



## CITY OF ATASCADERO PLANNING COMMISSION AGENDA

In accordance with City Council Resolution No. 2022-006 and the requirements of AB 361, the Planning Commission Meeting will not be physically open to the public and Planning Commissioners 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 available by clicking on the following link:

Planning Commission - 832 5023 8111 (No Passcode Required)

<https://us02web.zoom.us/j/83250238111?pwd=SG9OdGxyNHNTNmRWEpHTzRQK0VnQT09>

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

Members of the public are highly encouraged to participate in live public comment through the Zoom platform using the link above or by calling **669-900-6833** to listen and provide public comment via phone.

If you wish to comment but not via a live platform, please email public comments to: [pc-comments@atascadero.org](mailto:pc-comments@atascadero.org) by 12:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the Planning Commission and made a part of the administrative record. If a comment is received after the deadline for submission but before the close of the meeting, the comment will still be included as a part of the administrative record of the meeting but will be forwarded to the Planning Commission the next business day. ***Please note, email comments will not be read into the record.***

### **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.

Planning Commission 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 Community Development Department 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 Planning Commission. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Planning Commission meetings that are either read into the record or referred to in their statement will be noted in the Minutes and available for review by contacting the Community Development Department. All documents are available for public inspection during City Hall business hours by appointment.



# **CITY OF ATASCADERO PLANNING COMMISSION AGENDA**

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**REGULAR MEETING  
Tuesday, March 15, 2022  
6:00 P.M.**

**City Hall Council Chambers  
6500 Palma Avenue, 4<sup>th</sup> Floor  
Atascadero, California 93422**

## **CALL TO ORDER**

Pledge of Allegiance

**Roll Call:** Chairperson Jeff van den Eikhof  
Vice Chairperson Tori Keen  
Commissioner Jason Anderson  
Commissioner Victoria Carranza  
Commissioner Greg Heath  
Commissioner Randy Hughes  
Commissioner Dennis Schmidt

## **APPROVAL OF AGENDA**

**PUBLIC COMMENT** (This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Commission may take action to direct the staff to place a matter of business on a future agenda.)

**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 Commission or public wishes to comment or ask questions.)

### **1. APPROVE THE DRAFT MINUTES OF MARCH 1, 2022**

- **Recommendation:** Commission approve the March 1, 2022 Minutes.

**WEBSITE:**



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**PLANNING COMMISSION BUSINESS****COMMUNITY DEVELOPMENT STAFF REPORTS**

None

**PUBLIC HEARINGS**

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).

**DISCLOSURE OF EX PARTE COMMUNICATIONS:**

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

**2. CONDITIONAL USE PERMIT FOR 8850 SANTA ROSA ROAD**

The proposed project includes a minor Conditional Use Permit to open a Brown Butter Cookie Company bakery service to support online and in-store retail sales. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15332, Class 1 Existing Facilities Projects.

*Recommendation:* Staff's recommendation is to approve the project with conditions. (USE22-0024).

**3. CONDITIONAL USE PERMIT AMENDMENT FOR 8575 EL CENTRO**

The proposed project includes a minor Conditional Use Permit to the Master Plan of Development (Resolution PC1999-044) to build an Accessory Structure/Studio. The project is consistent with previously Certified Mitigated Negative Declaration approved 10/12/99.

*Recommendation:* Staff's recommendation is to approve the project with conditions. (AMND22-0023).

**4. ZONE CHANGE FOR 5901 EAST MALL**

The proposed project includes a Planned Development (PD) overlay zone for Centennial Plaza lots. The PD would guide future development towards restaurant and retail development subject to specific design standards. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15305, Class 5 Minor Alterations to land use limitations.

*Recommendation:* Staff's recommendation is to approve the project with conditions. (ZCH22-0022).

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## **COMMISSIONER COMMENTS AND REPORTS**

## **DIRECTOR'S REPORT**

## **ADJOURNMENT**

*The next regular meeting will be held on April 5, 2022, at 6:00 p.m.*

***Please note: Should anyone challenge in court any proposed development entitlement listed on this Agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, this public hearing.***

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*City of Atascadero***WELCOME TO THE ATASCADERO PLANNING COMMISSION MEETING**

The Planning Commission meets in regular session on the first and third Tuesday of each month at 6:00 p.m. at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Commission in the order of the printed Agenda.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the Community Development Department and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, [www.atascadero.org](http://www.atascadero.org). All documents submitted by the public during Commission meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the Community Development Department. Commission meetings are audio recorded, and may be reviewed by the public. Copies of meeting recordings are available for a fee. Contact the City Clerk for more information (470-3400).

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA**

Under Agenda item, "PUBLIC COMMENT", the Chairperson will call for anyone from the audience having business with the Commission to approach the lectern and be recognized.

1. Give your name for the record (not required).
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.

This is when items not on the Agenda may be brought to the Commission's attention. A maximum of 30 minutes will be allowed for Public Comment Portion (unless changed by the Commission).

**TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)**

Members of the audience may speak on any item on the agenda. The Chairperson will identify the subject, staff will give their report, and the Commission will ask questions of staff. The Chairperson will announce when the public comment period is open and will request anyone interested to address the Commission regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Chairperson.
2. Give your name (not required).
3. Make your statement.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.
6. All comments limited to 3 minutes.

If you wish to use a computer presentation to support your comments, you must notify the Community Development Department at 470-3402 at least 24 hours prior to the meeting. Digital presentations brought to the meeting should be on a USB drive or CD. You are required to submit to the Recording Secretary a printed copy of your presentation for the record. Please check in with the Recording Secretary before the meeting begins to announce your presence and turn in the printed copy.

The Chairperson will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Commission.

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## CITY OF ATASCADERO PLANNING COMMISSION

# DRAFT MINUTES

Regular Meeting – Tuesday, March 1, 2022 – 6:00 P.M.  
City Hall (Teleconference)  
6500 Palma Avenue, Atascadero, California

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

Chairperson van den Eikhof called the meeting to order at 6:00 p.m. and Commissioner Hughes led the Pledge of Allegiance.

### ROLL CALL

Present: **By Teleconference** - Commissioners Anderson, Carranza, Heath, Hughes, Schmidt, and Chairperson van den Eikhof

Absent: Vice Chairperson Keen (*arrived late*)

Vacant: None

Others Present: **By Teleconference** - Recording Secretary, Annette Manier

Staff Present: **By Teleconference** –  
Community Development Director, Phil Dunsmore  
Deputy Community Development Director, Loreli Cappel  
Associate Planner, Mariah Gasch

Staff Absent: None

### APPROVAL OF AGENDA

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

*Motion passed 6:0 by a roll-call vote.  
(Vice Chairperson Keen absent)*

***Vice Chairperson Keen arrived at 6:03 p.m.***

**PUBLIC COMMENT**

None

*Chairperson van den Eikhof closed the Public Comment period.*

**CONSENT CALENDAR****1. APPROVE THE DRAFT MINUTES OF FEBRUARY 15, 2022**

- Recommendation: Commission approve the February 15, 2022 Minutes.

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

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

**PLANNING COMMISSION BUSINESS**

None.

**COMMUNITY DEVELOPMENT STAFF REPORTS**

None.

**PUBLIC HEARINGS****2. AMENDMENT FOR HOME DEPOT CENTER AT 905 EL CAMINO REAL**

The proposed project includes an Amendment to the Home Depot Use Permit to allow a new Tool Rental Center (TRC) building addition. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption §15332, Class 1 Existing Facilities Projects

Recommendation: Staff's recommendation is to approve the project with conditions. (AMND21-0094)

**EX PARTE COMMUNICATIONS**

Commissioner Schmidt discussed this item with a neighbor, Kevin Hokit last week. Mr. Hokit wished that the DRC had discussed if when the rental equipment leaves the property, will Home Depot start these machines up or show people how to operate these?

Commissioner Anderson asked for clarification on his ex parte from the previous meeting, and Director Dunsmore answered his question.

Commissioners Anderson, Hughes, Heath, Keen and Carranza had no ex parte.

Chairperson van den Eikhof saw this item at the DRC.

Deputy Director Cappel presented the staff report and she and Director Dunsmore answered questions from the Commission.

**PUBLIC COMMENT**

The following members of the public spoke: Scott Mommer, Site Development Coordinator for Home Depot.

*Chairperson van den Eikhof closed the Public Comment period.*

**MOTION:** By Vice Chairperson Keen and seconded by Commissioner Hughes to adopt the PC Resolution to approve a Conditional Use Permit Amendment to allow for a building addition to the Home Depot Commercial building that will include a new tool and equipment rental center, with Conditions 6, 7, and 8 to be in a separate motion, subject to findings and the following conditions of approval:

1. All exterior building lighting shall be fully shielded to limit light intrusion onto adjacent properties while providing for adequate perimeter safety.
2. Conditions from previous CUP project remain valid. (CUP99-011).
3. Applicant must provide a photometric plan with building permit application.
4. Applicant shall provide a formal site plan that identifies the location of all seasonal sales, events and outdoor storage to include locations and calendar.
5. Applicant must add additional landscape screening at the southwest corner of the property to buffer visual impacts to properties.

6-8 moved to separate motion below.

9. Any agreed modifications must be made prior to issuance of construction permit.

\* Condition that all long bed trucks do not idle on the south side of the building.

\* Per OSHA, trucks cannot idle for more than 5 minutes.

\* Applicant must submit (prior to final) a copy of the list of project conditions.

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

**MOTION:** By Commissioner Carranza and seconded by Vice Chairperson Keen to add the following action/conditions, with omitted Conditions now added as new Conditions under separate motion.

- Home Depot, Westar and City staff (or any combination thereof) will meet and discuss possible areas for modifications to both the City's PD9 overlay zone and HD/Westar Lease Agreement in conjunction with the General Plan Update process.
- Staff meet with Westar to request that they submit an official request to Home Depot to review and make a good faith effort to review to amend the Non-Compete Clause/Lease Agreement to provide additional occupancy and synergy to the Home Depot and Springhill Suites Commercial Center.

