designed with individual lettering and custom graphics. Use of external illumination, neon and other features are encouraged. Signs shall complement architectural themes. No internally illuminated cabinets shall be allowed unless an integral part of a small custom sign feature. Logos and corporate slogans need not consist of individual letters but should be compatible with the Sign Program and design theme.
- 6) Any requested deviation from the approved sign program shall require the approval of the Community Development Director or designee and may require the review of an Administrative Use Permit. Tenants shall be responsible for compliance with this program and all City codes and requirements. Additional signage may be requested by the Commercial Outparcels and future residential uses at the time specific development projects are proposed.
- 7) Additional sign area allowance or unique signage elements not otherwise permitted by the approved Sign Programs or by the City's Sign Ordinance, may be processed as an Administrative Use Permit.

DESIGN GUIDELINES

WALL SIGNS

Wall signs may be externally lit or internally illuminated individual channel letters with light directed through the letters set in an opaque background. If the sign is externally lit, top mounted light fixtures which shine light downward and are fully shielded must be used. Wall signs may contain stylized font and/or company logos. Refer to the following pages for size limitation. Letter height shall be proportionate to the sign size and the building architecture. The area of the sign shall not exceed one square foot per lineal foot of business frontage.



PROJECTING SIGNS

One suspended or projecting sign is allowed per business. Projecting signs must have 8' of clearance from the sidewalk and project no more than 5' beyond the building facade. Projecting signs shall not exceed 15 SF with a maximum letter height of 10". Projecting signs, if lit, shall be externally lit with top mounted light fixtures which shine light downward and are fully shielded.  
**NOTE:** Projecting and/or under canopy signs to have 3D appearance with dimension, with a ten (10) inch maximum letter height.



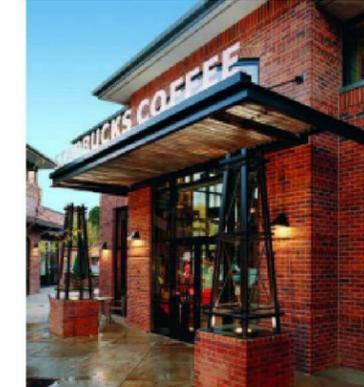
HANGING SIGNS

One suspended or projecting sign is allowed per business. Hanging or Under Canopy signs must have 7' of clearance from the sidewalk. Hanging signs shall not exceed 15 SF with a maximum letter height of 10". Hanging signs, if lit, shall be externally lit with top mounted light fixtures which shine light downward and are fully shielded.  
**NOTE:** Projecting and/or under canopy signs to have 3D appearance with dimension, with a ten (10) inch maximum letter height.



AWNING/ SUSPENDED SIGNS

Awning Signs shall be limited to the front valance of the awning and shall contain the name of the business. Awning or canopy signs must have 8' of clearance from the sidewalk and project no more than 5' beyond the building facade with maximum slope less than sixty degrees. Projecting signs shall not exceed 15 SF. Awning signs shall not be illuminated.



CHALKBOARD SIGNS

Chalkboard or changeable menu signs shall be made of a smooth hard panel for writing on with chalk. This type of sign is permitted for restaurants, wine tasting rooms and other businesses whose primary business is food/beverage. The chalkboard shall not exceed 6 SF and may be either attached to a wall, on a pole in the ground or in a planter, if illuminated, it must be externally lit with top mounted light fixtures which shine light downward and are fully shielded. The chalkboard sign contributes to the maximum overall aggregate area of 150 SF.



WINDOW LETTERING

Window lettering shall be done professionally and may be painted on the inside or the outside of the window. If painted on the outside, a sealer must be applied and regular maintenance is required. Only the name of the business and/or logo is permissible. Lettering is limited to 8" in height and shall not exceed 50% of the window area. Lessee may have window lettering on one window on each frontage. If the window is paned (i.e., French windows), then lettering shall be limited to a single pane (i.e., a word may not be spelled out with one letter in each pane extending across several panes).



Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program

## DESIGN GUIDELINES

### 5.1.6 FENCING & SCREENING

Fencing and screening should be designed to highlight positive visual features and to screen negative ones. The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Fencing and screening should be used to a minimum within the Specific Plan area.
- 2) Walls and fences may be used to retain earth or screen loading and storage areas, refuse receptacles, and utility structures.
- 3) Walls should be designed to be low and to perform their screening function.
- 4) Walls and fences should be designed to complement the architectural design, color and materials of adjacent buildings.
- 5) Landscaping should be used in combination with walls when possible.
- 6) A decorative three-rail fence shall be provided along the southwest side of Rio Rita Road to protect against accidental pedestrian access to the top of the slope east of the Major Tenant.

### 5.1.7 ON-SITE CIRCULATION

The on-site circulation standards within the Del Rio Road Commercial Area Specific Plan will ensure the efficient and safe passage of vehicles and pedestrians to and from the various commercial uses within the Specific Plan area. The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) On-site circulation should be designed for efficient vehicular and pedestrian movement.
- 2) The circulation system shall include adequate directional signs for entrances, exits, parking areas, loading areas, and other uses.
- 3) On-site driveways and parking areas shall be designed to provide common access between the Specific Plan area and adjacent properties.
- 4) Sight lines required for safe automobile movement shall be kept clear. Screens and structures shall not block such sight lines, both for entering and leaving the individual developments, and the project site.
- 5) The design and location of vehicular entries (curb cuts) for individual development sites shall provide the driver ample time to perceive them when approaching the site. Intersections and driveway approaches should be kept clear of obstructions such as traffic signal standards and landscaping.
- 6) Individual buildings and parcels need not have direct access to a public street; however, reciprocal access agreements shall be recorded to ensure that adequate ingress and egress is available to each lot and building within the Specific Plan area and that the entirety of the center functions as one development regardless of underlying lot lines and ownership.
- 7) Adequate pedestrian amenities such as benches and shade structures (or shade trees) should be installed near building entrance or at the curbside/sidewalk adjacent to buildings within the Del Rio Road Commercial Area Specific Plan area.
- 8) Designated pedestrian walkways across traffic lanes should be striped to distinguish them from the surrounding paved areas.
- 9) On-site pedestrian walkways should provide direct, safe, and adequate movement paths between parking areas and building entrances.
- 10) Service truck access routes should be designed to limit interaction with visitor and pedestrian traffic.

## DESIGN GUIDELINES

### 5.1.8 LOADING

The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Loading areas should be designed to provide for maneuvering on site and not from or within a public street. Direct loading from a public street is not permitted.
- 2) Loading areas may be permitted adjacent to a public street provided they are screened by a combination of screen walls, ornamental landscaping, and/or portions of on-site buildings.
- 3) Loading areas visible from a public street or parking area should be screened by solid wing walls (constructed of materials such as concrete, concrete block, masonry, and brick) and/or appropriate landscaping so that said loading area is adequately shielded from public view. All such loading areas shall be maintained in a clean and orderly condition.
- 4) Screen walls and wing walls should be provided adjacent to loading doors and loading areas visible to the public and should be of a compatible material with adjacent buildings, and shall be of sufficient height to provide adequate visual screening.

### 5.1.9 ACCESSORY STORAGE

The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Outdoor storage shall be screened from public view.
- 2) Refuse storage and disposal areas, other than trash compactors, should be within trash enclosures with at least three sides composed of a solid wall which is not less than 6 feet in height. The fourth side may consist of a solid metal gate painted to match or coordinate with the adjacent building (slatted chain link is not acceptable). Cardboard bales shall be removed regularly.
- 3) Refuse containers shall be provided in sufficient number, and should be placed in convenient location(s).
- 4) Trash enclosures may accommodate recycling bins.
- 5) Trash gates should remain closed except when in use, and remain in good working order.
- 6) Trash areas should not be used for storage. The premises should be kept in a neat and orderly condition at all times, and all improvements should be maintained in a condition of good repair and appearance.
- 7) Adequate shopping cart storage should be provided as needed.
- 8) No permanent storage of material is allowed on the outside of the building.
- 9) Outdoor storage provisions do not apply to outdoor sales areas, sidewalk sales, enclosed storage, and "garden centers."

## 5.2 RESIDENTIAL MULTIPLE FAMILY (RMF-24) DESIGN GUIDELINES

The Residential Multiple Family (RMF-24) parcel within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero Municipal Code and Standards in effect at the time the application for Vesting Tentative Parcel Map AT09-0073 was deemed complete on November 5, 2010 or subsequent vested entitlement should the original entitlement expire. Design review for the Multifamily Outparcel use to ensure consistency with the Design



**IMPLEMENTATION AND ADMINISTRATION**

**VI IMPLEMENTATION AND ADMINISTRATION**

6.1 Interpretation	VI-1
6.2 Definition of Terms	VI-1
6.3 Enforcement	VI-1
6.4 Severability	VI-1
6.5 Implementation of Development Standards	VI-2
6.6 Implementation of Design Guidelines	VI-2
6.7 Application Processing	VI-2
6.8 Financing & Phasing of Development	VI-3
6.8.1 South-East Project Site	VI-3
6.8.2 North End Project Site	VI-4
6.9 Maintenance	VI-4
6.9.1 City Maintenance Responsibility	VI-4
6.9.2 Other Agency Maintenance Responsibility	VI-5
6.9.3 Private Maintenance	VI-5
6.10 Substantial Conformance	VI-5
6.10.1 Procedure	VI-6
A. Application	VI-6
B. Hearing	VI-6
C. Action by Reviewing Authority	VI-6
6.8 Specific Plan Amendments	VI-6

## IMPLEMENTATION AND ADMINISTRATION

### IMPLEMENTATION AND ADMINISTRATION

The City of Atascadero adopted this Specific Plan following certification by the City of the Specific Plan EIR and concurrent with the issuance of certain additional development approvals described in Section 1.5 of this Specific Plan. This Specific Plan serves as an implementation tool for the City's General Plan, and establishes the overlay zone for the combined Project sites. Following adoption of the Specific Plan and the development approvals described in Section 1.5, development within the Specific Plan area shall proceed pursuant to Section 6.7 of this Specific Plan.

The Del Rio Road Commercial Area Specific Plan shall be implemented, amended, revised or adjusted according to the procedures identified in this section. These procedures have been developed to ensure consistency with the adopted Del Rio Road Commercial Area Specific Plan, to encourage continuity in design and development of the community, and to promote high standards of site design. These revision and amendment procedures also provide for adaptation to special or supplementary development standards that may be adopted from time to time to implement the Del Rio Road Commercial Area Specific Plan.

#### 6.1 INTERPRETATION

These regulations shall be held to be minimum requirements in their application and interpretation. No provision herein is intended to abrogate or interfere with any deed restriction, covenant, easement, or other agreement between parties.

Interpretations of the provisions of this Specific Plan are subject to subsections (a) through (c) of Section 9-1.109 of the Atascadero Municipal Code, except that interpretation of allowable uses not specifically listed in the Atascadero Municipal Code for the CR (Commercial Retail) zoning district or Chapter 4 of this Specific Plan are subject to a substantial conformance determination pursuant to Section 6.10 of this Specific Plan.

#### 6.2 DEFINITION OF TERMS

The meaning and construction of words, phrases, titles and terms shall be the same as provided in Atascadero Municipal Code and Atascadero General Plan, unless otherwise specifically provided in the Specific Plan.

#### 6.3 ENFORCEMENT

The Del Rio Road Commercial Area Specific Plan is enforceable through the measures and regulations detailed in Title 9 of the City of Atascadero Municipal Code.

