



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

In accordance with City Council Resolution No. 2022-066 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=SG9OdGxyNHNTNmxRWEpHTzRQK0VnQT09>

The video recording of the meeting will be available through the City's website and on the City's YouTube channel.

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** (Meeting ID 832 5023 8111) 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 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 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.

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. 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

REGULAR MEETING
Tuesday, September 20, 2022
6:00 P.M.

City Hall Council Chambers
6500 Palma Avenue, 4th 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 AUGUST 2, 2022

- **Recommendation:** Commission approve the August 2, 2022 Minutes.

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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 13505 SANTA LUCIA ROAD

The proposed project is for an oversized garage and covered patio on APN 050-324-014. The project qualifies for a Class 03 (CEQA Section §15303 New Construction of Small Structures) exemption.

Recommendation: Staff's recommendation is to approve the project with conditions. (USE22-0073).

3. CONDITIONAL USE PERMIT FOR 10875 COLORADO ROAD

The proposed project is for a residential dog kennel on APN 045-441-029 to establish a hobby dog breeding kennel. The project qualifies for a Class 1 (CEQA Section §15301; Existing Facilities) exemption.

Recommendation: Staff's recommendation is for the Planning Commission to review the proposal and approve or deny the project. (USE22-0070).

COMMISSIONER COMMENTS AND REPORTS

DIRECTOR'S REPORT

ADJOURNMENT

The next regular meeting will be held on October 4, 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. 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 at (805) 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 (805) 461-5035 at least 24 hours prior to the meeting. Digital presentations brought to the meeting should be on a USB drive or CD. You are required to submit to the Recording Secretary a printed copy of your presentation for the record. Please check in with the Recording Secretary before the meeting begins to announce your presence and turn in the printed copy.

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

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CITY OF ATASCADERO PLANNING COMMISSION

DRAFT MINUTES

Regular Meeting – Tuesday, August 2, 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 6:06 p.m. and Commissioner Schmidt led the Pledge of Allegiance.

ROLL CALL

Present: **By Teleconference** – Commissioners Anderson, Carranza, Heath, Hughes, Schmidt, and Vice Chairperson Keen

Absent: Chairperson van den Eikhof (excused absence)

Vacant: None

Others Present: None

Staff Present: **By Teleconference** –
Community Development Director, Phil Dunsmore
Senior Planner, Kelly Gleason

APPROVAL OF AGENDA

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

Motion passed 6:0 by a roll-call vote.
(van den Eikhof absent)

PUBLIC COMMENT

None.

Vice Chairperson Keen closed the Public Comment period.

CONSENT CALENDAR

1. APPROVE THE DRAFT MINUTES OF JULY 5, 2022

- Recommendation: Commission approve the July 5, 2022 Minutes.

MOTION: By Commissioner Schmidt and seconded by Commissioner Hughes to approve the Consent Calendar.

*Motion passed 6:0 by a roll-call vote.
(van den Eikhof absent)*

PLANNING COMMISSION BUSINESS

None.

COMMUNITY DEVELOPMENT STAFF REPORTS

None.

PUBLIC HEARINGS

2. UPCOMING REVISIONS TO ADU'S, URBAN DWELLING UNITS, AND URBAN LOT SPLITS

Community Development Director will give an overview of upcoming revisions to the Municipal Code to implement Government Code changes related to Accessory Dwelling Units (ADU's), Urban Dwelling Units, and Urban Lot Splits.

Recommendation: Staff's recommendation is to recommend the City Council approve the updates to various sections of the Municipal Code to accommodate both SB9 and ADU's. (ZCH21-0006).

EX PARTE COMMUNICATIONS

Commissioner Schmidt stated that he has to recuse himself because he has business within the City and clients that are dealing with the two subjects being discussed.

Planner Gleason moved Commissioner Schmidt to an attendee.

Planner Gleason presented the staff report, and she and Director Dunsmore answered questions from the Commission.

PUBLIC COMMENT

The following member of the public spoke: Kevin Hokit and Greg Ravatt.