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

**3. ZONE CHANGE FOR 5901 EAST MALL (TO BE CONTINUED TO MARCH 15, 2022)**

The proposed project includes a Planned Development (PD) overlay zone for Centennial Plaza lots. The PD would guide future development towards restaurant and retail development subject to specific design standards. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15305, Class 5 Minor Alterations to land use limitations.

Recommendation: Staff's recommendation is to approve the project with conditions. (ZCH22-0022).

Director Dunsmore stated that this item will be continued to a date certain of March 15, 2022.

**MOTION: By Commissioner Anderson and seconded by Commissioner Hughes to continue ZCH22-0022 to March 15, 2022.**

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

**COMMISSIONER COMMENTS AND REPORTS**

None

**DIRECTOR'S REPORT**

Director Dunsmore stated that the Commission will hear SB9 on the first hearing in April.

Director Dunsmore answered Commissioner Carranza's question in regards to the Climate Action Plan. Director Dunsmore will provide additional information at the next meeting under Director's Report and stated that Senior Planner Gleason will provide the update.

Director Dunsmore stated that the next meeting will be held on March 15, 2022 and the Commission will hear an Amendment to a CUP for El Centro, the Zone Change that is being continued, and a CUP for the Brown Butter Cookie Company.

**ADJOURNMENT – 7:42 p.m.**

The next regular meeting is scheduled for March 15, 2022, at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero.

**MINUTES PREPARED BY:**

\_\_\_\_\_  
Annette Manier, Recording Secretary  
Administrative Assistant



# **Atascadero Planning Commission**

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

**USE 22-0024**

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

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

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

#### Project Info In-Brief:

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

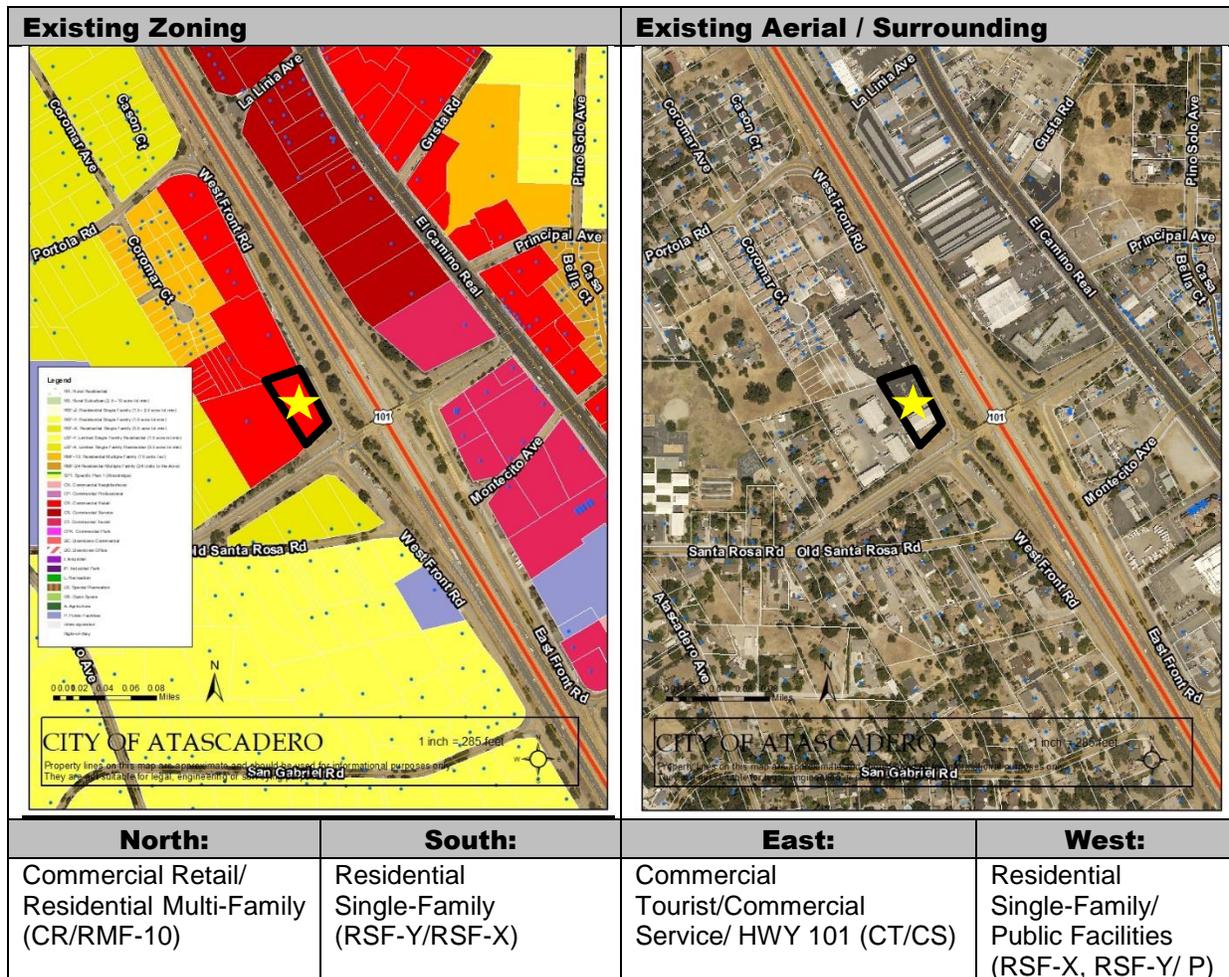
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**DISCUSSION:**

Existing Surrounding Uses / Parcel Configurations:



**Project Description / Summary**

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

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



## **ITEM 2**

**Brown Butter Cookie Company  
USE22-0024/ The Little Market, Inc.**

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

### ***Analysis***

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

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

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

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

### **Parking**

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

### **Noise**

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



Existing Landscaping



Design & Landscaping

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

Trash Enclosure

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

Signs

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



## **ENVIRONMENTAL DETERMINATION:**

The proposed project is Categorically Exempt (Class 1) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15301, because it involves an interior remodel and no expansion of an existing use.

## **FINDINGS:**

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

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

1. The proposed project or use is consistent with the General Plan;
2. The proposed project or use satisfies all applicable provisions of this title;
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use;
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and
5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element; and

## **ALTERNATIVES:**

1. The Planning Commission may include modifications to the project and/or conditions of approval for the project. Any proposed modifications, including conditions of approval, should be clearly re-stated in any vote on any of the attached resolutions.
2. The Planning Commission may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The Commission should clearly state the



## **ITEM 2**

**Brown Butter Cookie Company  
USE22-0024/ The Little Market, Inc.**

type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.

3. The Planning Commission may deny the project. The Commission must specify what findings cannot be made, and provide a brief oral statement, based on the Staff Report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the Planning Commission.

### **ATTACHMENTS:**

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



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

**DRAFT PC RESOLUTION 2022**

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

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

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

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

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

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Minor Conditional Use Permit application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Conditional Use Permit; and

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

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

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

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COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>  
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1. The proposed project has been found Categorical Exempt under Class 1, Section 15301, existing facilities, of the California Environmental Quality Act.

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

*Conditional Use Permit:*

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

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

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

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

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and

**Fact:** The proposed use is not detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.

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

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

5. That the proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.

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



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

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

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

On motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

- AYES: ( )
- NOES: ( )
- ABSENT: ( )
- ABSTAINED: ( )
- ADOPTED:

CITY OF ATASCADERO, CA

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

ATTEST:

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



**ITEM 2**

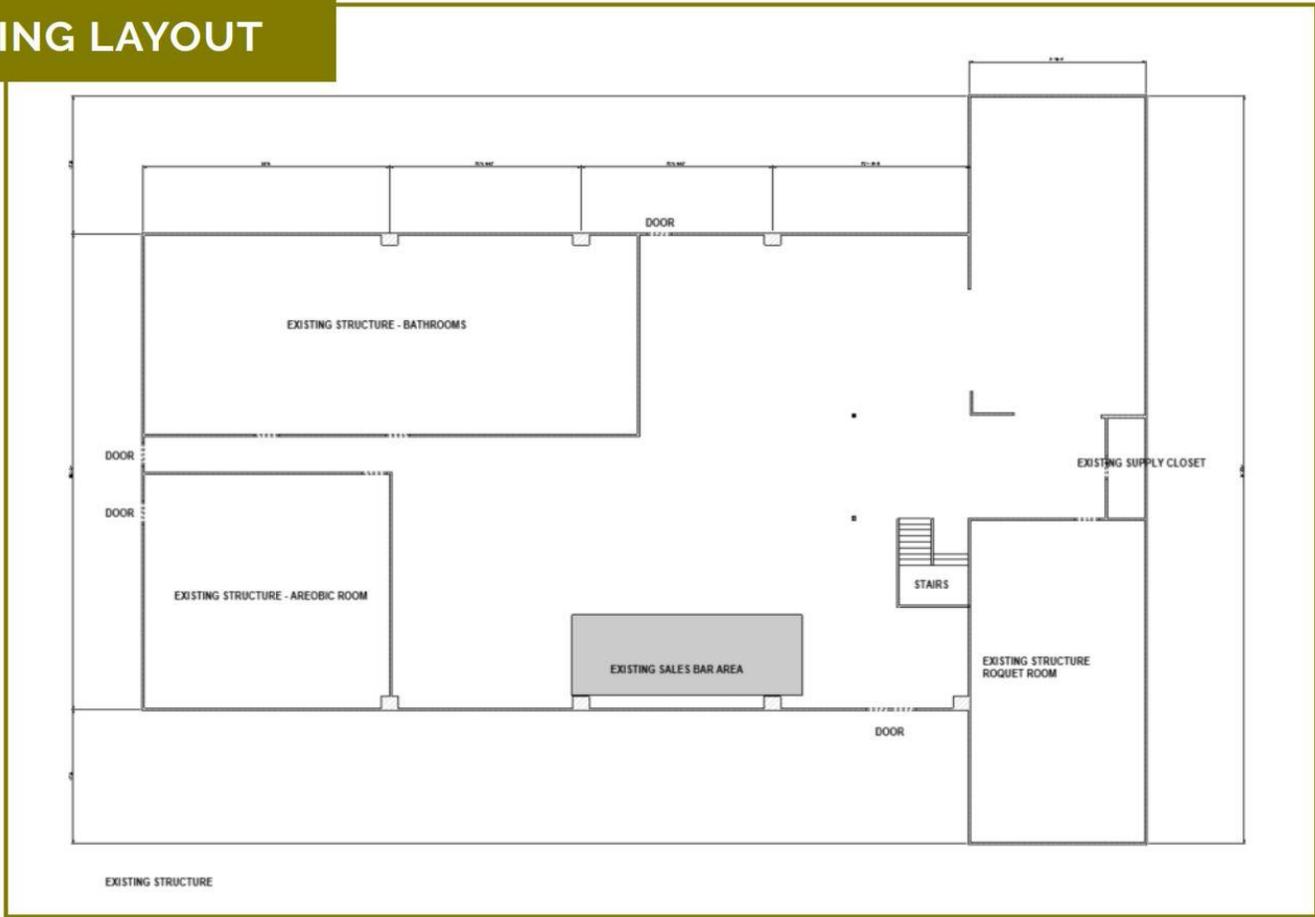
**Brown Butter Cookie Company  
USE22-0024/ The Little Market, Inc.**