The standards contained in the Specific Plan have been adopted by ordinance and are enforceable to the same extent as standards contained in the Zoning Regulation and other City Codes.

#### 6.4 SEVERABILITY

If any term, provision, condition, requirement, or portion thereof of this Specific Plan is for any reason held invalid, unenforceable, or unconstitutional, the remainder of this Specific Plan or the application of such term, provision, condition, requirement, or portion thereof to circumstances

## IMPLEMENTATION AND ADMINISTRATION

other than those in which it is held to be invalid, unenforceable, or unconstitutional, shall not be affected thereby; and each other term, provision, condition, requirement, or portion thereof shall be held valid and enforceable to the fullest extent permitted by law.

### 6.5 IMPLEMENTATION OF DEVELOPMENT STANDARDS

Adoption of the Specific Plan by the City, includes adoption of the development standards and policies described in Chapter 4: Development Standards. Development standards and policies contained in this document shall supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, development standards and policies in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general standards and policies applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where development standards or policies relating to a particular subject have not been provided in the Specific Plan, the existing development standards and policies of the City's General Plan and Zoning Ordinance shall continue to apply.

### 6.6 IMPLEMENTATION OF DESIGN GUIDELINES

Adoption of the Specific Plan by the City includes adoption of the Design Guidelines contained in Chapter 5: Design Guidelines, of the Specific Plan. The Design Guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of development projects as described in Section 6.7: Application Processing. Design guidelines contained in this document shall supplement or replace those of the City of Atascadero Municipal Code and/or the Appearance Review Manual as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, design guidelines in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general design guidelines applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where design guidelines relating to a particular subject have not been provided in the Specific Plan, the existing design guidelines of the City's General Plan and Zoning Ordinance shall continue to apply.

### 6.7 APPLICATION PROCESSING

Development of the South-East project parcels and the North End Project parcels shall require approval of a Master Plan of Development, including the two Commercial Outparcels, Multiple Family Outparcel, and Single Family Outparcel in accordance with the following processes:

- **Master Plan of Development Approval.** A Master Plan of Development in the form of a Conditional use Permit shall be required for both the commercial and residential portions of the development subject to final action by the City Council. A Master Plan of Development can include conceptual approval of the two commercial outparcels on the South-East project site. Should approval be conceptual, a plot plan review shall be required for these sites as described below.

## IMPLEMENTATION AND ADMINISTRATION

- **Plot Plan Review.** The two Commercial Outparcel uses shall obtain Plot Plan review approval pursuant to Atascadero Municipal Code Section 9-2.108 unless detailed approval is included in the Master Plan of development. In this case, the two Commercial Outparcel uses shall not require Precise Plan and Conditional Use approvals as described in Atascadero Municipal Code Sections 9-2.109 through 9-2.110 unless specific requested uses trigger that process.
- **Tentative Map Approval.** The Single Family Outparcel, and any other land or airspace subdivisions shall obtain a tentative tract or parcel map approval pursuant to Atascadero Municipal Code Title 11.
- **Administrative Use Permit.** Request for additional sign area allowances or unique signage elements not otherwise permitted by the approved Sign Programs or by the City's Sign Ordinance, may be processed as an Administrative Use Permit.
- **Master Plan of Development Amendments.** Modifications to any approved Master Plan of Development for any project site shall be processed as a Use Permit amendment subject to final action by the City Council. Minor changes may be permitted without Use Permit amendment if a finding of substantial conformance can be made by the Planning Director in accordance with Section 6.10.

Any development proposed within the Specific Plan area that is not in substantial conformance with this Specific Plan, shall proceed pursuant to approval by the City of applications as determined by the Community Development Director to be necessary at the time of project application submittal.

### 6.8 FINANCING & PHASING OF DEVELOPMENT

The South-East and North End Projects are self-supporting commercial projects with individual owners/developers responsible for onsite and offsite improvements necessary to support development of the project.

Phasing of development ultimately will be determined solely by the project developers, based on market conditions and other factors. Required infrastructure and community facilities shall be installed and public services shall be available to serve each phase of development as it occurs. Based on current market information, development within the Specific Plan area is generally anticipated to occur as follows.

#### 6.8.1 SOUTH-EAST PROJECT PHASING

Phase 1:

- Rough grading of the commercial parcels, and preparation of the Major Tenant building pad. Export excess cut material to a suitable receiver site.
- Precise grading of the Major Tenant parcel, the proposed new public road, and driveways onto Del Rio Road and El Camino Real.
- Detention basin/drainage improvements (onsite and offsite).
- Provision of undergrounded utilities including stubs to Commercial Outparcels 2 and 3.
- Construction of the Major Tenant building required parking area, and driveways.
- Install landscaping on Major Tenant parcel.

## IMPLEMENTATION AND ADMINISTRATION

- Construction of offsite improvements (as detailed in Chapter 3: Land Use Concept) in Del Rio Road and El Camino Real, the new public road, and intersection improvements required for operation of the Major Tenant and Outparcels 2 and 3.
- Sewer and water line connection to existing offsite utility lines

### Phase 2:

- Construction of Commercial Outparcels 2 and 3 may, but need not, occur concurrently with the construction of the Major Tenant parcel.
- Precise Grading and pad preparation for Commercial Outparcel buildings (Parcel 2 and/or 3)
- Construction of Commercial Outparcel buildings (Parcels 2 and/or 3)
- Wet and dry utility connection to stubs provided in Phase 1 (Parcel 2 and/or 3)
- Landscape parking areas and corners in Parcel 2 and/or 3
- Completion of the new public road and landscaping

Note: Multiple Family Outparcel development is not included and any project phasing will be permitted separately pursuant to Section 6.7 of this Specific Plan.

### 6.8.2 NORTH END PROJECT PHASING

#### Phase 1:

- Site Demolition

#### Phase 2:

- Complete public improvements and frontage improvements
- Construction of on-site infrastructure and drainage improvements
- On-site grading, parking, landscape improvements, and finished construction pads

#### Phase 3:

- Individual commercial buildings (as tenants are secured)

Note: Single Family Outparcel development is not included and any project phasing will be permitted separately pursuant to Section 6.7 of this Specific Plan.

### 6.9 MAINTENANCE

Public and private improvements constructed as part of development of the Specific Plan area shall be maintained through a combination of public and private entities as described below.

#### 6.9.1 CITY MAINTENANCE RESPONSIBILITY

Public facilities are planned for public maintenance by the City or the appropriate utility service provider and include, but are not limited to, the following:

- All public streets within the Specific Plan area, excluding residential subdivisions.
- Public traffic signals and traffic control signs within the public right-of-way within the Specific Plan area.
- Public improvements constructed in the public right-of-way inside of and outside of the Specific Plan area.
- All sewer mains, excluding lateral connections.

## IMPLEMENTATION AND ADMINISTRATION

- The existing and expanded public storm drain systems in the public right-of-way or dedicated easements.

### 6.9.2 OTHER AGENCY MAINTENANCE RESPONSIBILITY

The following facilities will be maintained by other agencies:

- Atascadero Mutual Water Company: public on-site and offsite water facilities within the Specific Plan area.
- PG&E: Accepted street lighting within public rights-of-way in the Specific Plan area.
- Caltrans: Public improvements within the Caltrans right-of-way.
- All private electrical, natural gas, telephone, cable TV, and other non-City utilities.

### 6.9.3 PRIVATE MAINTENANCE

Private and public improvements to be maintained by the developers include, but are not limited to, the following:

- Streets, drives, lanes and pedestrian paths on private property within the Specific Plan area.
- Public streets within any residential subdivisions
- Traffic control signs and pavement markings on private property within the Specific Plan area.
- Landscaping and lighting on private property within the Specific Plan area.
- Property line walls, fences, retaining walls, refuse storage areas, signs, slopes, and parking lots.
- Open space areas on private property within the Specific Plan area including detention facilities, bio-swales, and other low-impact-development features.
- Newly constructed drainage facilities on private property within the Specific Plan area.
- Landscaped frontages within the right-of-way of all public streets.
- Street lighting within public rights of way in the Specific Plan area shall be maintained by the developer unless otherwise maintained by PG&E.
- Landscaping within any center medians of all public streets fronting the Specific Plan area.

### 6.10 SUBSTANTIAL CONFORMANCE

During review of construction plans and building permit applications, the Community Development Director or designee shall have the limited ability to interpret the Specific Plan and determine that the proposed development is in substantial conformance with the Del Rio Road Commercial Area Specific Plan. The use of substantial conformance is intended to ensure orderly development, quality aesthetic design, and safe and harmonious placement of uses within the Specific Plan area. Determinations of substantial conformance shall be made administratively by the Community Development Director or designee without the need for a public hearing. In some cases, the determination may be forwarded to the Design Review Committee. A substantial conformance determination made pursuant to this Section 6.10 shall be considered a ministerial decision that is not subject to CEQA.

A project proposal for development within the Specific Plan area shall be considered to be in substantial conformance with the Specific Plan, not requiring a Specific Plan amendment, in the event that any of the following occurs:

## IMPLEMENTATION AND ADMINISTRATION

- The addition of a land use not listed in Chapter 4: Development Standards, of this Specific Plan, provided that the proposed use is determined to be equivalent in its nature and intensity to a use listed in Chapter 4 of this Specific Plan.
- A change in utility or public service provider to the Specific Plan area.
- Minor changes or adjustments to lot lines or the alignment of access roads, community facility plans, or public infrastructure facility plans such as drainage, sewer, water and other utilities.
- Minor deviations from the Land Use Plan and related policies, as contained in Chapter 3: Land Use Plan, of the Specific Plan.
- The merger of the two Commercial Outparcels into a single Commercial Outparcel to be developed with a retail, restaurant or office use, provided the development does not exceed the combined maximum floor area permitted for the two Commercial Outparcels of 10,000 square feet. A voluntary merger application shall be required in order to complete any lot merger.
- Minor deviations from the sign program that are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- Minor changes to landscape materials and streetscape design which are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- Minor deviations from the design guidelines which are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- A reduction in the minimum required parking spaces, provided that a parking study demonstrates the proposed reduction in parking spaces is justified based on the mix of uses within the Specific Plan area and the use of shared parking between those uses.
- Other modifications of a similar nature to those listed above which are deemed minor by the Community Development Director or designee, that are in keeping with the purpose and intent of the approved Specific Plan.

### 6.10.1 PROCEDURE

#### A. APPLICATION

Applications for the determination of substantial conformance shall be made on forms provided by the Community Development Director or designee and shall be accompanied by a filing fee and a Plot Plan, as described in Section 9-2.108 of the Atascadero Municipal Code. Applications shall be made by the owner of the property for which the approval is sought, or an authorized agent.

#### B. HEARING

No public hearing shall be required for a determination of substantial conformance unless the Community Development Director refers the item to the Design Review Committee.

#### C. ACTION BY REVIEWING AUTHORITY

The reviewing authority for a determination of substantial conformance shall be the Community Development Director or designee. The Community Development Director or designee shall determine by providing written notice to the applicant that the proposed addition of a land use or other revision requested pursuant to this Section 6.10 is in substantial conformance with the Del Rio Road Commercial Area Specific Plan if it complies with all applicable provisions of Atascadero Municipal Code Title 9 and is consistent with the purpose and intent of this Specific

**IMPLEMENTATION AND ADMINISTRATION**

Plan. The action of the Community Development Director or designee shall be final with no appeal.

**6.11 SPECIFIC PLAN AMENDMENTS**

Amendments to the Del Rio Road Commercial Area Specific Plan shall be required for revisions that are beyond the scope of substantial conformance determinations. Specific Plan Amendments shall be processed pursuant to the provisions of the California Government Code Section 65453(a).