Vice Chairperson Keen closed the Public Comment period.

Vice Chairperson Keen reopened the Public Comment period.

The following member of the public spoke: Devon Haggie.

Vice Chairperson Keen closed the Public Comment period.

MOTION: By Commissioner Carranza and seconded by Commissioner Hughes to adopt PC Resolution A recommending the City Council introduce for first reading, by title only, an ordinance to repeal and replace Chapter 5 of Title 9 of the AMC (ADUs), with a recommendation to amend proposed section 9-5.402(b)(1) to change the minimum parcel size from $\frac{3}{4}$ acre to $\frac{1}{2}$ acre, if the property can accommodate an onsite wastewater system in accordance with the LAMP standards.

Motion passed 5:0 by a roll-call vote.
(van den Eikhof absent, Schmidt abstained)

MOTION: By Commissioner Heath and seconded by Commissioner Anderson to adopt PC Resolution B recommending the City Council introduce for first reading, by title only, an ordinance that would amend Title 9 for consistency with updated Chapters 5 and 18 related to accessory dwelling units and urban dwelling units.

Motion passed 5:0 by a roll-call vote.
(van den Eikhof absent, Schmidt abstained)

MOTION: By Commissioner Carranza and seconded by Commissioner Hughes to adopt PC Resolution A recommending the City Council introduce an ordinance, for first reading by title only, to establish Chapter 18 in Title 9 of the AMC establishing standards for UDUs, adding in an exception to amend the section for properties on septic to allow smaller lot sizes to $\frac{1}{2}$ -acre, when surrounded by larger lots consistent with ADU exemption recommendations, given that the property can accommodate an onsite

wastewater system in accordance with the LAMP standards.

*Motion passed 5:0 by a roll-call vote.
(van den Eikhof absent, Schmidt abstained)*

MOTION: By Commissioner Anderson and seconded by Commissioner Hughes to adopt PC Resolution B recommending the City Council introduce an ordinance for first reading, by title only, to amend Title 11 of the AMC establishing standards for Urban Lot Splits consistent with State law.

*Motion passed 5:0 by a roll-call vote.
(van den Eikhof absent, Schmidt abstained)*

COMMISSIONER COMMENTS AND REPORTS

Commissioner Carranza would like to see simple handouts regarding ADU's, Lot Splits, and UDU's which will also support less phone calls. Planner Gleason and Director Dunsmore stated that they will be updating these handouts after the project goes to Council. The City will publish these on our website, and will have handouts at the front counter.

DIRECTOR'S REPORT

Director Dunsmore shared the City's new logo for the General Plan. Planner Gleason said that questionnaires will be forthcoming. QR Codes will also be available. Director Dunsmore stated that the Cielo Restaurant and rooftop bar is now open.

ADJOURNMENT – 7:44 p.m.

The next regular meeting scheduled for August 16, 2022 will be cancelled. The next regular meeting after that will be September 6, 2022, at City Hall, 6500 Palma Avenue, Atascadero.

MINUTES PREPARED BY:

Annette Manier, Recording Secretary
Administrative Assistant



Atascadero Planning Commission

Staff Report – Community Development Department

Oversized Accessory Structure **13505 Santa Lucia Road / USE22-0073**

RECOMMENDATION(S):

Staff Recommends: The Planning Commission adopt Draft Resolution approving Use Permit (CUP) USE22-0073, allowing the construction of an oversized accessory structure at 13505 Santa Lucia Road as conditioned.