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



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

**EXISTING LAYOUT**



ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>

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



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

**Existing Building**



**Parking Lot**



**Rear of Existing Building**



**Sides of Existing Building**



**ITEM 2**  
**Brown Butter Cookie Company**  
**USE22-0024/ The Little Market, Inc.**

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

<b>Conditions of Approval / Mitigation Monitoring Program</b>	<b>Timing</b>	<b>Responsibility /Monitoring</b>
<b>8850 Santa Rosa Road</b>  <b>USE 22-0024</b>	BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
<b>Planning Services Conditions</b>		
1. This Conditional Use Permit shall allow for the establishment of a Manufacturing, Repair, and Processing-Low Intensity Service use at 8850 Santa Rosa Road described on the attached exhibits and located on APN 056-141-018, regardless of owner.	<b>Ongoing</b>	<b>PS</b>
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the Planning Commission approval, unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	<b>Ongoing</b>	<b>PS</b>
3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, and/or (2) result in a superior site design or appearance.	<b>BL</b>	<b>PS</b>
4. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit. If the use is established and becomes vacant, establishment of a similar use shall be done in accordance with the City's non-conforming use code.	<b>BL</b>	<b>PS</b>
5. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning this conditional use permit.	<b>Ongoing</b>	<b>CA</b>
6. Off-street parking shall be provided at a minimum ratio of 1 space per 500 sq. ft. of floor area.	<b>Ongoing</b>	<b>PS</b>
7. Tenant Improvements shall be consistent with what is shown in Exhibit B. Colors and materials shall match the existing façade.	<b>Ongoing</b>	<b>PS</b>
8. All signs shall meet municipal code standards.	<b>Ongoing</b>	<b>PS</b>
9. Four (4) 15-gallon trees are to be planted onsite as shade trees for the parking lot. These trees can include Coast Live Oaks, Valley Oaks, Chinese Pistaches, London Sycamores, or Ornamental Pears.	<b>Ongoing</b>	<b>PS</b>
10. Trash enclosure must meet newly adopted trash enclosure standards.	<b>Ongoing</b>	<b>PS</b>







# ***Atascadero Planning Commission***

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

**8575 El Centro Road**  
**Minor Conditional Use Permit Amendment**  
**(AMND22-0023)**

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

*Staff Recommends:*

The Planning Commission adopt Draft Resolution approving an amendment (AMND22-0023) to the Master Plan of Development (ZCH 97005) to allow a detached studio at 8575 El Centro Road based on findings and subject to Conditions of Approval.

### Project Info In-Brief:

<b>PROJECT ADDRESS:</b>	8575 El Centro Road	Atascadero, CA	<b>APN</b>	030-522-045
<b>PROJECT PLANNER</b>	Mariah Gasch Associate Planner	470-3436	mgasch@atascadero.org	
<b>PROPERTY OWNER</b>	Brighton Hushing-Kline			
<b>GENERAL PLAN DESIGNATION:</b>	<b>ZONING DISTRICT:</b>	<b>SITE AREA</b>	<b>EXISTING USE</b>	<b>PROPOSED USE</b>
High Density Residential (HDR)	Residential Multi-family (RMF-24) & Planned Development Overlay 7 (PD7)	0.15 acres	Single-Family Residence	Studio Addition
<b>ENVIRONMENTAL DETERMINATION</b>				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input checked="" type="checkbox"/> Negative / Mitigated Negative Declaration approved October 12, 1999 <input type="checkbox"/> Categorical Exemption CEQA – Guidelines Section _____ <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				

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 COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>  
 6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**DISCUSSION:**

Existing Surrounding Uses / Parcel Configurations:

Existing Zoning		Existing Aerial / Surrounding	
<b>North:</b>	<b>South:</b>	<b>East:</b>	<b>West:</b>
Residential Single-Family (LSF-X)	Residential Multi-Family (RMF-24) PD7	Residential Multi-Family (RMF-24) PD7	Commercial Retail (CR)

Background:

In 1999, City Council and the Planning Commission approved a General Plan Amendment, Zone Change, and Tentative Tract Map to allow subdivision of a 2.5-acre site into 16 parcels under the provisions of the PD 7 overlay zone. Fifteen of these parcels were designated for residences. The 16<sup>th</sup> parcel was reserved as a park. The General Plan Amendment and Zone Change established the lots as high-density multi-family and placed a planned development (PD7) overlay on them, requiring a Master Plan of Development. The Planned Development Overlay Zone sets unique development standards that are different from those established by the underlying zoning district.

Summary:

The proposed project is an Amendment to the original Master Plan of Development adopted in 1999. The applicant is requesting to amend the master plan to add a new uninhabitable studio behind their house. A studio is defined as a structure with no kitchen, no overnight stays and no bathing facilities. They may have one water closet. When such a structure is built, a deed restriction is recorded concurrently with the building permit for



a studio, providing notification to current and future property owners of the required restrictions. Since the studio was not included in the original approval, the Master Plan must be amended to add the structure, as required by the provisions of the PD7 overlay zone. The applicant is also requesting to reduce the minimum rear setback that is set by the PD7 overlay. The proposed studio is 438 square feet and set back five feet from the side and rear property lines. The site currently has two trellises in the location of the proposed studio. These trellises would be removed prior to construction of the studio.

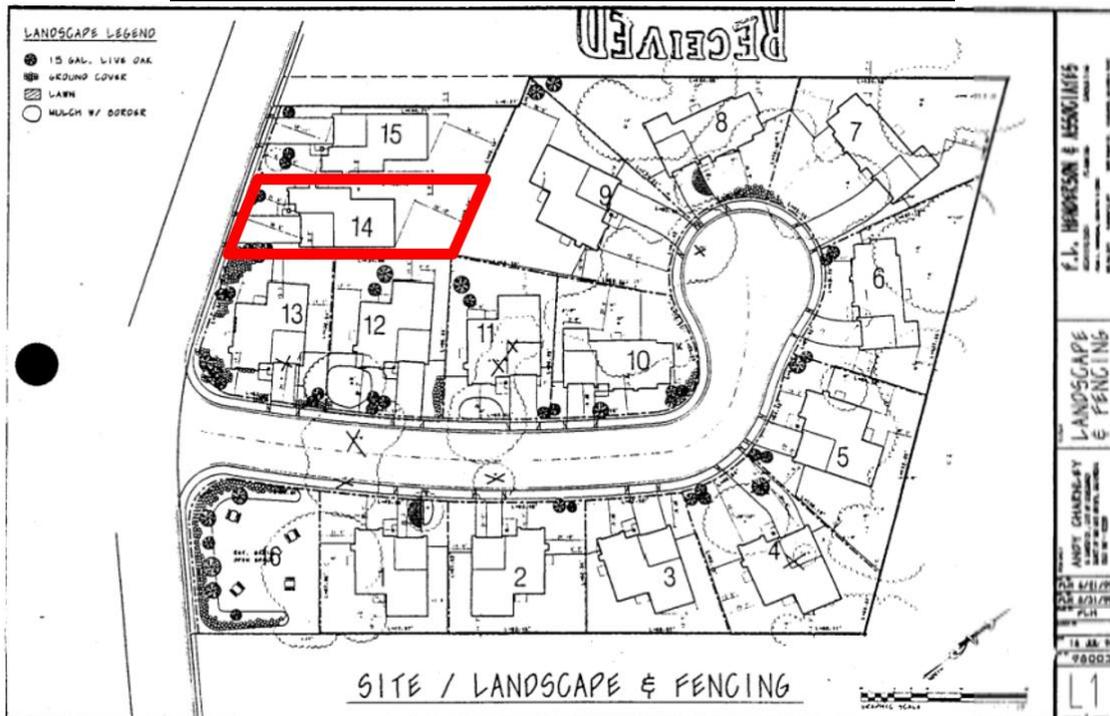
Analysis:

*Master Plan of Development*

The original Master Plan of Development shows single-family residences on individual lots. No accessory buildings were included. Therefore, the applicant must amend the Master Plan of Development in order to add the new accessory structure. The Amendment must be approved by the Planning Commission.