# ***Atascadero City Council***

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## ***Staff Report - City Clerk***

### **Conflict of Interest Code - Biennial Review**

#### **RECOMMENDATION:**

Council adopt Draft Resolution, updating and amending the Conflict of Interest Code for the City of Atascadero.

#### **DISCUSSION:**

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially and Government Code Section 87306 requires an agency to amend its Conflict of Interest Code when change is necessitated by changed circumstances, including the creation of new positions/titles and the deletion of old ones. The Political Reform Act requires that any amendments to the Conflict of Interest Code be adopted no later than December 30, 2020.

The Conflict of Interest Code is a document that designates the positions within an agency that make, or participate in making, governmental decisions that may foreseeably have a material effect on any financial interest. The Code further sets out, in paragraphs called disclosure categories, the specific types of investments, business positions, interest in real property and sources of income that must be reported by the designated positions.

Though reviewed biennially, the Conflict of Interest Code has not been updated since 2014. Over the past two years, the City Council has approved amendments to the City's Classification Plan. These approved amendments resulted in positions being eliminated or re-named and new positions being added. Following review of the City's current Conflict of Interest Code, it was determined that amendments were necessary to reflect these changes.

This Conflict of Interest Code pertains only to the designated positions listed in Exhibit A to the Draft Resolution. Council Members, City Treasurer, Planning Commissioners, City Manager and City Attorney are exempt from this Code as they are otherwise required to file disclosure statements pursuant to State Law under Govt. Code 87200.

The City Clerk and the City Attorney have reviewed the current Code. The proposed amendments to the Conflict of Interest Code incorporate the basic provisions required

by Government Code Section 87302 and comply with FPPC regulations. The revised list contains a list of designated positions that make, or participate in making, governmental decisions. The recommended changes reflect the current staffing of the City of Atascadero.

**FISCAL IMPACT:**

None.

**ALTERNATIVES:**

The Code must be updated. The Council is free to add positions to the Code or to suggest any other changes, so long as the changes comply with the Political Reform Act.

**ATTACHMENT:**

Draft Resolution

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ADOPTING AN AMENDED CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially (in even-numbered years) to determine if it is accurate and up-to-date, or, alternatively, that the Code must be amended; and

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero as follows:

**SECTION 1.** Resolution No. 2014-063, adopted on September 23, 2014, is hereby rescinded.

**SECTION 2.** That the Conflict of Interest Code attached to this Resolution as Exhibit A be, and hereby is, adopted as the Conflict of Interest Code for the City of Atascadero.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_\_\_, 2020.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

**CONFLICT OF INTEREST CODE  
OF THE  
CITY OF ATASCADERO**

The Political Reform Act, Government Code Section 81000, et. seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Atascadero.

Designated employees shall file their statements with the City of Atascadero who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Statements for all designated employees will be retained by the City of Atascadero.

## DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

The following positions entail the making or participation in the making of decisions which foreseeably may have a material effect on financial interests:

<u>Designated Position<sup>1</sup></u>	<u>Disclosure Category:</u>
Administrative Services Director	1
City Clerk	1
Community Development Director	1
<del>Community Services Director</del>	<del>1</del>
Consultants <sup>2</sup>	1
Deputy Administrative Services Director	1
Deputy City Manager	1
Deputy Community Development Director	1
<u>Deputy Community Development Director/Chief Building Official/Economic Development Director</u>	<u>1</u>
Deputy Public Works Director	1
Exempt Officials <sup>3</sup>	1
Fire Chief	1
<u>Fire Battalion Chief</u>	<u>1</u>
Fire Marshal	1
Information Technology Manager	1
Police Chief	1
<u>Police Lieutenant</u>	<u>1</u>
Public Works Director / City Engineer	1
Zoo Director	1
Members of all permanent City Commissions, Boards and Committees not otherwise required to file Conflict of Interest Statements	1
Fire Captain <u>(all specialist designations)</u>	2
<del>Police Commander</del>	<del>2</del>
Police Sergeant <u>(all designations)</u>	2

<sup>1</sup> In the event that State law or regulations regarding the filing of Conflict of Interest Statements should be amended, this Exhibit shall be changed to include the designated position and category of each official as required by said amendment.

<sup>2</sup> Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations. The City Manager may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirement described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection by the City Clerk in the same manner and location as this Conflict of Interest Code.

<sup>3</sup> Exempt Officials include the Mayor, Members of the City Council, City Treasurer, Members of the Planning Commission, City Manager, and City Attorney, who are all otherwise required to file disclosure statements pursuant to State Law.

## CATEGORIES OF REPORTABLE ECONOMIC INTERESTS

### Designated Persons in Category "1" Must Report:

All investments, interests in real property, income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within and subject to the jurisdiction of the City, or if the business entity is doing business or planning to do business in an area subject to the jurisdiction of the City, or has done business within an area subject to the jurisdiction of the City at any time during the two years prior to the filing of the statement.

### Designated Persons in Category "2" Must Report:

(1) All investments in real property located within or subject to the jurisdiction of the City.

(2) Investments in any business entity which within the last two years has contracted or in the future foreseeably may contract with the City.

(3) Income from any source which within the last two years has contracted or in the future foreseeably may contract with the City.

(4) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity which within the last two years has contracted or in the future foreseeably may contract with the City.

82030. INCOME.

(A) "Income" means (except as provided in subdivision B):

A payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10 percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(B) "Income" does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic, or charitable organization.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government or a commodity future registered with the Commodity Futures Trading Commission of the United States Government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(a) Used to purchase, refinance the purchase of, or for improvements to, the principal residence of flier; or

(b) The balance owed does not exceed ten thousand dollars (\$10,000).

(9) Any loan from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan from any such person shall be considered income if the lender is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

**ITEM NUMBER:** A-4  
**DATE:** 10/13/20  
**ATTACHMENT:** 1A

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States Government or from the sale of commodities futures registered with the Commodity Futures Trading commission of the United States Government if the flier sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.



# ***Atascadero City Council***

## ***Staff Report – Public Works Department***

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### **Consider a Professional Engineering Services Agreement for the San Gabriel Road and San Marcos Road Pavement Rehabilitation Project**

#### **RECOMMENDATIONS:**

Council:

1. Authorize the City Manager to execute a professional services agreement for \$149,817 with Wallace Group to provide design engineering and construction plan preparation services for the San Gabriel Road and San Marcos Road Rehabilitation Project (Project No. C2020R05).
2. Authorize the Director of Administrative Services to allocate an advance of \$86,100 of Local Transportation Funds to supplement the FY20/21 budget for the San Gabriel Road and San Marcos Road Rehabilitation Project.

#### **DISCUSSION:**

##### Background

San Gabriel Road (from Highway 41 to San Marcos Road) and San Marcos Road (from San Gabriel Road to Portola Road) are classified as arterial roadways and scheduled for pavement rehabilitation construction in fiscal year 2021/2022 (FY21/22). Both roadways are listed on the Five Year Capital Improvement Plan (CIP) and are identified to be completed as a single project due to proximity and similar pavement conditions requiring like construction techniques and treatments. Combined project cost estimates for the two roadways total \$1,560,000 in the CIP and the current budget includes \$95,000 in FY20/21 for geotechnical testing, land surveying, and preliminary engineering work. Final design, construction plan and specification preparation, and construction were programmed for FY21/22 in the CIP.

##### Analysis

The previously noted segments of San Gabriel Road and San Marcos Road are in poor condition (PCI's of 26 and 18) and require significant maintenance work year-round by City staff to repair potholes, backfill pavement edges, remedy drainage issues, and other repetitive work to keep in the pavements in the current poor condition and address public concerns. For this reason, coupled with project work and cost efficiencies, staff is recommending to proceed with all pre-construction work in FY20/21. This will allow the

project to be publicly bid in spring 2021 to ready it for construction in summer 2021 with FY21/22 monies. This will result in less staff time, lower consultant fees, and lower construction costs due to efficiencies in design and construction given their proximity to one another and similar conditions. Project expenditures will be tracked separately for each road segment for both design and construction costs. A discussion of each road segment condition and proposed improvements are detailed below.

#### San Gabriel Road Improvements

San Gabriel Road is approximately 4,200 feet (0.79 miles) in length with an average paved width of 21 feet and is in poor condition, with an overall Pavement Condition Index (PCI) of 26 in 2019. Preliminary investigation of San Gabriel Road indicates that while the overall pavement condition is poor, there are portions of the roadway that could potentially be rehabilitated with less costly construction methods that will be determined through the pavement testing and preliminary design work. Due to the relatively high volume of pedestrian and bicycle activity on this segment of roadway, staff has proposed minor widening along San Gabriel Road to allow for 2 to 3-foot paved shoulders. Since this widening is strictly intended for the safety of non-motorized users, it is not anticipated that stormwater post-construction requirements will be required to mitigate additional impervious area. However, the design consultant will evaluate this exemption and include cost-effective roadside stormwater best management practices (BMP's). Examples could include vegetated natural swales, small infiltration areas, gravel infiltration trenches, etc. Additional benefits from inclusion of these measures include increased groundwater recharge, decreased flows and erosion downstream, and runoff pollutant treatment.

#### San Marcos Road Improvements

San Marcos Road is approximately 3,500 feet (0.66 miles) in length with an average paved width of 22 feet and is in poor condition, with an overall PCI of 18 in 2019. Work will generally retain existing pavement width and lane configuration and not include minor widening like San Gabriel Road. The consultant will provide a review of the existing pavement condition and determine cost effective solutions. While the majority of the current poor roadway condition is due to pavement age, a significant portion through this segment is the result of saturated pavement base from storm runoff flows and poor drainage patterns. Design work will include an evaluation of existing drainage issues with final design solutions incorporated into construction plans. The consultant will evaluate drainage alternatives at the intersection of San Gabriel and San Marcos Roads and downstream conveyance. Upgradient storm runoff from hillsides is concentrated at this intersection and conveyed along the road edge to the mid-point of the road segment before entering a storm drain and discharging to a nearby seasonal creek. This edge runoff continues for weeks after ground saturation and heavy rains, hereby saturating the pavement base and compromising pavement strength. Staff will work closely with the design consultant to evaluate alternatives to remedy storm runoff conveyance and surface drainage issues.

A Request for Proposals (RFP) was issued in August 2020 to solicit proposals from qualified consulting firms for professional engineering services for the San Gabriel Road and San Marcos Road Pavement Rehabilitation Project. Seven proposals with sealed fee estimates were received by the September 11, 2020 deadline, including Wallace Group, Pavement Engineering Incorporated (PEI), Eikhof Design Group, GHD, Stantec,

TAIT, and Flowers & Associates. The proposals were reviewed and scored by Engineering staff taking into consideration experience with similar projects, responsiveness to City needs, experience of key personnel and other relevant factors. Staff unanimously determined that Wallace Group of San Luis Obispo provided the best proposal and was the most qualified firm.

Staff reviewed the sealed fee estimate provided by Wallace Group and discussed the project work scope and assumptions with their staff. Based on these discussions, Wallace agreed to a lower estimated fee of \$149,817. This fee also includes geotechnical testing, evaluation, and recommendations for the project. Wallace has included Earth Systems Pacific on their proposal to provide this work.

Staff is recommending that Wallace Group be selected to perform the pavement testing and design consulting services for the San Gabriel Road and San Marcos Road Pavement Rehabilitation Project for an estimated fee \$149,817. If approved, design work will begin in October 2020 and construction documents will be ready for public bidding in April or May 2021. Council will likely consider awarding a construction contract in June 2021 with construction beginning in July 2021.