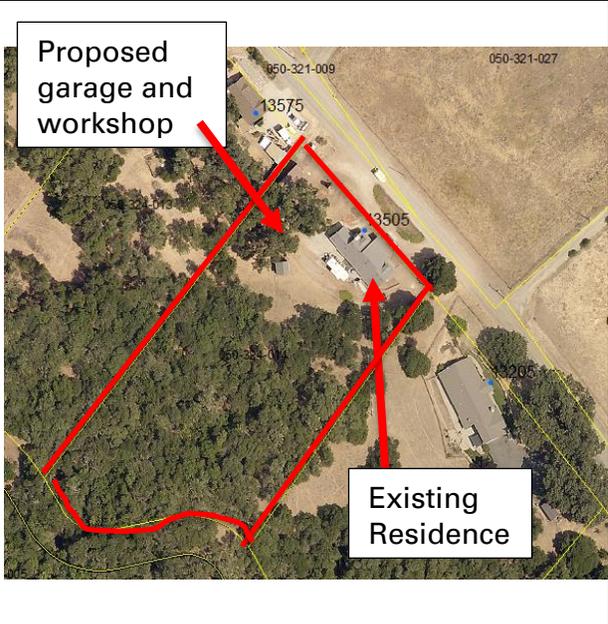
Project Info In-Brief:

PROJECT ADDRESS:	13505 Santa Lucia Road	Atascadero, CA	APN	050-324-014
PROJECT PLANNER	Mariah Gasch Associate Planner	470-3436	mgasch@atascadero.org	
PROPERTY OWNER	Kevin & Vicki Porowski			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
Rural Estate (RE)	Residential Suburban (RS)	1.77 acres	Single-Family Residence	Oversized Accessory Structure
ENVIRONMENTAL DETERMINATION				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input type="checkbox"/> Negative / Mitigated Negative Declaration No. _____ <input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15303 <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				



DISCUSSION:

Existing Surrounding Uses / Parcel Configurations:

Existing Zoning		Existing Aerial / Surrounding	
			
North:	South:	East:	West:
Residential Suburban (RS)	Residential Suburban (RS)	Residential Suburban (RS)	Residential Suburban (RS)

Summary:

The applicant proposes to construct a 1,286 square foot detached 2-car garage with a workshop, a half bathroom, and a covered patio between the garage and the existing residence. The plan shows the new building located 6 feet west of the existing residence, between the residence and the rear property line, with a covered patio connecting the new and existing buildings. The building is single-story with two interior walls that separate the patio from the bathroom and first garage and then the first garage from the second. The two garages have a pedestrian door between them for access. There is another covered patio behind the garage. The applicant is proposing dark blue siding for the building and white trim to match the existing residence. The residence’s existing water heater will be relocated from outside to inside the garage. The existing propane tank will also be moved to accommodate the new garage.

The zoning code limits accessory structures to half the size of the primary structure without approval of a use permit. The existing primary residence is 1,606 square feet in size, therefore this site would be limited to an accessory structure of approximately 800 square feet without use permit approval. The proposed structure is approximately 80% of the floor area of the existing residence. Atascadero Municipal Code (AMC) 9-6.106 allows



for oversized structures to go through an Administrative level use permit review if a certain set of criteria are met. The proposed structure does not meet one of these criteria:

1. The accessory structure is located on a conforming lot.

Since the above listed criteria is not met, the project requires Conditional Use Permit approval from the Planning Commission.

Analysis:

The minimum lot size in the Residential Suburban (RS) zoning district starts at 2.5 acres and often increases based on a series of criteria in AMC 9-3.242. In accordance with the Atascadero Municipal Code (AMC), all buildings within the RS zoning district must adhere to the 30-foot building height maximum (AMC 9.4.113(a)). All development in this district must also adhere to the following setback distances (AMC 9.4.106-108):

- Front Setback: Twenty-five (25) feet
- Side Setback: Five (5) feet
- Rear Setback: Ten (10) feet

The subject property is approximately 1.77 acres. This does not meet the 2.5-acre minimum lot size required in the zoning code. The lot is considered “legal nonconforming”. Therefore, the lot can be developed according to zoning code standards but may not be split further or reduced in size (AMC 9-7.114).