The underlying zoning district for this development is Residential Multi-Family (RMF-24). The lots include a Planned Development Overlay Zone No. 7 (PD7). This allowed the parcels to develop in a single-family pattern, even though they are in a multi-family zone. Planned Development Overlay Zones allow for varying development standards that are different from those established by the underlying zoning district. A Master Plan of Development is required to ensure neighborhood compatibility and compatible development of small lots, which would otherwise not be allowed in the underlying zoning district.

Original Master Plan of Development, approved in 1999



### *Site Design*

PD7 establishes setback requirements that vary from typical multi-family zoned lots. This includes a ten-foot rear setback for a single-story building and a combined side setback of 10 feet. The applicant is proposing a setback of five feet on either side, compliant with PD standards, and in the rear. The applicant is requesting an exception to the rear setback standard as outlined in AMC 9-3.651. The PD7 code language allows an exception to setback standards for physically unique sites provided that findings can be made. The required findings include the following:

- i) That flexibility from the above setback standards (AMC 9-3.651) is necessary to enable the environmentally superior design alternative;
- ii) That at least fifty percent (50%) of each individual lot will be landscaped; and
- iii) That at least sixty percent (60%) of the net area of the overall site will be landscaped.

This site has an elevation change in front of the proposed location of the studio. Additional grading would be required if the applicant were to relocate the building to meet required setbacks. This would also require a 30" to 36" stem wall and potentially a costly retaining wall. The setback reduction would also allow for a more functional yard for the owner as well as preserve an existing garden area.

The topography of the lot also reduces the visual impact that the proposed building has on adjacent lots. The applicant's residence sits on a low portion of the lot. This is approximately four to five feet lower than adjacent lots. The location of the proposed studio is at-grade with or slightly lower than surrounding lots. Since the maximum height of the building at its peak is 13'-4", it will only be approximately four to five feet taller than that adjacent six-foot fence between neighbors. The visual impact to neighboring residences will be minimal.

The total lot coverage, including the proposed studio, is 33%. This leaves over 50% of the site to be landscaped. The front yard is currently landscaped and the applicant is planning to landscape the backyard after the studio is built. The proposed building does not change the net area of the overall development's landscaped area. A condition has been included to include landscape screening along the rear property line to mitigate any visual impacts from the surrounding properties.

Staff has determined that the modified rear setback enables an environmentally superior design alternative and that all findings can be met for approval of the exception.

### *Architecture*

The proposed building is 438 SF and includes a covered entry porch. The structure has been designed to match the existing residence. The exterior materials include composition roofing and hardi-board siding to match what is existing. Staff does not have any additional recommendations for the architecture.



**ENVIRONMENTAL DETERMINATION:**

The proposed project is consistent with the previously Certified Mitigated Negative Declaration approved October 12, 1999.

**FINDINGS:**

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

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

1. The proposed project or use is consistent with the General Plan;
2. The proposed project or use satisfies all applicable provisions of this title;
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use;
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; AND
5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element.

*Planned Development No. 7 Overlay (AMC Section 9-3.651(f).(1)) modifications*

6. Flexibility from the above setback standards (AMC 9-3.651) is necessary to enable the environmentally superior design alternative;
7. At least fifty percent (50%) of each individual lot will be landscaped; and
8. At least sixty percent (60%) of the net area of the overall site will be landscaped.

**ALTERNATIVES:**

1. The Planning Commission may include modifications to the project and/or Conditions of Approval for the project. Any proposed modifications including



Conditions of Approval, should be clearly re-stated in any vote on any of the attached resolutions.

2. The Planning Commission may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The Commission should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
3. The Planning Commission may deny the project. The Commission must specify what findings cannot be made, and provide a brief oral statement, based on the Staff Report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the Planning Commission.

**ATTACHMENTS:**

1. Draft Resolution
2. Location and Zoning Map
3. Aerial View
4. Site Photos



<b>ATTACHMENT 1:      Draft Resolution</b> <b>                                 AMND22-0023</b>
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**DRAFT PC RESOLUTION**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ATASCADERO, CALIFORNIA,  
APPROVING AMND22-0023, TO AMEND THE MASTER PLAN OF  
DEVELOPMENT (ZCH 97005) TO ALLOW A DETACHED STUDIO AT  
8575 EL CENTRO RD. AND REDUCE THE REAR SETBACK  
APN 030-522-045**

**(HUSHING-KLINE)**

**WHEREAS**, an application was received from Brighton Hushing-Kline, 8575 El Centro Rd., Atascadero, CA 93422, (owner) for an amendment to the Master Plan of Development (Resolution PC 1999-044) to add an additional detached structure and to reduce the setback to five feet; and

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

**WHEREAS**, the property is zoned Residential Multi-Family with a PD7 overlay district (RMF24/PD7); and

**WHEREAS**, detached accessory structures added to the Master Plan of Development (Resolution PC 1999-044) are subject to the approval of a minor conditional use permit amendment; and

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject minor conditional use permit amendment application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Conditional Use Permit; and

**NOW THEREFORE**, the Planning Commission of the City of Atascadero, California, takes the following actions:

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

**SECTION 2.** Public Hearings.

1. The Planning Commission held a duly noticed public hearing to consider the project on March 15, 2022 and considered testimony and reports from staff, the applicants, and the public.

**SECTION 3.** Findings for approval. The Planning Commission finds as follows:

*Conditional Use Permit*



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

Fact: Zoning standards in the multi-family zoning district require adequate landscaping and building setbacks. The proposed project maintains adequate landscaping and does not exceed an unreasonable amount of building coverage. Typical RMF-24 development standards require a maximum lot coverage of 50%. The proposal includes a maximum lot coverage of 33%.

2. The proposed project or use satisfies all applicable provisions of the Zoning Ordinance; and

Fact: The proposed project is consistent with applicable Zoning Code provisions. The Planned Development No. 7 Overlay allows for exceptions to setback standards if the project meets required findings. The new studio meets these findings as described below.

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and

Fact: The proposed project will not be detrimental in any way to the neighborhood or surrounding area. The building will hardly be visible, if at all, from surrounding properties. Therefore, it will not have a negative impact.

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

Fact: The proposed building is residential in character and matches the existing residence. The studio is consistent with the character of the immediate neighborhood.

5. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element; and

Fact: The proposed building will only be used by the adjacent residence and will not generate any additional traffic.

*PD7 Setback Exception*

6. Flexibility from setback standards (AMC 9-3.651) is necessary to enable the environmentally superior design alternative;

Fact: Additional grading would be required if the applicant were to relocate the building to meet required setbacks. This would also require a 30" to 36" stem wall and potentially a costly retaining wall. The reduction would also allow for a more functional yard for the owner as well as preserve an existing garden area.

7. At least fifty percent (50%) of each individual lot will be landscaped; and



Fact: The total lot coverage, including the proposed studio, is 33%. This leaves over 50% of the site to be landscaped. The front yard is currently landscaped and the applicant is planning to landscape the backyard after the studio is built.

- 8. At least sixty percent (60%) of the net area of the overall site will be landscaped.

Fact: The proposed building does not change the net area of the overall development’s landscaped area.

**SECTION 4. CEQA.** The Planning Commission finds as follows:

- 1. The proposed project is consistent with the previously adopted Certified Mitigated Negative Declaration approved October 12, 1999.

**SECTION 5. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on March 15, 2022, resolved to approve conditional use permit amendment AMND22-0023, subject to the following:

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

On motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

- AYES: ( )
- NOES: ( )
- ABSENT: ( )
- ABSTAINED: ( )
- ADOPTED:

CITY OF ATASCADERO, CA

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

ATTEST:

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



**ITEM 3**  
**EI Centro Master Plan Amendment**  
**AMND22-0023 / Hushing-Kline**

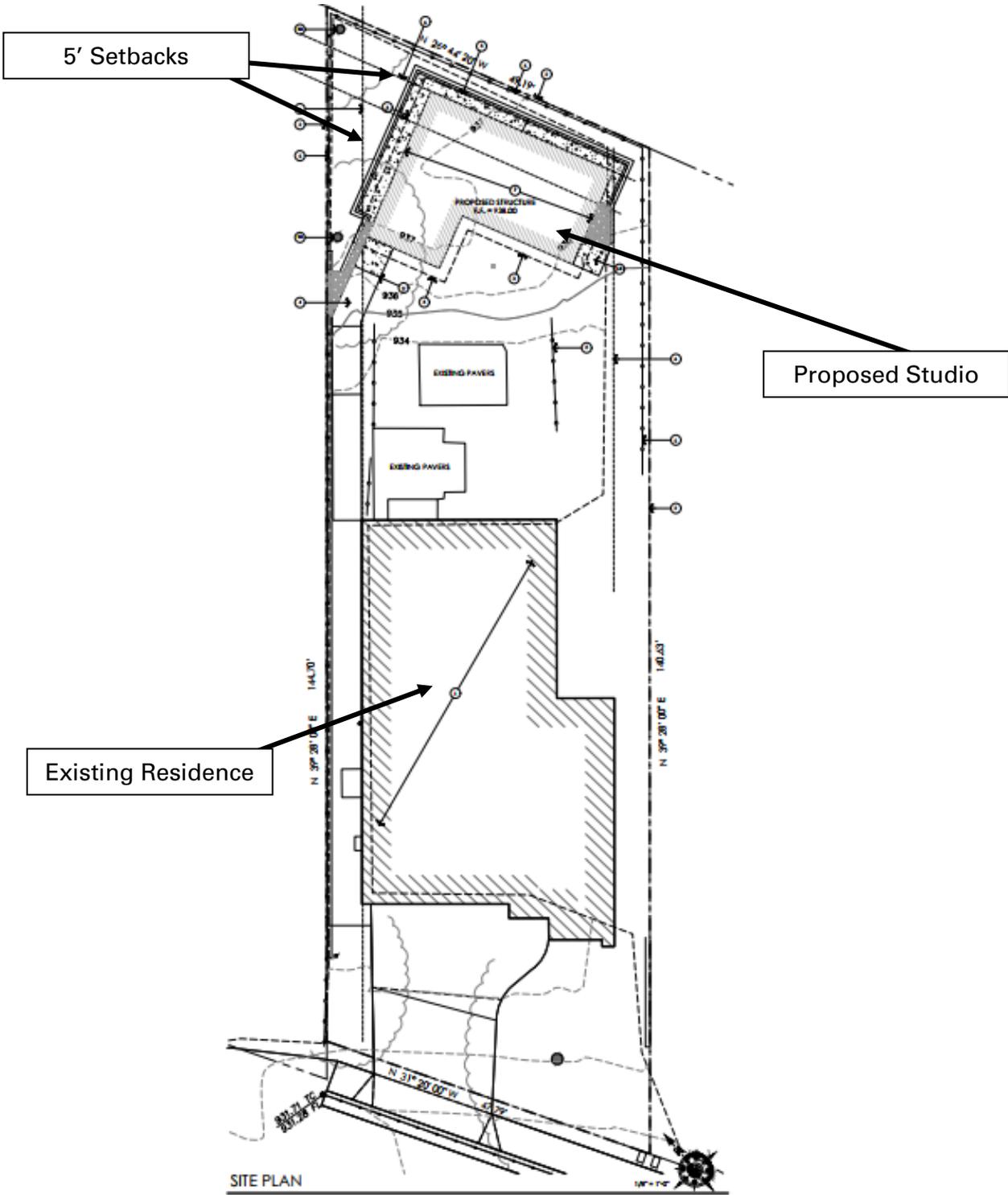
<b>EXHIBIT A:      Conditions of Approval</b> <b>AMND22-0023</b>
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<b>Conditions of Approval</b> <b>AMND22-0023</b>  <b>8575 EI Centro Road</b>  <b>Detached Accessory Structure</b> <b>Master Plan of Development Amendment</b>	<b>Timing</b> <b>BL: Business License</b> <b>GP: Grading Permit</b> <b>BP: Building Permit</b> <b>FI: Final Inspection</b> <b>TO: Temporary</b> <b>Occupancy</b> <b>FO: Final Occupancy</b>
<b>Planning Services Conditions</b>	
1. This conditional use permit amendment shall allow the accessory structure described in the attached exhibits and located on APN 030-522-045.	<b>Ongoing</b>
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the Planning Commission approval unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	<b>Ongoing</b>
3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan of Development. The Planning Commission shall have the final authority to approve any other changes to the Master Plan of Development and any associated Tentative Maps unless appealed to the City Council.	<b>BP</b>
4. Approval of this Conditional Use Permit Amendment shall be valid for twenty-four (24) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.	<b>BP</b>
5. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning the construction or use of the detached accessory structure.	<b>Ongoing</b>
6. Architectural elevations shall be consistent with Exhibit C. Exterior building and roof colors and materials shall be neutral colors as approved by the Community Development Department.	<b>BP / FI</b>
7. The location of the building onsite shall be consistent with what is shown in Exhibit B. This includes a minimum rear setback of 5 feet.	<b>BP</b>
8. Building Height shall be consistent with what is shown in Exhibit C.	<b>BP</b>
9. Conditions from the previous Master Plan of Development remain valid (Resolution PC 1999-044)	<b>BP / FI</b>
10. A landscape and irrigation plan shall be included with the building permit submittal. This shall include the installation of screening vegetation along the rear fence line to screen the structure from adjacent properties to the satisfaction of the Community Development Department.	<b>BP</b>
11. Screening landscaping and irrigation shall be installed prior to requesting a final planning inspection.	<b>FI</b>

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO  
COMMUNITY DEVELOPMENT DEPARTMENT AT

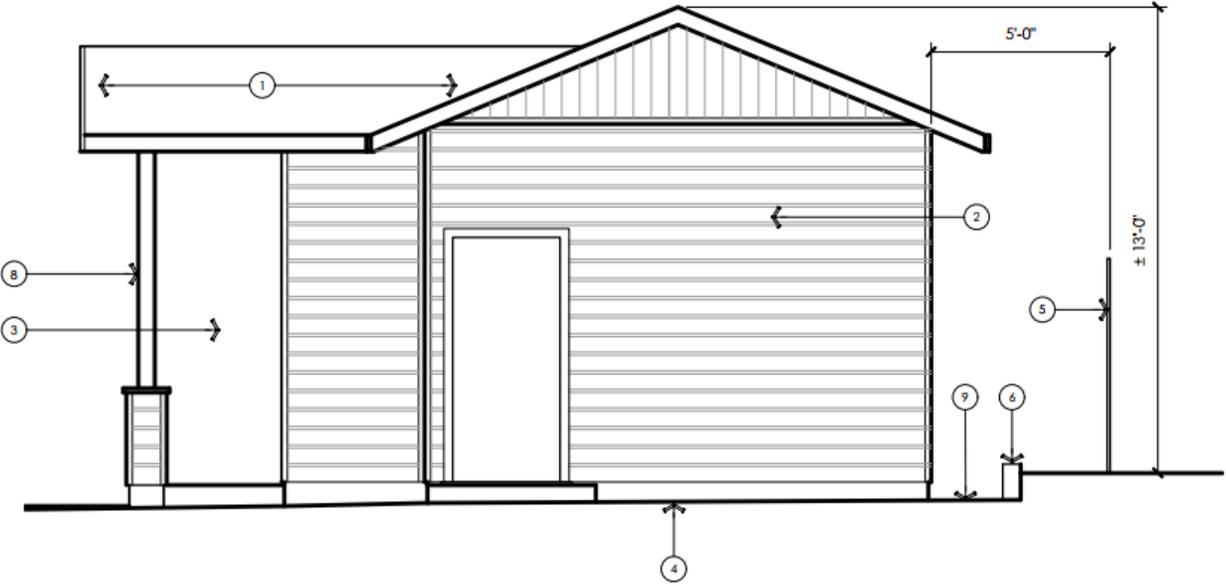
<http://www.atascadero.org>  
**6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000**

EXHIBIT B: Site Plan  
AMND22-0023



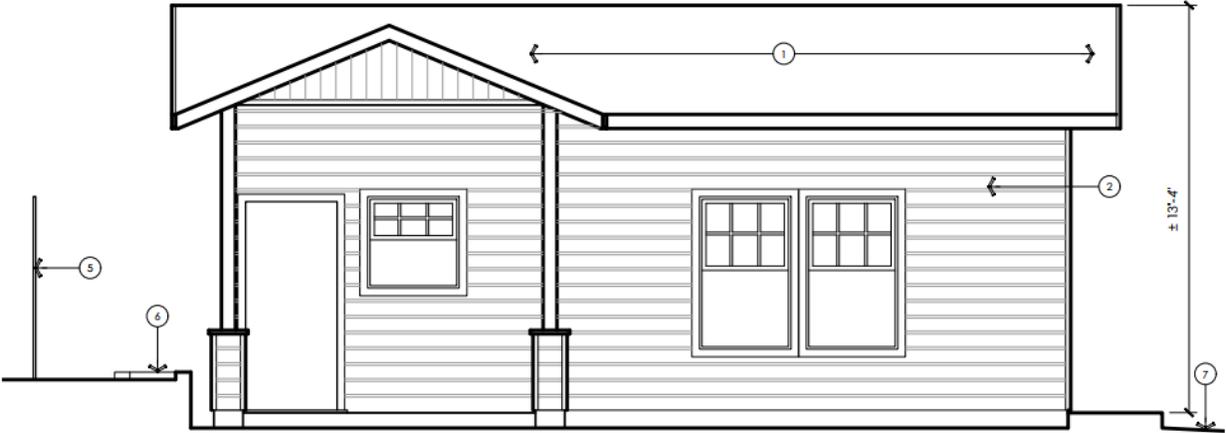
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**EXHIBIT C: Elevations**  
**AMND22-0023**



**SOUTH ELEVATION**

1/4" = 1'-0"