The adopted Budget and CIP includes \$1,560,000 for this project, with \$95,000 in FY20/21 and the remainder in FY21/22. City staff and Wallace Group will work closely to evaluate life-cycle costs to provide the most cost-effective method of pavement rehabilitation for both roadway segments. However, it is possible that providing a reasonable pavement life will be difficult within the existing budget. The most comparable project recently completed was Santa Lucia Road, with a final construction cost of \$738,000 for a 4,600-foot segment of 26-foot wide roadway. Based on square footage costs, and considering overall construction costs escalation, total construction cost (without contingency) for San Gabriel Road and San Marcos Road is likely to be in the range of \$1,200,000-\$1,350,000. While staff is not recommending allocating additional construction funds at this time, due to uncertainty of final design and the ability to potentially decrease contingency funds during construction award, Council should be aware that additional funds might be needed for construction after project bidding. Staff will include project cost updates as part of the 2-year Budget cycle and CIP updates in the first part of 2021.

### **FISCAL IMPACT:**

Approving staff recommendations will commit \$95,000 in budgeted Local Transportation Funds and commit \$86,100 in Local transportation Funds that were projected for expenditure on this Project in fiscal year 21/22. A summary of estimated project expenditures and funding sources is shown on the following page.

<b>ESTIMATED EXPENDITURES</b>			
Expenditure Description	San Gabriel	San Marcos	Total
Engineering Design, PS&E Preparation	\$ 80,400	\$ 69,417	\$ 149,817
Design Support (Staff, bidding & contingency)	16,800	14,483	31,283
Estimated Construction Costs	575,000	500,000	1,075,000
Testing, Inspection and Construction Management @ 8%	47,800	41,100	88,900
Estimated Construction Contingency @ 20%	115,000	100,000	215,000
<b>Total Estimated Expenditure:</b>	<b>\$ 835,000</b>	<b>\$ 725,000</b>	<b>\$ 1,560,000</b>
<b>ESTIMATED FUNDING SOURCES</b>			
Revenue Source	San Gabriel	San Marcos	Total
LTF: FY20/21 (Adopted Budget)	\$ 51,000	44,000	\$ 95,000
LTF: FY20/21 (Additional Allocation)	\$ 45,900	40,200	\$ 86,100
LTF: FY21/22 (Estimate)	\$ 738,100	640,800	\$ 1,378,900
<b>Total Estimated Funding Sources:</b>	<b>\$ 835,000</b>	<b>\$ 725,000</b>	<b>\$ 1,560,000</b>
<b>Net Project Surplus / (Shortfall)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**ALTERNATIVE:**

Council can reject Staff recommendations and not move ahead with the project until later in this fiscal year.

**ATTACHMENT:**

Project Map

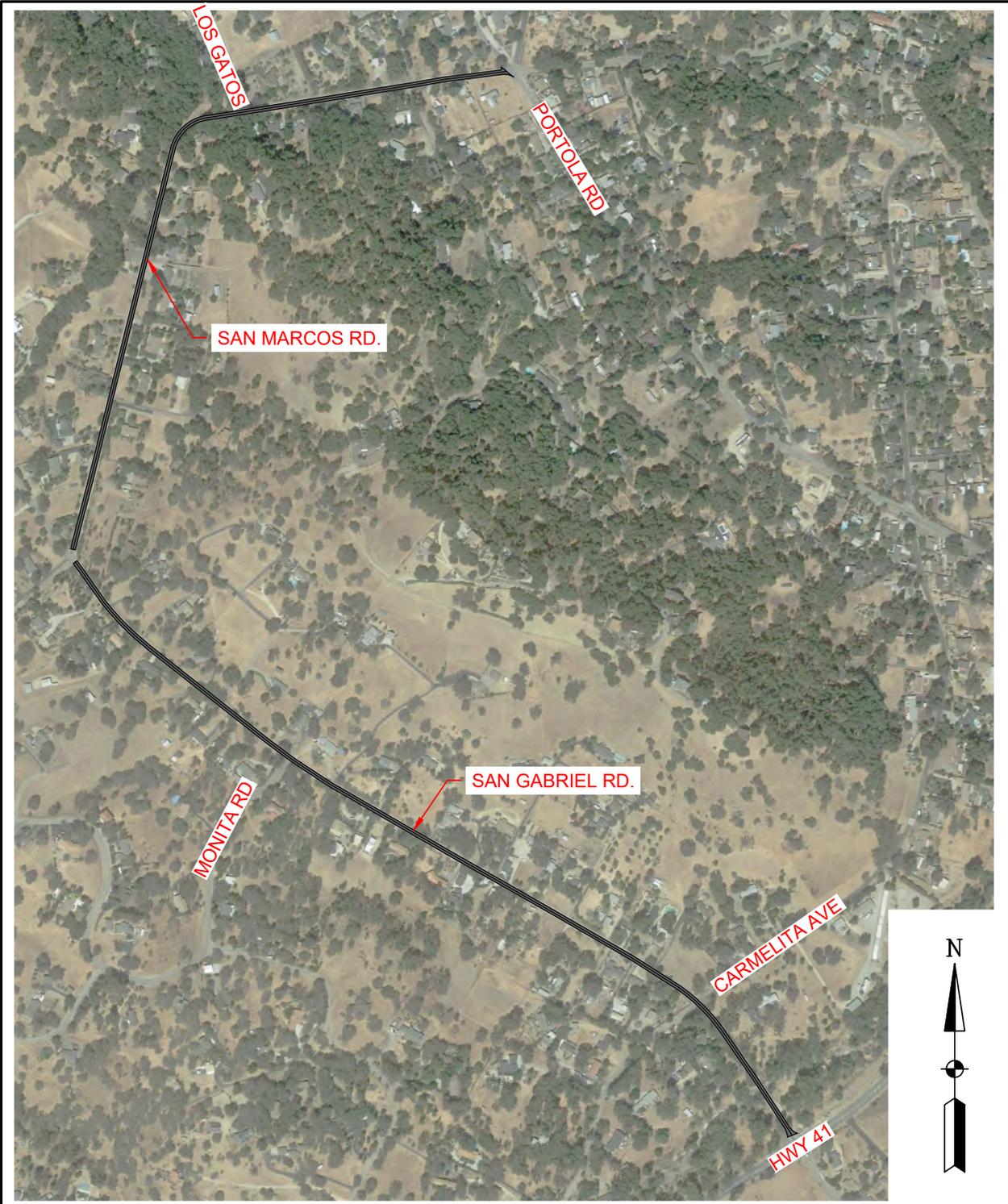


EXHIBIT 1  
SAN GABRIEL AND SAN MARCOS ROAD  
STREET LOCATIONS

DRAWN BY:	R. HAYES
DATE:	7/21/2020
SCALE:	1"=600'
PAGE NO:	1 OF 1



# ***Atascadero City Council***

## ***Staff Report - City Manager's Department***

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### **Commitment to Being a Safe, Inclusive and Welcoming Community for Everyone and Facilitation of Voluntary Citizen Action to Redact or Repudiate Racist Deed Verbiage**

#### **RECOMMENDATION:**

Council adopt Draft Resolution to resolve that the City of Atascadero commits to Atascadero being a safe, inclusive and welcoming community for everyone and to facilitate voluntary citizen action to redact or repudiate racist and discriminatory verbiage from their property deeds.

#### **REPORT-IN-BRIEF:**

The City of Atascadero has a vision of a dynamic community that embraces its future, while respecting its past with core values of civility, sustainability, diversity, inclusivity, regionalism, partnership, and resiliency. The proposed Draft Resolution, for Council's consideration, makes a commitment to denounce racial bias in Atascadero.

In the spirit of Truth and Reconciliation, the City of Atascadero wants to go on record that our City repudiates the historical racial restriction on ownership, and deeply regrets that it was once considered it acceptable. We also want to proclaim for the public record that the City of Atascadero welcomes warmly and without reservation neighbors of all races and ethnicities in our community.

#### **DISCUSSION:**

The unjustified killing of George Floyd by a Minneapolis Police Officer has energized activism, advocacy and protests throughout the nation and here in San Luis Obispo County. The protests initially focused, and continue to focus, on police brutality against people of color and the need for police reform. The protests have further expanded to encompass the very heart of racism and concerns over persistent inequality and disadvantage for people of color in our country.

The work to address these real issues is multi-faceted and not limited to just inner cities or areas more commonly known for racist attitudes and police brutality. Community members and groups seeking this change in San Luis Obispo County have reached out to the City of Atascadero to better understand what we have done and can do further on

the issue of police reform. On June 9, 2020, R.A.C.E. Matters sent a list of demands to the Atascadero City Council Members. A Council sub-committee comprised of Mayor Moreno and Council Member Funk, along with the City Manager and Police Chief, met with representatives of R.A.C.E. Matters to begin a dialog about the issues and demands brought up in their June 9, 2020 statement to the Council.

At the same time, there began to be a growing awareness of a common, but morally repugnant clause on most of Atascadero deeds. Because Atascadero was purchased and subdivided at one time (around 1914), most of the deeds have covenants with language similar to the following:

*“SIXTH: That the said parcel herein described, or any part thereof, shall not be conveyed, transferred, demised, or let to, or held, occupied, resided on, or owned by any person other than one of the white or Caucasian race; nor shall the same or any part thereof be used for vending, selling or dealing in vinous, malt, spirituous, or alcoholic liquors as a beverage for wholesale purposes, and no saloon or bar shall ever be allowed thereon.”*

This covenant is not unique to Atascadero. A University of Michigan paper *Racially Restrictive Covenants in the United States: A Call to Action* by Nancy Welsh states:

*“Racially restrictive covenants were widespread tools of discrimination during the first half of the 20th century. Although southern states are often identified as loci of racial violence and discrimination, racially restrictive covenants first appeared in California and Massachusetts at the end of the 19th century. By the time the Supreme Court ruled them to be unenforceable in 1948, it is estimated that more than half of all residential properties built in the intervening decades were constrained by racially restrictive covenants.”*

These racially discriminatory covenants were proliferated by real estate developers, financiers and national real estate organizations. Per another article entitled *Urban Space, Restrictive Covenants and the Origins of Racial Residential Segregation in a US City, 1900–50\**:

*“Other authoritative real estate industry textbooks, including Real estate business as a profession (Spilker, 1923), California real estate principles and practices (Schneider, 1927), Valuation of real estate (Babcock, 1932) and Real estate fundamentals (Male, 1932), among others, stressed rigid segregation as a requisite for maintaining profitable land sales and neighborhood value (Abrams, 1965: 151–2, 158–60).”*

These covenants that are included in many deeds throughout the County, the State and the nation, are illegal, unenforceable and immoral. So why do racially restrictive covenants remain common features of deeds? There may be several reasons.

1. Since covenants run with the land, they become part of the land title in perpetuity. Termination of a covenant typically requires written release by the entity that first placed the covenant on the title (covenantee). Even if a covenant is no longer enforceable, as in the case of racially restrictive covenants, they will still be visible

in the chain of title, and even within the language of the deed. The City has no ability to remove these racially restrictive covenants from the chain of title. Only the current owner of the property (or the original covenantee) have the ability to address the restrictive racial covenants. The current landowner may request a redaction or add language repudiating the deed restriction. Only the covenantee may remove the deed restriction. California laws do require that real estate professionals who send deeds that contain racist language to clients, must include a cover sheet that states in 14 pt, boldface type that a modification can be filed.