The applicant is proposing to build the structure between the existing residence and the northern property line. The structure itself would be set back approximately 100 feet from the Santa Lucia right-of-way. The building would require the construction of one large retaining wall behind the new building. The height of the retaining wall ranges in height from one foot to eight feet tall. The retaining wall will be mostly hidden from Santa Lucia Road by the new structure. Since the detached structure contains bathroom facilities, the owner will be required to record a deed restriction prior to building permit final, agreeing that the space will not be used for overnight stays or be converted to habitable space without the required permits.

Design and Scale

The proposed structure will be ten feet tall at the eaves and seventeen and a half feet tall at the peak. The structure also includes horizontal siding to match the existing residence. It is proposed to be painted a dark blue with white trim, matching the residence as well. The covered patio will connect the two structures. From Santa Lucia Road, it will look like a single structure. While the structure is connected to the residence by a covered patio, the two buildings do not have shared walls. Therefore, the structure is still considered detached.



Elevations

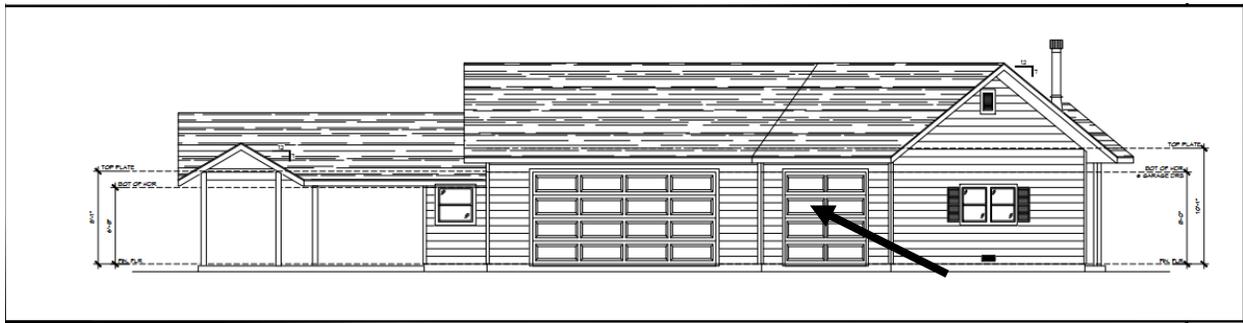
Right elevation



Left Elevation



Front elevation

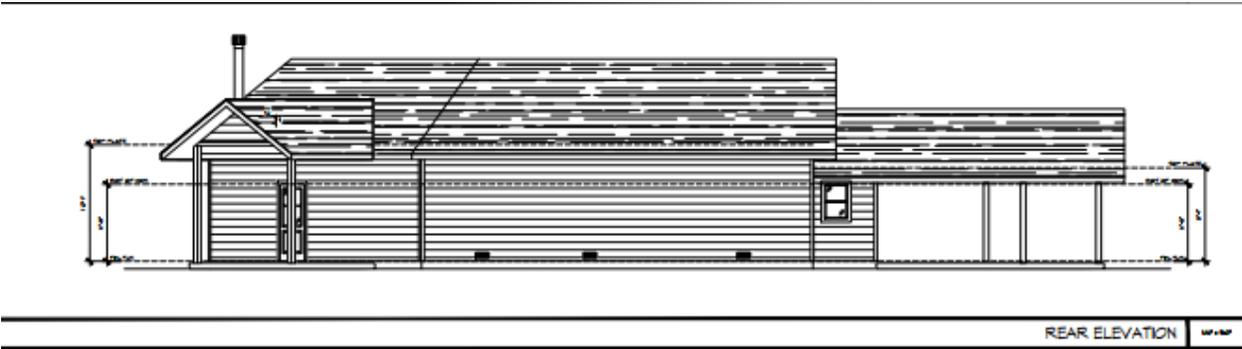


ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO
COMMUNITY DEVELOPMENT DEPARTMENT AT