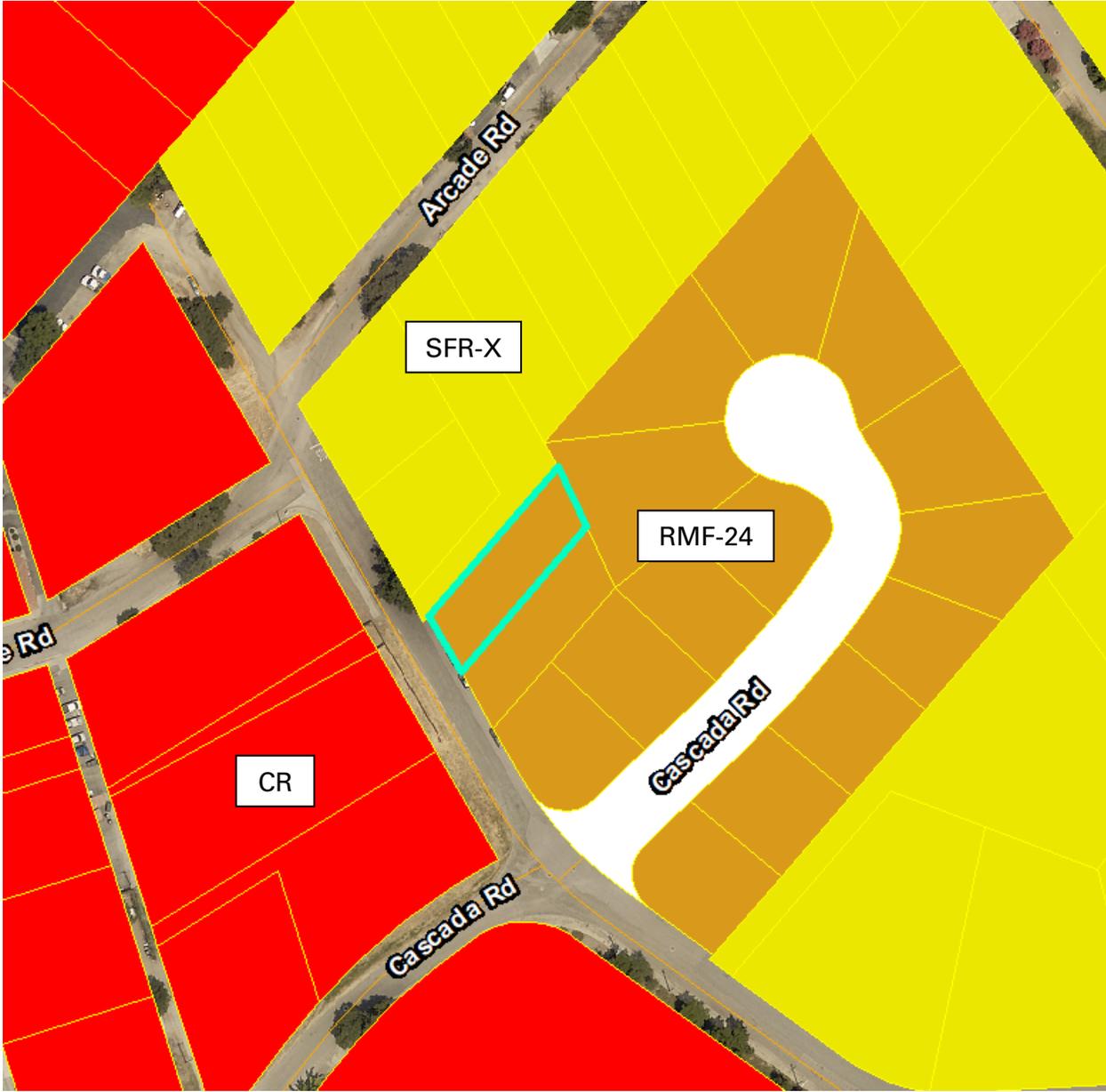


**WEST ELEVATION**

1/4" = 1'-0"

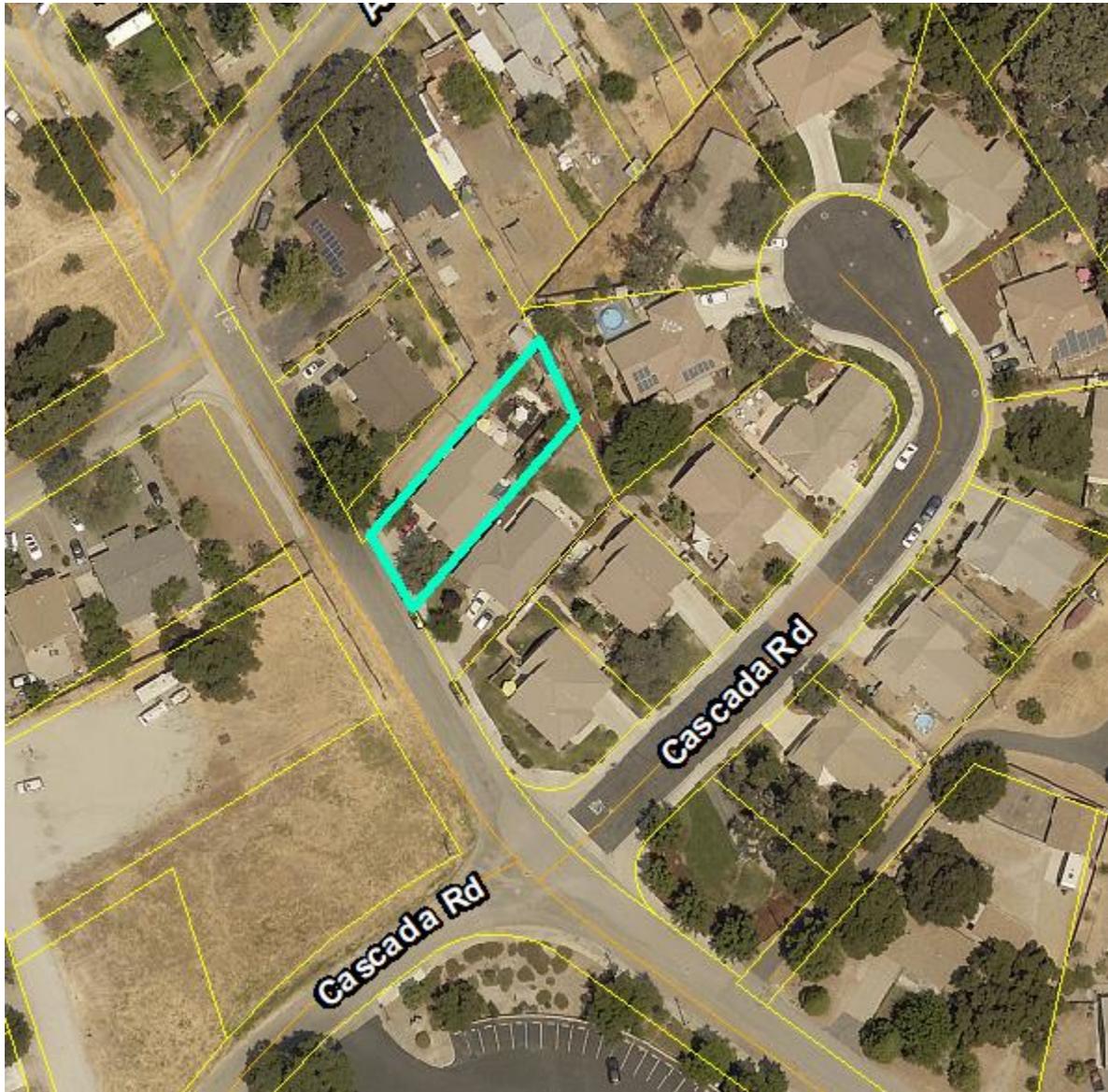


**ATTACHMENT 2: Location and Zoning**  
**AMND22-0023**



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**ATTACHMENT 3: Aerial View  
AMND22-0023**



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**ATTACHMENT 4: Site Photos**  
**AMND22-0023**



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ITEM  
NUMBER: 4

DATE: 3-15-22

## ***Atascadero Planning Commission***

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

#### **Centennial Plaza Planned Development Zone Change (ZCH) 22-0022 5901 West Mall**

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

Planning Commission adopt PC Resolution, recommending the City Council adopt text amendments to Title 9 establishing a Planned Development 36 overlay zone for the vacant lots surrounding Centennial Plaza, based on findings and subject to the future approval of a Master Plan of Development.

#### **DISCUSSION:**

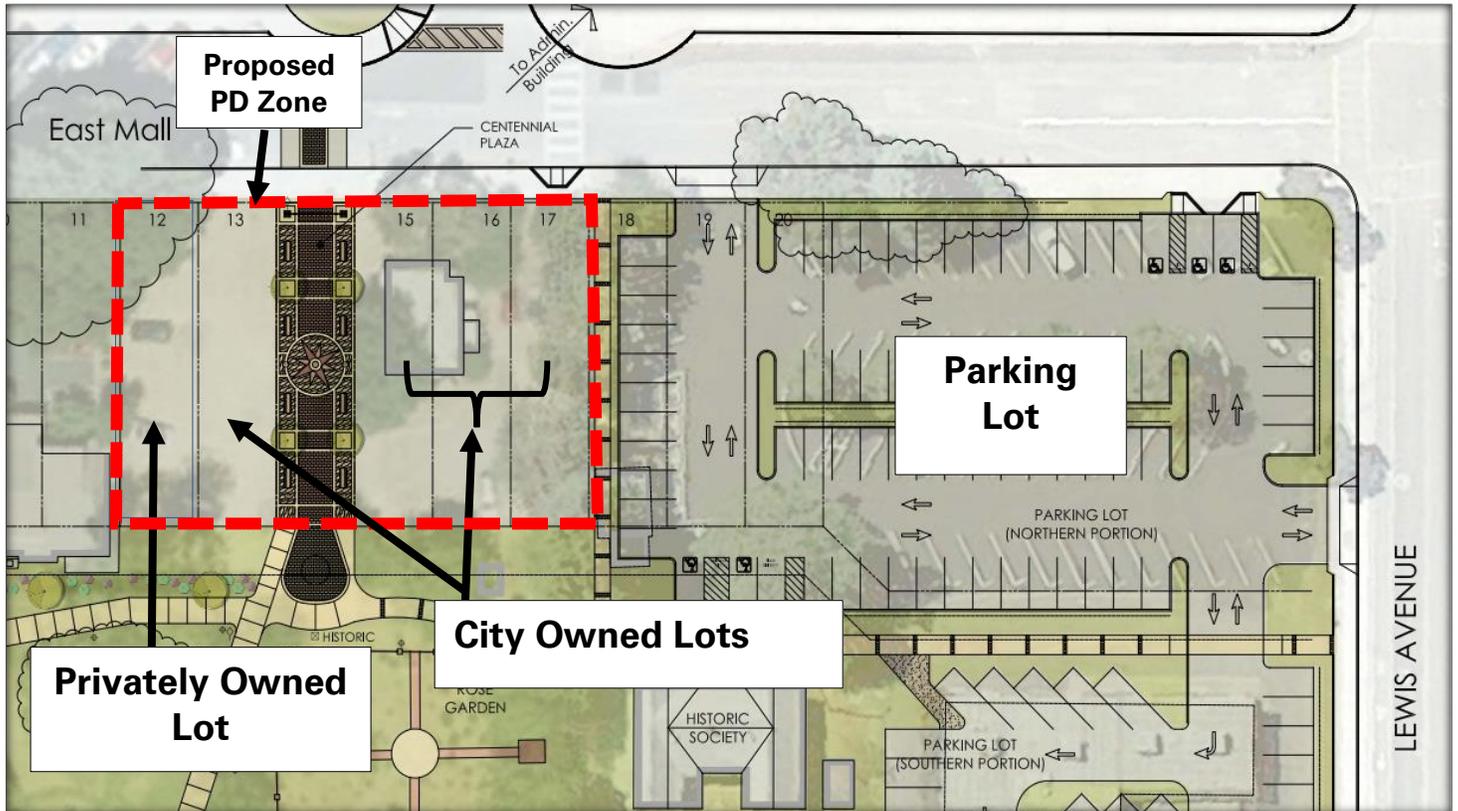
##### Background:

The City currently owns four vacant lots that surround Centennial Plaza on East Mall. Each of the lots are 25-feet wide. One lot is south of the Plaza and the other three are north of the Plaza, between the Plaza and the parking lot. One additional 25-foot wide lot directly adjacent to Dr. Pambrum's orthodontist office is privately owned. On September 14, 2021, the City Council held a study session to consider the future use and disposition of the lots. At the hearing, the City Council provided direction to staff to prepare a planned development overlay zone for the parcels to help guide future development with an emphasis on enriching the downtown and providing for quality aesthetics and economic development. At the same time, the City Council determined that the lots should eventually be utilized for private development that supports desired retail, restaurant, and related active uses around Sunken Gardens Park. The following process was outlined at the City Council hearing:

1. Remove the abandoned structure from the site (completed December 2021)
2. Proceed with a Planned Development (PD) overlay zone for the sites
3. Prepare a declaration of surplus land, consistent with the Surplus Land Act (SLA)
4. Develop an RFP/RFQ to invite development proposals for the sites, consistent with the PD overlay zone.

At this time, staff is ready to proceed with step 2, the adoption of the PD overlay zone. The purpose of the PD zone is to narrow down the list of allowed land uses while providing objective design standards for site planning and building architecture. Incentives to guide

development may also be added. The PD zone will apply to all of the vacant parcels between Dr. Pambrum's Office and the City Public Parking lot, including the lot that is privately owned by Trevor O'Malley and Centennial Plaza itself.



The vacant lots around Centennial Plaza are extremely important sites that can provide synergy for the future of downtown. The sites are within the Downtown Commercial Zone, and in accordance with the General Plan, are designated for land uses such as retail and food and beverage services with offices and residential uses on upper floors. Each lot is only 25 feet wide and approximately 100 feet deep. Alone, the lots might be too small to support development, however when combined, two or more lots can create a logical development that can accommodate active uses. At least one 50-foot-wide development site on each side of the plaza could accommodate restaurant or retail uses with a multi-story development accommodating offices, housing, or lodging opportunities.

With the appropriate design, the City may wish to allow a development proposal to bridge or encroach onto a portion of Centennial Plaza so long as a public access easement is maintained on the plaza. The proposed Planned Development property standards allow for a structure that may bridge the plaza area. Such a design should maintain natural light, pedestrian access, and good visibility. Such an option could create a viable outdoor dining space, or an active storefront location for restaurant and retail uses.

#### Land Use

Under the **existing** Downtown Commercial Zoning district (DC), The following land uses are allowed:

- ✓ Amusement Services
- ✓ Artisan Foods and Products<sup>5</sup>
- ✓ ATM
- ✓ Bar/Tavern
- ✓ Business Support Services
- ✓ Eating and Drinking Places
- ✓ Farmers' Market
- ✓ General Retail
- ✓ Libraries, Museums
- ✓ Microbrewery – Brewpub
- ✓ Mobile Eating and Drinking Vendors<sup>6</sup>
- ✓ Parks and Playgrounds
- ✓ Personal Services
- ✓ Residential Care: 6 Residents or Less<sup>4</sup>
- ✓ Small Family Day Care<sup>8</sup>
- ✓ Tasting Room
- ✓ Temporary Events
- ✓ Temporary or Seasonal Sales
- ✓ Winery – Boutique<sup>2</sup>

\*Live work units or any other dwelling units may be allowed above the ground floor.

The following other uses may be allowed with a conditional use permit:

- ✓ Age Restricted Housing
- ✓ Financial Services and Banks
- ✓ Government Offices and Facilities<sup>8</sup>
- ✓ Health Care Services<sup>8</sup>
- ✓ Hotels, Motels
- ✓ Indoor Recreation Services
- ✓ Membership Organizations
- ✓ Public Assembly and Entertainment
- ✓ Research and Development
- ✓ Schools
- ✓ Schools – Business and Vocational
- ✓ Telecommunications Facility
- ✓ Temporary Events<sup>3</sup>
- ✓ Transit Stations
- ✓ Utility Facilities
- ✓ Utility Infrastructure
- ✓ Offices<sup>9</sup>

The allowed land uses in the zoning ordinance allow for a fairly wide variety of retail and visitor serving uses on the ground floor while office and residential may be developed above. However, the zoning by itself is somewhat flexible and does not refine land use, building design, and other factors in great detail. Some of these land uses are clearly not appropriate at the plaza vicinity. Therefore, the City Council directed staff to proceed with the adoption of a **Planned Development overlay zone (PD)** on these properties in order to dictate building and site design and to refine the list of land uses in a fashion that more specifically speaks to General Plan policy along with current desired development goals for these sites. The underlying zoning district would remain, while the overlay zone would be adopted with additional requirements and standards.

The PD would dictate building height, building design and articulation, incorporation of outdoor dining spaces in addition to patios, decks, rooftop features, and even signs and lighting, regardless of owner. The PD will also refine the list of allowed land uses to ensure that the ground floor is only utilized for food and beverage services, active retail uses, or related similar land uses. The PD will also refine what land uses are on upper floors and specify size and design of spaces. However, the PD may not restrict or reduce the allowed residential density for upper floors in a fashion that is inconsistent with City Housing Goals or with the intent of the Surplus Land Act.

Proposed Land Uses for the ground floor of the new PD include:

- ✓ *Artisan Foods and Products*
- ✓ *Bar/Tavern*
- ✓ *Eating and Drinking Places*
- ✓ *General Retail\* (with additional parameters- see below)*
- ✓ *Microbrewery – Brewpub*
- ✓ *Tasting Room*
- ✓ *Winery – Boutique*

The PD would further refine the type of General Retail uses. The following parameters are suggested:

- Minimum operating hours (4 days per week, 6 hours per day, and open until at least 7PM)
- The following retail uses shall not be allowed: Building materials and hardware, medical supplies, office supplies, or other items that do not contribute to the synergy, pedestrian orientation and general plan consistency for the downtown shall be allowed.

Proposed Land uses for upper floors (to include all uses allowed on ground floor.):

- ✓ *All uses as allowed on ground floor list*
- ✓ *Business Support Services*
- ✓ *Live/Work Unit*
- ✓ *Lodging/hotel/motel/vacation rental*
- ✓ *Multifamily Dwelling*
- ✓ *Personal Services*
- ✓ *Offices*

It will be important to retain residential uses as an allowed use above the ground floor just like other locations in the downtown. This is because AB 1486 (Surplus Land Act) requires that any property owned by the City that is transferred to private ownership must first be declared as surplus land and offered to affordable housing developers, subject to existing zoning, prior to offering the land to the general public. If a developer of affordable housing signals an interest in the sites, then the City would need to enter into a good faith negotiation with that developer. (Given the small site area, low number of units, and requirement to build commercial on the ground floor, these sites may not be conducive to affordable housing development.) A discussion on the Surplus Land Act will be brought to the Council at a later date should the Council determine this action is appropriate.

Property Development Standards

The PD overlay will govern site and building design in addition to land use. Currently, the downtown commercial zone prescribes the following development standards:

- **Front yard setback:** None allowed, except for building insets designed for outdoor dining.
- **Side and Rear setback:** None required
- **Height:** 45 Feet
- **Parking:** Only required for lodging, residential, and office
- **Density:** 20-Dwellings per acre

The intent of the proposed Planned Development is to incentivize and streamline commercial development that can contribute to the synergy of downtown. Staff is proposing the following change to the development standards for this site:

- **Front yard setback:** 10-foot building setback shall be required for habitable portions of the building, setback may be utilized for outdoor dining, awnings, non-habitable building projections, signs, and other features designed to enhance the public space.
- **Parking:** No on-site parking shall be allowed. Parking required for residential uses shall be required at the rate of one space per two bedrooms (minimum one space per unit), to be located off-site within 1,000 feet of the property boundary and provided in perpetuity through an off-site parking agreement.
- **Height:** 45 Feet, maximum of three stories. Use of roof area permitted for ground floor or upper floor uses to include elevator shaft above the height maximum if required.

#### Site and Building Design

Planned Development Overlay zones can include specific site and building design parameters. Staff is suggesting the following design standards for future development:

- a) A single development project shall be completed on the north east side of the plaza, or as one cohesive project on all of the lots.
- b) Building designs may bridge the plaza space when a minimum vertical clearance of 16 feet is maintained and a minimum plaza width of 20 feet is maintained. When portions of buildings cover the plaza, provisions for natural light, ample visibility, and unrestricted public/pedestrian access, shall be maintained.
- c) Building architecture shall complement, but not duplicate, City Hall. Designs that incorporate brick, extensive glazing, tile roofs, balconies, and opportunities to utilize outdoor spaces shall be strongly encouraged.
- d) Recessed building entries with a depth of at least six feet, transom windows, and glazing along East Mall that allows 60% visibility into the ground floor space shall be required. Glazing shall not be blocked by interior walls or panels.
- e) Encroachments that provide for outdoor dining shall be encouraged at Centennial Plaza and the public sidewalk while maintaining a minimum path of travel of 8 feet on the plaza and 6 feet on public sidewalks.
- f) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must be accessible to Fire Department and Water Company personnel at all times.
- g) Building coverage: No limit. Each successive floor shall reduce interior floor space by 10%
- h) Stormwater: No above ground stormwater retention may be allowed on-site in excess of 400 square feet over the entire Planned Development
- i) Native Trees: Native trees that contribute to the tree canopy of Centennial plaza, the parking lot, and the creek pathway should be preserved in place and protected

during construction. Some native trees may need to be pruned or removed to accommodate appropriate site development.