2. The majority of owners may not be aware that their properties are subject to racially restrictive covenants. Most property owners have not read their deed language of chain of title, or if they did read it, it was probably at the time of property purchase when they had hundreds of pages of documents to read.
3. The process to remove covenants has been expensive and time-consuming in the past. However, today in the State of California it is a simple process with the only cost being that of a notary. The minimal steps needed are described below.

Any Atascadero landowner can follow the steps listed below to redact their Colony Property Deed racially discriminate covenant.

1. Complete the SLO County Clerk Records Office Restrictive Covenant Modification Form, found here:  
<https://www.slocounty.ca.gov/Departments/Clerk-Recorder/Forms-Documents/Recording/Commonly-Recorded-Restrictive-Covenant-Modificat.aspx>
2. Bring the completed form to Atascadero City Hall, 6500 Palma Avenue, along with a form of photo identification. City staff will notarize the form at no cost to the landowner. They must call ahead to make an appointment at 805-461-5000.
3. The landowner must make a copy of their deed and include a copy of the specific verbiage that they want redacted.
4. The landowner then needs to turn in the notarized Restrictive Covenant Modification form and copy of their deed at the San Luis Obispo County Clerk Records Office, 1055 Monterey St, Suite D120, San Luis Obispo. The Atascadero office is closed until further notice.

The landowner's updated document will show that the verbiage was redacted and the original will be returned to the property owner. Verbiage will remain on the original document with the County Clerk Records Office with a notice that it was requested to be redacted.

Another option is adding a covenant to existing deeds, as suggested in the University of Michigan paper *Racially Restrictive Covenants in the United States: A Call to Action* by Nancy Welsh:

*“Rather than removing racially restrictive covenants, he recommends modifying the deed instrument by adding a clause disavowing the covenant:*

*We, [your name], owners of the property at [your address], acknowledge that this deed includes an unenforceable, unlawful, and morally repugnant clause excluding African Americans from this neighborhood. We repudiate this clause and are ashamed for our country that many once considered it acceptable, and state that we welcome with enthusiasm and without reservation neighbors of all races and ethnicities.”*

City Staff reached out to the San Luis Obispo County Clerk Records Office to inquire about adding such a covenant. The County conceded that people can add verbiage to their deeds and that the County Clerk does not look at the legality of what they are adding, however, it is suggested that prior to doing so landowners contact their attorney. City staff will continue the conversation with the County to facilitate a process for those residents who would prefer to modify their deeds by adding the clause disavowing the covenant.

The City of Atascadero will proceed with a public information campaign informing residents of the steps they can take to redact or repudiate the historical racial restriction on ownership recorded as a covenant on their property deeds; whether by redaction of a restrictive covenant or by adding a clause disavowing the covenant in their deed. Atascadero landowners will be informed of the steps necessary to proceed with either option, based on their preference.

Residents who prefer to redact the covenant will need to have the restrictive covenant modification formally notarized, which would typically include a fee for the service. City staff is suggesting that residents bring their form to City Hall and have their modification form notarized at no cost, making this option financially feasible for everyone.

The City of Atascadero has a vision of a dynamic community that embraces its future, while respecting its past with core values of civility, sustainability, diversity, inclusivity, regionalism, partnership, and resiliency. The proposed Draft Resolution for Council's consideration makes a commitment to being a safe, inclusive and welcoming community to everyone.

## **FISCAL IMPACT:**

There will be staff time and minor costs associated with facilitating the redaction or repudiation of racially restrictive deed covenants. These costs are expected to be covered with existing budgeted funds.

## **ALTERNATIVES:**

None.

## **ATTACHMENTS:**

1. Draft Resolution
2. County Form to Redact Restrictive Covenant pursuant to Section 12956.2

## DRAFT RESOLUTION

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, TO RESOLVE THAT THE CITY OF ATASCADERO COMMITS TO ATASCADERO BEING A SAFE, INCLUSIVE AND WELCOMING COMMUNITY FOR EVERYONE AND TO FACILITATE VOLUNTARY CITIZEN ACTION TO REDACT OR REPUDIATE RACIST AND DISCRIMINATORY VERBIAGE FROM THEIR PROPERTY DEEDS**

**WHEREAS**, the Declaration of Independence defined the United States of America as a democracy based on the unalienable rights of life, liberty and the pursuit of happiness, and government by the consent of the people; and the 14<sup>th</sup> Amendment instilled equality of the races into the US Constitution; and

**WHEREAS**, the City of Atascadero will steadfastly strive to ensure that they are not, either consciously or unconsciously, engaging in any form of discrimination. This takes vigilance and a willingness to monitor and review numerical data, policies, practices and decision-making processes and organizational culture. It is not acceptable from a human rights perspective for an organization to choose to remain unaware of discrimination or to fail to act when a problem comes to its attention; and

**WHEREAS**, the recent death of George Floyd at the hands of a Minnesota Police Officer, along with other deaths of unarmed persons of color at the hands of police in other cities, have sparked advocacy, activism, and protests across the country demanding action be taken to end the social, economic, political, health, educational and personal safety disparities that exist for people of color; and

**WHEREAS**, The City of Atascadero, the Atascadero Police Department and the Community at large understands the need to ensure that the use of force by police never be applied in a manner that would be excessive, unnecessary, officious or inequitable; and

**WHEREAS**, the City of Atascadero and the Atascadero Police Department became aware of a campaign aimed at reducing police violence, that includes banning chokeholds and strangleholds, requiring de-escalation training, requiring warning before shooting, exhaust all other means before shooting, duty to intervene when witnessing another officer using excessive force, ban on shooting at moving vehicles, requiring use of force continuum, and requiring comprehensive reporting; and

**WHEREAS**, the City of Atascadero and the Atascadero Police Department's Code of Ethics holds true the following statement for each officer: "I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities."; and

**WHEREAS**, racial discrimination is a larger problem than law enforcement and the justice system; and

**WHEREAS**, in alignment with the goal of creating a safe and welcoming community, we value human rights, peace, respect, inclusivity and equity; and

**WHEREAS**, racism and discrimination are not yet completely a thing of the past, but still exist here in Atascadero today; and violence by persons affiliated with white supremacist organizations is an active concern of law enforcement in our City and region; and

**WHEREAS**, the City Council of Atascadero, recognize and acknowledge, as representatives of the City of Atascadero, that the form of deed which the founders of the original Colony of Atascadero in 1913 used for lots of land in the Colony included a common but morally repugnant clause excluding all non-white races from ownership of the property covered by the deed; and

**WHEREAS**, such restrictions were ruled as unconstitutional by the U.S. Supreme Court in 1948, the restrictive language regrettably has been preserved, due to the need to maintain historical continuity of the records; and

**WHEREAS**, the City Council and City government want to proclaim for the public record that the City of Atascadero will not tolerate racial bias, and welcomes warmly and without reservation neighbors of all races and ethnicities in our community.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Atascadero:

**SECTION 1.** The City Council is committed to Atascadero being a welcoming, inclusive, and safe community for everyone. While we promote free thought and speech, we condemn racism and brutality, hate speech, bigotry, violence, and prejudice in any form.

**SECTION 2.** The City Council affirms the importance of maintaining safety for the public, bystanders and suspected or accused persons in police interactions by requiring, training for and practicing de-escalation; prohibiting chokeholds and strangleholds; employing deadly force only as a last resort, and only after warnings when possible; requiring thorough and accurate reporting and systematic review of any use of force incident; and requiring officers to intervene if they observe other officer(s) using unreasonable force, to the extent these practices are not inconsistent with state law.

**SECTION 3.** In the spirit of Truth and Reconciliation, the City of Atascadero wants to go on record that our City repudiates historical racial restriction on ownership, and deeply regrets that it was once considered acceptable. We also proclaim for the public record that the City of Atascadero welcomes warmly and without reservation neighbors of all races and ethnicities in our community.

**SECTION 4.** The City Council shall encourage and inform Atascadero landowners of the ability to redact illegal verbiage in existing property deeds, or to acknowledge the clause excluding all non-white races from ownership of property and to repudiate the clause, stating that we welcome with enthusiasm and without reservations neighbors of all races and ethnicities.

**SECTION 5.** The City Council shall:

1. Upon request from any property owner in the City of Atascadero the Council directs licensed notary City staff to notarize the documents required by the San Luis Obispo County Clerk to either redact or repudiate the clause excluding all non-white races from ownership of the property covered by the deed; and
2. Shall waive fees for this notary service.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_\_\_, 2020.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

ITEM NUMBER: C-1  
DATE: 10/13/20  
ATTACHMENT: 2

Recording Requested By \_\_\_\_\_

When recorded mail document to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Above Space for Recorder's Use Only

## RESTRICTIVE COVENANT MODIFICATION

I (We) \_\_\_\_\_ have an ownership interest of record in the property located at \_\_\_\_\_ that is covered by the document described below.

The following referenced document contains a restrictive covenant based on race, color, religion, sex, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry that violates state and federal fair housing laws and that restriction is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of eliminating that restrictive

covenant as shown on page(s) \_\_\_\_\_ of the document recorded on \_\_\_\_\_ (date)

In book \_\_\_\_\_ and page \_\_\_\_\_, or Document No. \_\_\_\_\_ of the Official records of the County of \_\_\_\_\_, State of California.

The document referenced above was originally indexed in the following manner \_\_\_\_\_ and this document shall be indexed in like manner pursuant to Section 12956.2 (e).

The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Dated \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Printed Name(s)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_



# ***Atascadero City Council***

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

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### **6<sup>th</sup> Cycle Housing Element Update Progress Report (CPP19-0067)**

#### **RECOMMENDATION:**

Council receive update on the progress of the Housing Element.

#### **DISCUSSION:**

##### Background

The City started the Housing Element update process in January of 2020. A joint Planning Commission and City Council hearing took place on January 28, 2020. At that time, the Consultant outlined the process and received comments. In April 2020, the City Council reviewed the City's Regional Housing Needs allocation (RHNA) and provided input on identified sites and policies to meet the identified housing needs. In June 2020, the City Council reviewed the draft Housing Element and received public comment. The Council authorized staff to submit the draft to the State Department of Housing and Community development (HCD) for review. Additional information was provided to the State during their review process and minor modifications to policy language were made, resulting in a letter of approval from the State on September 24, 2020. The City can now proceed with the adoption and certification process. The HCD modifications made to the Housing Element did not impact the proposed policy direction, but instead included language to clarify and support City policies.

The Housing Element is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of additional housing to meet those needs at all income levels. The policies contained in the Housing Element are an expression of the statewide housing goal of meeting the housing needs in our region, as well as a reflection of the unique concerns of the community. Housing Elements are required to:

1. Assess and address constraints to housing development
2. Provide an assessment of population housing needs
3. Analyze progress toward implementing the previous Housing Element
4. Guide housing development policy
5. Identify opportunities to meet the City's housing needs and identified Regional Housing Needs Allocation (RHNA)
  - a. Identify resources that support housing for all income groups

- b. Complete an inventory of existing and new sites for housing development in support of meeting the City's RHNA

Housing Element law does not require the City to build all units identified as part of the RHNA, but rather to implement a plan to accommodate for these units throughout the City. The Housing Element is not the only tool to solve housing problems but aims to identify constraints and barriers and provide realistic solutions where able.

### Analysis

The below summary outlines modifications made to the draft document following Council endorsement in June. These amendments were required by HCD in order to issue a letter of compliance and allow the adoption and certification process to move forward. Minor changes are not included below but can be found in the full summary (Attachment 1).

- *Public Outreach*  
The State requested additional information regarding public outreach efforts for the Housing Element Update to ensure that the general public had an opportunity to review and comment. Section 4 of the Introduction Chapter (pages A-2 to A-5) was updated to include additional language related to workshop participation and social media and website survey efforts throughout the process.
- *Program 3.C: Multi-Family Housing Permitting*  
Program 3.C. was included to ensure compliance with SB35, the Housing Accountability Act. The draft element proposed consideration of modifications to the Conditional Use Permit (CUP) requirements and triggers for multi-family projects. The City currently requires a CUP for any multi-family project in excess of 11 units, with the exception of development projects on sites identified in the Housing Element to meet the RHNA. The State requested that the City make a policy statement that changes to the CUP process will be completed in conjunction with the adoption of Objective Design Standards to ensure compliance with the Housing Accountability Act. The State did not dictate what size of project should be by-right. That analysis and decision remains at the discretion of the City.
- *Program 3.G: Emergency Shelter (ES) Overlay Zone*  
The State requested additional information about the adequacy of the existing ECHO site to accommodate the City's need and allow for expansion should the need grow. Additional description of the current Emergency Shelter Overlay zoned property was provided in the constraints discussion (Chapter E) and program 3.G. was modified to clarify that the zone will be evaluated for expansion to other properties as appropriate should additional need arise.

- **Added Program 3.O: Farmworker Housing in RS Zone**  
*Program 1.E: Special Needs Housing*

The Employee Housing Act requires “by-right” housing for farmworker and employee housing associated with agricultural activities. In essence, the state requires cities to allow by-right farmworker housing in any zone that allows agricultural uses. In Atascadero, small scale and hobby agriculture such as the keeping of livestock, 4H projects, and hobby vineyards and orchards are common on larger residential parcels. The zoning ordinance is written to also allow for larger agricultural activities with a CUP. The intent of Atascadero zoning, is for such uses to be accessory to a residential use to be compatible with the surrounding neighborhood. These residential properties were never intended to serve as commercial agricultural properties and cannot support agricultural employees.

The Employee Housing Act limits a city’s review of agricultural related housing wherever agricultural activities are permitted. Because the RS zone currently allows for agricultural uses, program 3.O. calls for amendments to the code to limit larger-scale agricultural activities within residential zones and to clarify incidental hobby or personal use activities to comply with State law. This amendment will help exclude the City from mandated Ag housing wherever agricultural uses may occur.

Program 3.O. was added and reads as follows:

*Amend the Zoning Regulations for the RS Zone to comply with California Health and Safety Code Section 17021.6, which generally requires that employee housing consisting of no more than 36 beds in group quarters (or 12 units or less designed for use by a single household) be treated as an agricultural use.*

*Funding Source: General Fund (staff time)*

*Responsible Party: Community Development Department, Planning Commission, City Council*

*Timeframe: Within two years of Housing Element adoption*

The State also requested that the City provide additional background information in the Needs Assessment chapter (Chapter D) and specifically add farmworkers to program 1.E: Special Needs Housing.

- **Program 3.D: RMF Zone Height**

This draft program called for removing the number of stories limit in the residential multi-family zoning district and simply maintaining the 30-foot maximum height limit to allow for 3 story structures that met the height criteria. The State requested additional modification to the program to amend zoning height definitions and exceptions to further facilitate 3-story multi-family developments.

- **Added Program 3.N: Definition of Immediate Family**

During State HCD review, it was discovered that the Municipal Code had an outdated definition for “immediate family”. Per State law, cities cannot discriminate or limit access to housing based on restrictive definitions of family which would include blood relation, number of persons, etc. Program 3.N. calls for amending the zoning ordinance to delete the definition of “immediate family” and all related regulations.

Program 3.N. reads as follows:

*Amend the Zoning Regulations to remove the definition of “immediate family” from the Zoning Regulations and any standards related to that definition, including Section 9-6.107(a)(1)(i) and 9-6.107(a)(3), which requires immediate family to occupy accessory dwelling units in the A zone.*

*Funding Source: General Fund (staff time)*

*Responsible Party: Community Development Department, Planning Commission, City Council*

*Timeframe: Within two years of Housing Element adoption*

### Next Steps

With HCD and the public review period completed, the City can now move forward with adoption of the Housing Element. Final adoption of the document and certification by HCD needs to take place by December 31, 2020 to remain in compliance with State laws. The City is on track to meet this deadline and has scheduled a Planning Commission hearing for October 20, 2020, followed by City Council review and adoption in November. Once adopted by Council, the document will be submitted to the State for final certification. and the City may begin implementation of the programs including initiation of code text amendments. The City has already received numerous grants to facilitate the completion of a number of element programs including objective design standards, small lot development standards, inclusionary housing strategies, and accessory dwelling unit ordinance updates. The City will continue to provide an annual update to HCD to let them know about housing development progress and policy implementation.

### Conclusion

The Housing Element update is a State mandated process that aims to provide a regulatory and land-use framework aimed at addressing housing needs and providing opportunities for the construction of housing that meets the needs of current and future residents. The draft Housing Element was reviewed by the State and changes were made to comply with State requirements and ensure certification. This Housing Element will cover the planning period from 2020-2028. Per State law, adoption and certification must occur by December 31, 2020. Council review and adoption is scheduled for November.

### **FISCAL IMPACT:**

None. The Housing Element is a state mandated activity. While review of potential Housing Element policies does not have a direct fiscal impact, changes in land-use policies will generally produce an overall positive or negative fiscal impact for the City depending on the policy. Creation of housing units generally has a negative fiscal impact upon City resources. The City received grant funds to offset the cost of the Housing Element update.

### **ATTACHMENTS:**

1. HCD review summary and response
2. HCD approval to proceed letter

HCD COMMENT	RESPONSE
<p>1. Public Outreach: Add more information about what was done for public outreach, if a draft was made available, if there were public meetings done at various times to allow for the public to attend, was it online, was it available in multiple languages, etc...</p>	<p>The City took a proactive approach to ensure that the Atascadero community was able to participate in the Housing Element update. Section 4 (Public Participation) of the Introduction Chapter (pages A-2 to A-5) is revised to describe these efforts as follows:</p> <p><b>“Community Workshops and Study Sessions</b></p> <p>On January 28, 2020, the City conducted a workshop to gather input from key local stakeholders, <a href="#">housing advocates</a> and residents. The meeting included a presentation about the intent of the Housing Element update, followed by a facilitated discussion regarding housing issues, opportunities to meet local housing needs, and creative approaches to address the City’s constraints to housing production. Participants included local developers, service providers, advocates, and <a href="#">interested</a> residents.</p> <p>Outreach for the workshop and study session were conducted using social media campaigns and local media outlets. Information was also posted on the City website. <a href="#">The workshop was open to the public and interested developers, housing advocates, and residents were encouraged to attend. The City also posted a survey and comment page on the website to solicit comments and questions from those who could not attend or who needed additional time and information to comment. Email, and follow-up was conducted after the events to all who provided contact information</a> to ensure that the City captured all input <a href="#">and answered any questions</a>. The list of agencies <del>and</del>, organizations, <a href="#">and community members</a> invited to the study session are listed in Appendix A.</p> <p>Public comments received at the workshop and through follow-up outreach encouraged the City to see housing as an opportunity, while understanding the importance of considering the jobs to housing balance. Participants recommended ways to streamline the housing development approval process (including a clear roadmap with certainty), reduction in various permit fees, creative solutions to reduce the costs of development, and a focus on making Atascadero attractive for the building community.</p> <p>Following the workshop, the Planning Commission and City Council held a joint study session to review Housing Element requirements, report on input received at the workshop earlier in the day, and discuss issues, locations where new housing should be encouraged, creative solutions to constraints, and how to respond to local needs of Atascadero. Public comments included:</p>

HCD COMMENT	RESPONSE
	<ul style="list-style-type: none"> <li>• Streamline the approval process with reduced use of conditional use permits and removal of minimum lot size requirements.</li> <li>• Provide a mechanism, such as in-lieu fee payment, to substitute for parking requirements.</li> <li>• Find ways to incentivize affordable housing rather than require it.</li> <li>• Upzone around downtown.</li> <li>• Consider an overlay to allow residential along El Camino Real.</li> <li>• Consider the increasing senior population and develop creative solutions such as extra bedrooms, accessory dwelling units, and tiny homes.</li> <li>• Reduce fees, especially for the housing types that are affordable by design.</li> <li>• Consider changes to land use as part of a General Plan update and consider property owner requests to rezone.</li> </ul> <p>On April 14, 2020, the City Council conducted a study session to discuss potential sites to meet the regional housing needs allocation (RHNA) and policies to consider in the Housing Element. Due to the statewide Shelter at Home order associated with the COVID-19 pandemic, this meeting was not physically open to the public but was accessible via teleconferencing and viewing on the local television station <a href="#">and YouTube streaming</a>. <a href="#">Press releases/Notification of the workshop/hearing study session and draft Housing Element</a> <del>was</del> <a href="#">ere</a> sent to local media outlets as well as posted on the City website <a href="#">and social media accounts</a>. In addition, outreach to interested members of the resident, housing advocacy, and development community was conducted <a href="#">via email</a>. Public comments were received via teleconference and included requests for rezoning, discussion of junior accessory dwelling units, and support for horizontal mixed use, removal of minimum lot size requirements, and increasing housing in the community.</p> <p>On June 23, 2020, the City Council conducted a workshop prior to submitting the draft Housing Element to the State Department of Housing and Community Development (HCD) to discuss the Draft Housing Element. Because the statewide Shelter at Home order was still in place, this meeting was not physically open to the public; the public participated via teleconferencing and viewing on the local television station <a href="#">and YouTube</a>. <a href="#">The draft Housing Element was made available on the City's website for review and comment</a>. Notification of the workshop/hearing was published in the San Luis Obispo Tribune newspaper. To ensure that the housing concerns of low- and moderate-income and special needs residents were addressed, the City notified agencies and organizations that serve these communities</p>

HCD COMMENT	RESPONSE
	<p>in Atascadero and surrounding areas. Local stakeholders such as developers, service providers, neighboring jurisdictions, and housing advocates were invited to review and comment on the 2020-2028 Housing Element <u>(the link to the draft was widely distributed)</u> and to attend the study session. <u>Additional outreach was also made to community members that attended prior workshops and those who commented through the website.</u> The list of agencies and organizations invited to the study session <u>(and notified of the availability of the draft Housing Element for comment)</u> are listed in Appendix A. No public comments were submitted at the workshop. City Council members discussed the details of the draft Housing Element, asked questions, and requested revisions. Typographical errors were corrected, and edits were made to clarify unclear language. Additional discussion was added, as well as a new policy to encourage creation of “missing middle” housing types.</p> <p>On June 25, 2020, the regional consortium (County, Cities, and San Luis Obispo Council of Governments) held a virtual workshop to review the Regional Chapter (Chapter 3), which is included in all Housing Elements in the county. Housing advocates and stakeholders were invited to participate and comment on the regional chapter and a brief summary of Housing Element highlights for each jurisdiction. Comments from stakeholders included a desire for more deed-restricted affordable housing and standardization of processes and standards for jurisdictions in the region.</p> <p><u>In July through September, the San Luis Obispo Chamber of Commerce hosted a housing summit that invited the community to hear from housing experts on the opportunities and challenges with housing production. Part 3 of the series was held on September 10, 2020 and focused on City and County housing policies and Housing Element progress. The City of Atascadero participated in showcasing draft housing element policies and programs that support housing production and increase opportunities for housing throughout the City. The City’s website was shared with the attendees and all were encouraged to comment and participate through the seminar, through the City’s website, or via phone or email.</u></p> <p>Further opportunity for public participation will be provided at Planning Commission and City Council adoption hearings expected to occur late October and November 2020.</p>
<p>2. Strengthen Program 2D (Affordable Housing Assistance): This needs to be proactive and not just</p>	<p>In response to the Department’s comments, Program 2.D text and timeframe is revised to be more proactive as follows (page B-6 to B-7):</p> <p><b>“Program 2.D: Affordable Housing Technical Assistance</b></p>