- j) Public Restrooms: Public restrooms shall be provided to customers during open business hours in a location that is accessible from the ground floor.

### Development Incentives

As an option for this Planned Development, the City Council may wish to include development impact fee long term financing options as part of the zoning overlay in order to encourage a particular development type. For example, the district could include language that allows capacity charges and development impact fees to be paid over a prolonged period following project completion, for floor area devoted to restaurants, bars, or similar land uses that meet the goals of the planned development. Staff has included this draft language in the PD for consideration.

#### Draft Language:

*Commercial floor area dedicated solely to eating and drinking places, shall be eligible to request deferral of development impact fees and capacity charges subject to a condition to retain such land uses in perpetuity. A change to a non-eligible land use following project completion will require the immediate payment of development fees. A covenant shall be recorded on the property to notify future property owners of the fee waiver and responsibility of future fees, should land uses change.*

### Conclusion

The purpose of this City led effort to record a PD overlay zone on these sites is to guide and incentivize development that will help activate the downtown zoning district, close to the creek, the park and City Hall. The City intends to sell these sites to allow for private development. Following adoption of the PD, the City will commence the surplus land act process, then enter a phase to advertise the sites and allow for applicants to submit proposals for purchase and development.

### **ENVIRONMENTAL DETERMINATION:**

The California Environmental Quality Act (CEQA), Section 15061(3)(b), exempts activities which are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed text amendment will not have any significant adverse environmental impacts.

Additionally any future development of the site would be exempt as infill development. They overlay zone change is not creating any added development potential other than what exists today and is anticipated by the 2002 General Plan.

### **FINDINGS:**

To recommend approval of the proposed project, the Planning Commission must recommend to the City Council the following findings. These findings and the facts to support these findings are included in the attached resolutions.

*Planned Development Overlay Zone (AMC Section 9-3.644)*

- A. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development;
- B. Modification of development 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;
- C. Benefits derived from the overlay zone cannot be reasonably achieved through existing development standards or processing requirements;
- D. Proposed plans, if any, offer certain redeeming features to compensate for requested modifications.

*Standard Zoning Text Amendment Findings:*

- 1. The proposed project or use is consistent with the General Plan;
- 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;
- 3. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development;
- 4. The proposed zone change will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts;
- 5. The proposed zone change is consistent with the CEQA findings.

**ALTERNATIVES:**

- 1. The Planning Commission may include modifications to the project and/or conditions of approval for the project. Any proposed modifications including conditions of approval, should be clearly re-stated in any vote on any of the attached resolutions.
- 2. The Planning Commission may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and Staff to develop the additional information. The Commission should clearly state the

type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.

3. The Planning Commission may deny the project. The Commission must specify what findings cannot be made, and provide a brief oral statement, based on the Staff Report, oral testimony, site visit, correspondence, or any other rational introduced and deliberated by the Planning Commission.

**ATTACHMENTS:**

1. Draft PC Resolution

**PC RESOLUTION 2022-00XX**

**PD-36 OVERLAY DISTRICT  
ZONING CODE TEXT AMENDMENT**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
ATASCADERO, CALIFORNIA, RECOMMENDING THAT THE CITY  
COUNCIL ADOPT AN ORDINANCE ESTABLISHING A PLANNED  
DEVELOPMENT OVERLAY DISTRICT #36 CODE TEXT**

**CENTENNIAL PLAZA ZONING MAP AMENDMENTS  
CITY OF ATASCADERO  
(ZCH22-0022)**

**WHEREAS**, the City of Atascadero is enacting Planning Application ZCH 22-0022 to rezone lots 12 through 17 (APN 029-347-020) to establish PD#36 overlay zone; and

**WHEREAS**, Article 28 of the Atascadero Municipal Code allows for the creation of Planned Development Overlay Zones to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to add the Planned Development zone to these important downtown sites to promote the health, safety and welfare of its citizens by applying orderly development standards while enhancing the synergy and commerce opportunities within the prime retail district surrounding Sunken Gardens and the creek path; and

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the Planned Development rezoning was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning text amendments; and

**WHEREAS**, the Planning Commission of the City of Atascadero, at a Public Hearing held on March 15, 2022, studied and considered the proposed zone text change to establish Planned Development Overlay Zone #36.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Atascadero makes the following findings, determinations and recommendations with respect to the proposed Zoning Code Text Amendment:

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

**SECTION 2. Public Hearing.** The Planning Commission of the City of Atascadero, in a regular session assembled on March 15, 2022, resolved to recommend that the City Council introduce for first reading, by title only, an Ordinance that would amend the City Zoning Code Text as shown in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 3. Facts and Findings.** The Planning Commission makes the following findings, determinations and approvals with respect to the Zone Text Amendment:

**A. Findings for Approval of a Zone Text Change**

FINDING: (i) The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zone text amendments align the code requirements with the vision, intent, and policies of the adopted General Plan.

FINDING: (ii) This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed text amendment provides for orderly development within the Downtown Commercial zoning district on lots 12 through 17 (APN 029-347-020) in accordance with the adopted General Plan for the compatible use of the properties based on neighborhood characteristics.

FINDING: (iii) The Text Change will not, in itself, result in significant environmental impacts.

FACT: The proposed text changes are minor and do not trigger any environmental impacts.

**SECTION 4. CEQA.** The proposed zoning text change is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

**SECTION 5. Recommendation of Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on March 1, 2022, resolved to recommend that the City Council introduce, for first reading, an ordinance that would amend the Atascadero Municipal Code to Establish Planned Development Overlay Zone #36 as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

On motion by Commissioner, and seconded by Commissioner, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ( )

NOES: ( )

ABSTAIN: ( )

ABSENT: ( )

ADOPTED:

CITY OF ATASCADERO, CA

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Jeff van den Eikhof  
Planning Commission Chairperson

Attest:

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Phil Dunsmore  
Planning Commission Secretary

**9-3.680 Establishment of Planned Development Overlay No. 36**

Planned Development Overlay Zone No. 35 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 35 is established on parcels APN's 049-063-003, 004, 049-071-029, 030 (Parcels 1-4 of AT02-278).

(A) All site development or significant modifications, beyond ADA or code required changes, to the site or exterior changes of any building shall require Design Review Committee review.

(B) The following uses are allowed within the PD-36 overlay zone on the ground floor:

- |  |                      |
|--|----------------------|
| 1. Artisan Foods and Products                              | 6. Tasting Room      |
| 2. Bar/Tavern  | 7. Winery – Boutique |
| 3. Eating and Drinking Places                              |                      |
| 4. General Retail* (with additional parameters- see below) |                      |
| 5. Microbrewery – Brewpub                                  |                      |

(C) The following uses are allowed within the PD-36 overlay zone above the ground floor:

- |   |                         |
|---|-------------------------|
| 1. All uses as allowed on ground floor list | 5. Multifamily Dwelling |
| 2. Business Support Services                | 6. Personal Services    |
| 3. Live/Work Unit                           | 7. Offices              |
| 4. Lodging/hotel/motel/vacation rental      |                         |

(D) Property Development Standards

1. Front yard setback:  
10-foot building setback shall be required for habitable portions of the building, setback may be utilized for outdoor dining, awnings, non-habitable building projections, signs, and other features designed to enhance the public space.
2. Parking:  
No on-site parking shall be allowed. Parking required for residential uses shall be required at the rate of one space per two bedrooms (minimum one space per unit), to be located off-site within 1,000 feet of the property boundary and provided in perpetuity through an off-site parking agreement.

3. Height:  
45 Feet, maximum of three stories. Use of roof area permitted for ground floor or upper floor uses to include elevator shaft above the height maximum if required.

#### Site and Building Design

1. A single development project shall be completed on the north east side of the plaza, or as one cohesive project on all of the lots.
2. Building designs may bridge the plaza space when a minimum vertical clearance of 16 feet is maintained and a minimum plaza width of 20 feet is maintained. When portions of buildings cover the plaza, provisions for natural light, ample visibility, and unrestricted public/pedestrian access, shall be maintained.
3. Building architecture shall complement, but not duplicate, City Hall. Designs that incorporate brick, extensive glazing, tile roofs, balconies, and opportunities to utilize outdoor spaces shall be strongly encouraged.
4. Recessed building entries with a depth of at least six feet, transom windows, and glazing along East Mall that allows 60% visibility into the ground floor space shall be required. Glazing shall not be blocked by interior walls or panels.
5. Encroachments that provide for outdoor dining shall be encouraged at Centennial Plaza and the public sidewalk while maintaining a minimum path of travel of 8 feet on the plaza and 6 feet on public sidewalks.
6. Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must be accessible to Fire Department and Water Company personnel at all times.
7. Building coverage: No limit. Each successive floor shall reduce interior floor space by 10%
8. Stormwater: No above ground stormwater retention may be allowed on-site in excess of 400 square feet over the entire Planned Development
9. Native Trees: No Heritage trees shall be impacted or removed by proposed development. Native trees that contribute to the tree canopy of Centennial plaza, the parking lot, and the creek pathway should be preserved in place and protected during construction as feasible. Some native trees may need to be pruned or removed to accommodate appropriate site development. Any tree removals shall be subject to the City's Native Tree ordinance.
10. Public Restrooms: Public restrooms shall be provided to customers during open business hours in a location that is accessible from the ground floor.

#### Development Incentives

Commercial floor area dedicated solely to eating and drinking places shall be eligible to request a deferment of development impact fees and capacity charges subject to a condition to retain such land uses in perpetuity. A change to a non-eligible land use following project completion and/or occupancy will require the payment in full of any development fees that have not yet been paid.