HCD COMMENT	RESPONSE
<p>ongoing. Maybe add some specific outreach plans along with the continued assistance.</p>	<p>Provide pre-application technical assistance to affordable housing providers to determine project feasibility and address zoning and code compliance issues in the most cost-effective and expeditious manner possible. <u>If not already initiated via potential projects, annually consult with local affordable housing developers, including offering letters of support for grant applications, advising on local zoning and code compliance, and facilitating partnerships.</u></p> <p><i>Funding Source: General Fund (staff time)</i>  <i>Responsible Party: Community Development Department</i>  <i>Timeframe: Ongoing <u>and annual consultation</u></i>  <i>Quantified Objective: Provide letters of support for 5 affordable housing project applications”</i></p>
<p>3. Strengthen Program 3C (Multifamily CUP): The program reads like it’s a wait and see but needs to be proactive.</p>	<p>Program 3.C is included in the 2021-2028 Housing Element for two specific reasons: 1) to consider revisions to the CUP requirement for multi-family housing to make State requirements clear for decision makers that projects cannot be denied or the density reduced where they comply with objective criteria, and 2) to monitor processes moving forward to ensure compliance with the intent of the Housing Accountability Act. Program 3.C text (page B-9) is edited to clarify these goals and actions in a more proactive manner:</p> <p><b>“Program 3.C: Multi-Family Housing Permitting</b>                      To reduce constraints to multi-family housing production, the City will review and <del>if necessary,</del> revise the Conditional Use Permit (CUP) requirements for multi-family housing <u>in conjunction with adoption of objective design standards and to comply with the Housing Accountability Act.</u> The Atascadero Zoning Regulations require a CUP for residential projects in the RMF zone over 11 units, excluding RMF-24 properties identified in the Housing Element sites inventory, which are allowed by right. <del>The City will consider revising the CUP requirement once objective design standards are adopted. This Any revisions to Zoning Regulations</del> will not affect the by-right approval of multi-family projects in the RMF-24 zone on Housing Element sites, which are not subject to a CUP or a Specific Plan. <u>Revisions are intended to facilitate</u> the permitting process for multi-family housing <u>and</u> will be consistent with any by-right or streamlining requirements identified in state law. The City will periodically evaluate the approval process for <u>housing projects to ensure compliance with the intent of the Housing Accountability Act.</u> <del>requiring a CUP or other discretionary review and monitor the impact the requirement has on project certainty, cost, and approval time.</del></p> <p>Funding Source: General Fund (staff time)</p>

HCD COMMENT	RESPONSE
	<p>Responsible Party: Community Development Department, Planning Commission, City Council</p> <p>Timeframe: Modify CUP requirement within two years of Housing Element adoption in conjunction with adoption of objective design standards; monitor <del>impact approval process for</del> housing development – ongoing”</p>
<p>4. Program 3G: We had questions on the emergency shelter sites having capacity. The response was there is only one site but it has plenty of capacity for development. Additionally the current shelter isn't at capacity. Add additional analysis to the emergency shelter section to indicate adequate capacity. Revise program 3.G to be more proactive.</p>	<p>Page E-10 to E-11 is modified as follows:</p> <p>State legislation SB 2 requires jurisdictions to permit emergency shelters without a CUP or other discretionary permits, and transitional housing and supportive housing must be considered residential uses and must only be subject to the same restrictions that apply to the same housing types in the same zone. The City has an Emergency Shelter (ES) Overlay Zone, which allows emergency shelters on a specific site subject to the development and operational standards outlined in the Zoning Regulations. The ES Overlay Zone was applied to the property where El Camino Homeless Organization (ECHO) runs and operates a homeless shelter with a capacity of 60 beds (this capacity reflects an increase in beds implemented in 2019). <u>The shelter building is 8,418 square feet and has 60 beds. The site is 1.26 acres with an existing building coverage of approximately 6,900 square feet, representing less than 13 percent of the total site area. Parking requirements are one vehicle parking space per five beds, one bicycle space per 10 beds, and one vehicle space per employee; standards are based on facility needs and operation as determined by the operator, ECHO and may be reduced accordingly. The only additional applicable code required development standard is a minimum 10 percent landscape coverage, which is usually achieved in the setback areas and within outdoor use areas for residents. Based on estimates, there is approximately 0.66 acres of area that could be devoted to shelter expansion while maintaining on-site parking and outdoor recreation areas. Structures within this zone can be up to three stories in height.</u></p>  <p><i>ECHO Shelter on Atascadero Avenue</i></p>

HCD COMMENT	RESPONSE
	<p>The ECHO shelter does not typically operate at capacity and is the only <u>permanent and year-round</u> overnight <del>and warming</del> shelter in North County. As a shelter was not a permitted use in the base zone, the <u>ES</u> Overlay protects the operation and establishes operational guidelines. The site of the ECHO shelter has the capacity to expand to accommodate a total capacity of 110 beds at the single ES overlay site.</p> <p>Program 3.G (page B-10) is modified as follows:</p> <p><b>Program 3.G: Emergency Shelter (ES) Overlay Zone</b>                      Review the Emergency Shelter (ES) Overlay Zone for continued compliance with state law; evaluate the need <del>and to</del> expand the zone, <u>as appropriate</u>, to other appropriate properties, subject to the locational and operational criteria outlined in the Zoning Regulations.</p> <p><i>Funding Source: General Fund (staff time)</i>  <i>Responsible Party: Community Development Department, Planning Commission, City Council</i>  <i>Timeframe: Within two years of housing element adoption</i></p>
<p>5. Farmworker Quarters: are they permitted in the RS with a CUP?</p> <p>Add additional information about farmworkers in the county and modify Program 1E to include farmworkers as a special needs group.</p>	<p>As discussed on existing page D11, “farm labor quarters” are permitted in the City’s one agricultural zone in compliance with the Employee Housing Act. Employee housing occupied by six or fewer employees is considered a single-family structure with a residential land use and is treated the same as a single-family dwelling of the same type in the same zone, consistent with Health and Safety Code Sections 17021.5 and 17021.6.</p> <p>In response to the Department’s question about agriculture uses and employee housing in the Residential Suburban Zone (RS) zone: the RS zone is not intended for agricultural uses beyond accessory uses such as produce stands. As such, agricultural uses (“Large Scale Ag Manufacturing” and “Livestock Specialties”) are allowed only with a CUP.</p> <p>California Health and Safety Code Section 17021.6 generally requires that employee housing consisting of no more than 36 beds in group quarters (or 12 units or less) designed for use by a single family or household to be treated as an agricultural use. No conditional-use permit, zoning variance, or other zoning clearance shall be required for this type of employee housing that is not required of any other agricultural activity in the same zone.</p> <p>To comply with this requirement, see new Program 3.O added to the Housing Plan (page B-12):</p>

HCD COMMENT	RESPONSE
	<p><b><u>“Program 3.O: Farmworker Housing in RS Zone</u></b>  <u>Amend the Zoning Regulations for the RS Zone to comply with California Health and Safety Code Section 17021.6, which generally requires that employee housing consisting of no more than 36 beds in group quarters (or 12 units or less designed for use by a single household) be treated as an agricultural use.</u></p> <p><u>Funding Source: General Fund (staff time)</u>  <u>Responsible Party: Community Development Department, Planning Commission, City Council</u>  <u>Timeframe: Within two years of Housing Element adoption”</u></p> <p>Page D-11 is also modified to include the following information:</p> <p><u>“The Atascadero Zoning Regulations identify one agricultural zone which permits agricultural operations and complies with the requirements of the Employee Housing Act. In addition, the RS zone allows agricultural uses with a Conditional Use Permit (CUP). To comply with the Employee Housing Act in the RS zone, Program 3.O is included in this Housing Element.”</u></p> <p>Additional information about farmworker needs in the county is provided on page D-11 and D-12 as follows:</p> <p>While there are very few agricultural parcels in the City, Atascadero is surrounded by land devoted to agricultural uses, including vineyards. It is likely that farmworkers may be housed on site at agricultural operations outside Atascadero.</p> <p><u>The United States Department of Agriculture periodically completes a census of farms and their characteristics. The most recent data (2017) provides an overview of farm operations in San Luis Obispo County:</u></p> <ul style="list-style-type: none"> <li><u>• There are 879 farm operations with hired workers in San Luis Obispo County.</u></li> <li><u>• These farm operations employ 11,416 hired workers, with a total payroll of \$179,701,000.</u></li> <li><u>• Of these farms, 588 employ workers fewer than 150 days per year; these farms hired 6,681 workers in 2017. A total of 635 farms employ workers 150 days or more (8,421 workers).</u></li> <li><u>• There are two Joe Serna Farm Worker Grant Program housing projects in the county, with 83 total units. There are four additional employee housing facilities in the county; three are permanent and one is seasonal. The three permanent facilities</u></li> </ul>

HCD COMMENT	RESPONSE
	<p><u>house 79 employees, and the one seasonal facility houses 16 employees.</u></p> <p><u>Farmworkers have the lowest family income and highest poverty rate of any occupation surveyed by the Census Bureau. Because of the limited need for farmworker housing, the City's current method of permitting farmworker housing and the overall approach to affordable housing meets existing need. Throughout the county, the housing needs of farmworkers can be supported with additional affordable housing. The State Housing and Community Development Department administers more than 20 programs that award loans and grants to local public agencies, private non-profit and for-profit housing developers, and service providers every year. This money supports the construction, acquisition, rehabilitation and preservation of affordable rental and ownership housing, childcare facilities, homeless shelters and transitional housing, public facilities and infrastructure, and the development of jobs for low-income workers. Many of these programs and funding sources can be utilized to provide housing for farmworkers.</u></p> <p>Program 1.E (page B-5) is modified as follows:</p> <p><b>Program 1.E: Special Needs Housing</b>                      Provide housing opportunities to meet the special housing needs of special needs residents (including the elderly, disabled, developmentally disabled, large families, the homeless, <u>farmworkers</u>, and extremely low-income households) by giving priority to development projects that include a component for special needs groups in addition to other lower-income households.</p> <p><i>Funding Source: General Fund (staff time) and other sources, as available</i>  <i>Responsible Party: Community Development Department</i>  <i>Timeframe: Ongoing</i>  <i>Quantified Objective: 15 units (this Objective is a subset of and not in addition to the Quantified Objective for Program 1.A: Adequate Sites)</i></p>
<p>6. RMF Zone: We had questions on the limit on height/stories. A 30-ft height limit may be a constraint to housing development. Revise program 3.D to address.</p>	<p>Program 3.D was included in the Housing Element to provide more flexibility in the RMF zone. Currently height is limited to two stories and 30 feet (see existing page E6). In order to allow for additional flexibility and the potential for three-story construction types, the Program 3.D would retain the 30-foot height limit but remove the limitation to two stories.</p> <p>Program 3.D (page B-9) is modified as follows:</p>

HCD COMMENT	RESPONSE
	<p><b>Program 3.D: RMF Zone Height</b>                      Amend the Zoning Regulations to remove number of stories limit in the Residential Multi-Family (RMF) Zone and regulate based on height in feet, allowing for adequate emergency response and community character preservation. <u>Amend Zoning Regulations definitions and exceptions to height limits, as appropriate, to facilitate three-story development in the RMF Zone.</u></p> <p><i>Funding Source: General Fund (staff time)</i>  <i>Responsible Party: Community Development Department, Planning Commission, City Council</i>  <i>Timeframe: Within two years of Housing Element adoption</i></p>
<p>7. Street width: Add minimum street widths to the site improvements section.</p>	<p>To clarify the street width requirements, the following text is added to the site improvement discussion on page E-13:</p> <p><u>“(Minimum street width for multi-family neighborhoods is 36-feet from curb to curb, to provide adequate space for on-street parking and circulation [does not include sidewalks]. For single family neighborhoods, minimum street width is 20-feet paved with two-foot shoulders.)”</u></p>
<p>8. ADU Parking: The element mentions the current ordinance requires 1 parking space plus 1 space per additional bedroom. However, you’re not enforcing this and defaulting to the state requirements. Please state this in the element.</p>	<p>While ADU parking standards are included in the zoning regulations they do not reflect current state law. Instead, the City defers to state law addressing ADU parking. To clarify this approach the following will be added to Table E.6 on page E-14:</p> <p><u>“(Not currently enforced; the City complies with State law requirements for ADUs. The City of Atascadero ADU Ordinance will be updated to reflect state law within 2 years of Housing Element adoption [see Program 1.D])”</u></p>
<p>9. ADU Fees: Have fees been adjusted for ADUs to work with the statute? Currently the requirement is no fees under 750 sf and a very small fee from above 750-1200 sf.</p>	<p>To clarify that development fees for ADUs in Atascadero are set to encourage ADU development and are consistent with state law, the following text is added to page E-10:</p> <p><u>“Through adoption of Resolution 2020-066, Atascadero complies with Senate Bill 13 (SB 13) by exempting and/or reducing development impact fees to spur the development of ADUs as a form of affordable housing. ADUs less than 750 square feet in size are exempt from development impact fees. ADUs between 750 square feet and 1200 square feet in size are charged proportional impact fees based on the City’s adopted fee structure for primary residential units (derived from the median residence size [1,666 square feet] divided by the existing impact fee).”</u></p>
<p>10. Design Standards: Check the design standards</p>	<p>Program 3.B is included in the 2021-2028 Housing Element to clearly articulate objective design standards for by-right projects as allowed</p>

HCD COMMENT	RESPONSE
<p>language, seems to be fairly subjective. SB330 suspends subjective design standards.</p>	<p>by SB 330. To clarify the program’s intent and consistency with state law, Program 3.B (page B-8) is proposed to be revised as follows:</p> <p><b>“Program 3.B: Objective Design Standards</b>  <u>In compliance with SB 330, a</u>Adopt objective design standards to ensure that the City can provide local guidance on design and <u>clearly articulate objective design</u> standards for by-right projects as allowed by state law. Adoption of objective design standards will facilitate high-quality residential development and compliance with state objectives. The objective design standards will ensure provision of adequate private open space, parking, and <u>related features as well as architectural design features</u>, consistent with state law. Part of the objective design standards creation process will include assessing how the standards can be used to encourage a variety of housing types and limit the size of residential units on multi-family zoned properties to encourage units that are affordable by design.”</p>
<p>11. Family definition: I checked the element and didn’t see the definition anywhere. Make sure what you’re using isn’t too restrictive (blood only, total number of people, etc...).</p>	<p>The City uses the definition of family in two forms in the Zoning Regulations. To ensure consistency with state law and minimize confusion the Housing Element is revised as follows:</p> <p>Section D.2 Special Needs Groups, page D-12:</p> <p><u>“Local governments may unintentionally restrict access to housing for households failing to qualify as a “family” by the definition specified in the Zoning Regulations. Specifically, a restrictive definition of “family” that limits the number of and differentiates between related and unrelated individuals living together may illegally limit the development and siting of group homes for persons with disabilities, but not housing for families that are similarly sized or situated.</u></p> <p><u>The Atascadero Zoning Regulations defines “family” as a “single housekeeping unit” defined as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager. This definition does not discriminate nor limit access to housing for persons with disabilities.</u></p> <p><u>The Atascadero Zoning Regulations also include a definition for “immediate family”: relatives of an applicant or spouse of applicant, limited to grandparents, parents, children, and siblings. Program 3.N is</u></p>

HCD COMMENT	RESPONSE
	<p><u>included to remove this definition and all regulations that are related to this definition (including Section 9-6.107(a)(1)(i), which requires immediate family to occupy accessory dwelling units in the A zone) from the Zoning Regulations.”</u></p> <p>See new Program 3.N added to the Housing Plan (page B-12):</p> <p><b>“Program 3.N: Definition of Immediate Family</b>  <u>Amend the Zoning Regulations to remove the definition of “immediate family” from the Zoning Regulations and any standards related to that definition, including Section 9-6.107(a)(1)(i) and 9-6.107(a)(3), which requires immediate family to occupy accessory dwelling units in the A zone.</u></p> <p><u>Funding Source: General Fund (staff time)</u>  <u>Responsible Party: Community Development Department, Planning Commission, City Council</u>  <u>Timeframe: Within two years of Housing Element adoption”</u></p>
<p>12. HDR Zone: Housing Element states in the HDR zone some requests to develop are turned away because of the minimum density requirement. Wanted to confirm that the minimum is due to the State’s requirement from a previous housing element.</p>	<p>To address Government Code 65583(a)(6), the Housing Element addresses requests to develop at densities below the density identified in the site inventory. Requests to develop at densities below the density identified in the site inventory most often occur for properties in the HDR zone. As a result of the codified minimum densities, these requests are denied. The minimum density requirements are intended to ensure that properties are not underdeveloped and that a sufficient level of development occurs. To achieve compliance with state law and ensure adequate sites, the 2007-2014 Housing Element included an amendment to the City’s Zoning Ordinance to provide adequate sites at a minimum density of 20 dwelling units per acre in the HDR zone.</p>
<p>13. Ordinance Updates: I checked page A-2 of the Housing Element, this ties to other components of the element. I think what we’re looking for is non-housing items that may have an impact on housing and vice-versa.</p>	<p>Page A-2 indicates that when other non-housing elements of the General Plan are updated, the City will review the Housing Element and if necessary, prepare an amendment to ensure continued consistency among elements.</p> <p>To clarify that consistency will also be maintained with housing related zoning regulations and ordinances, the following text is added to page A-2:</p> <p><u>“The Housing Element is also closely related to the Municipal Code and Zoning Regulations. The Housing Element reviews multiple ordinances that pertain to housing for compliance with State law. As new ordinances are considered, the City will review the Housing Element to ensure compliance with housing policies.”</u></p>

HCD COMMENT	RESPONSE
<p>14. Vacant Sites: There is a footnote for the two sites that were in the two previous elements and are subject to AB 1397, all allowed by right.                      AB 1397 requires sites that are reused from a previous housing element allow projects with 20% affordable units to be allowed by right. To ensure compliance, add a reference to such in Program 1A.</p>	<p>Table F.4 (pages F-7 and F-8) indicates the three sites that are subject to AB 1397 with a footnote on each applicable site. For all Housing Element sites, housing is allowed by right.</p> <p>Program 1.A (page B-3) is modified as follows:</p> <p><b>Program 1.A: Adequate Sites</b>                      The City of Atascadero has a remaining RHNA of 266 units for the 2018-2028 RHNA planning period after credits for permitted or approved units are taken into consideration. Overall, the City can adequately accommodate the City’s current RHNA under existing General Plan and Zoning Regulations standards. The residential sites inventory to address the current RHNA consists of 11 mostly vacant sites with capacity to yield 497 new units. The City will maintain an inventory of available sites for residential development and provide it to prospective residential developers upon request, and the City will continue to track the affordability of new housing projects and progress toward meeting the City’s RHNA. The City will also continue allowing housing development on RMF-24 properties identified in the Housing Element Sites Inventory as a by-right use, not subject to a conditional use permit or specific plan <u>permit, <del>or specific plan, or discretionary action.</del> By right includes but is not limited to housing developments in which at least 20 percent of the units are affordable to lower income households.</u></p> <p>The City of Atascadero is not responsible for the actual construction of these units. The City is, however, responsible for creating a regulatory environment in which the private market could build these units. This includes the creation, adoption, and implementation of General Plan policies, zoning and development standards, and/or incentives to encourage the construction of various types of units.</p> <p><i>Funding Source: General Fund (staff time)</i>  <i>Responsible Party: Community Development Department</i>  <i>Timeframe: Ongoing; annual assessment of status of housing sites inventory as part of the annual reporting process to the State</i>  <i>Quantified Objective: 266 units</i></p>
<p>15. The text on page F2 shows the City completed, issued permits, or approved 36 VLI, 25 LI, 60 MOD, and 552 MR units. But the table on F3 shows 36 VLI, 36 LI, 231 MOD, and 370 MR. Can we clarify the numbers?</p>	<p>The typo is in the text; the table is correct. The text (page F-2) is modified as follows:</p> <p>“These units include 36 very low-income units, <u>25-36</u> low-income units, <u>60-231</u> moderate-income units, and <u>552-370</u> above moderate-income units.”</p>

HCD COMMENT	RESPONSE
16. Table G17 only shows very low income, nothing broken out for extremely low income. We need this broken out.	Table G.2 on page G18 shows the previous accomplishments from the 2014-2019 planning period. No extremely low-income units were constructed during the 5 <sup>th</sup> cycle. See revised Table G.2 on page G18, and included below:

Table G.2: Summary of 2014-2019 Quantified Objectives and Progress						
Objectives	Income Levels					Total
	Extremely Low	Very Low	Low	Moderate	Above Moderate	
Construction Objectives						
Goal	<u>49</u>	<u>9849</u>	62	69	164	393
Progress	<u>0 (0%)</u>	48 ( <u>498%</u> )	28(45%)	178(258%)	308(188%)	562
Rehabilitation Objectives						
Goal	<u>7</u>	<u>137</u>	<u>5513</u>	<u>5555</u>	<u>055</u>	130
Progress	<u>--</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	0
Conservation Objectives						
Goal	<u>3</u>	<u>25</u>	15	5	--	25
Progress	71 (355%)			--	--	71

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



September 21, 2020

Phil Dunsmore, Director  
Community Development Department  
City of Atascadero  
6500 Palm Avenue  
Atascadero, CA 93422

Dear Phil Dunsmore:

**RE: Review of the City of Atascadero's 6<sup>th</sup> Cycle (2020-2028) Draft Housing Element**

Thank you for submitting the City of Atascadero's (City) draft housing element received for review on July 23, 2020 along with revisions received on September 14 and 21, 2020. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The draft element, incorporating the revisions submitted, meets the statutory requirements of State Housing Element Law. The housing element will comply with State Housing Element Law (Article 10.6 of the Gov. Code) when it is adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585, subdivision (g).

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2020 for San Luis Obispo Council of Governments localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate.

Phil Dunsmore, Director  
Page 2

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication the City's housing element team and looks forward to receiving the adopted housing element. If you have any questions or need additional technical assistance, please contact DC Navarrette, of our staff, at [David.Navarrette@hcd.ca.gov](mailto:David.Navarrette@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West  
Land Use & Planning Unit Chief