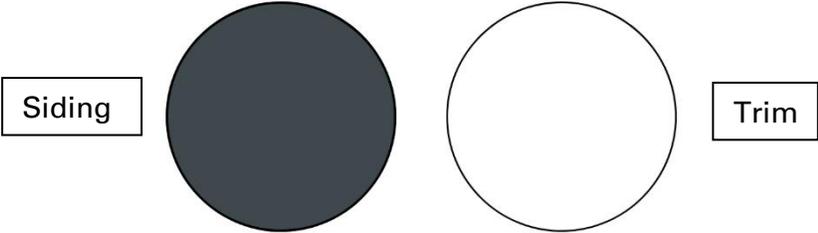
<http://www.atascadero.org>

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Rear Elevation



Proposed colors



Proposed building location



ENVIRONMENTAL DETERMINATION:

The proposed project is Categorical Exempt (Class 3) 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 15303, because it includes new construction of a small accessory structure.

FINDINGS:

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

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

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

ALTERNATIVES:

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



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

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

ATTACHMENTS:

1. Draft PC Resolution
2. Location and Zoning Map
3. Aerial View
4. Site Photos
5. Statement of Justification



**ATTACHMENT 1: Draft Resolution
USE22-0073**

DRAFT PC RESOLUTION

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO, CALIFORNIA,
APPROVING USE22-0073, TO ALLOW THE CONSTRUCTION OF AN
OVERSIZED ACCESSORY STRUCTURE ON APN 050-324-014**

**13505 SANTA LUCIA ROAD
POROWSKI**

WHEREAS, an application was received from Kevin and Vicki Porowski, 13505 Santa Lucia Road., Atascadero, CA 93422, (owner and applicant) for a Conditional Use Permit to construct an oversized accessory structure; and

WHEREAS, the site has a General Plan Designation of Rural Estate (RE); and

WHEREAS, the property is in the Residential Suburban (RS) zoning district; and

WHEREAS, detached accessory structures in excess of fifty percent (50%) of the primary residence are subject to the approval of a minor Conditional Use Permit; 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 reviewed the proposed Conditional Use Permit application on September 20, 2022, at 6:00 p.m. and considered testimony and reports from staff, the applicants, and the public.

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

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

1. The proposed project is Categorically Exempt (Class 3) 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 15303, for new construction of small structures including accessory structures.

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

<http://www.atascadero.org>
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SECTION 2. Findings for approval of Conditional Use Permit. The Planning Commission finds as follows:

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

Fact: Detached accessory structures are consistent with the Single-Family Residential land use designation of the General Plan. Land Use, Open Space and Conservation Element Program 1.1.6 requires the size, use and appearance of accessory structures in the residential zoning districts to be compatible with the surrounding neighborhood. The proposed structure has an agricultural appearance in keeping with the area. While the proposed structure is over 50% of the size of the primary residence, it will serve a residential use, including a patio, noncommercial vehicle storage and a woodworking shop.

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

Fact: As proposed, the project will meet the property's setback, height and other site design requirements. The use of the structure will be limited to uses permitted by the Zoning Ordinance. The project, with Planning Commission approval of this Conditional Use Permit, satisfies all applicable provisions of the Zoning Ordinance related to residential accessory structures.

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 use of the accessory structure on the property includes a covered patio, the storage of vehicles for noncommercial use and a wood working shop. This is a typical use in residential single-family neighborhoods. The proposed structure will be constructed to meet the standards of the building code.

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 view of the proposed structure from Santa Lucia Road will be appear as one continuous residence. The design will fit in with the character and architectural styles of the surrounding neighborhood. The project includes a condition that the color palette shall be dark neutral and match the existing residence.

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 addition of a residential accessory structure will not contribute additional traffic in the neighborhood. The use of the structure will be similar to uses currently onsite. No additional residential units will be added.

6. The proposed project is in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council; and



Fact: Detached accessory structures are permitted in the residential districts. The proposed structure, with staff recommended conditions, is compliant with all related zoning codes and plans.

SECTION 3. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on September 20, 2022, resolved to approve Conditional Use Permit USE22-0073, subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Site Plan
- EXHIBIT C: Elevation Drawings

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

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

CITY OF ATASCADERO, CA

Jeff van den Eikof
Planning Commission Chairperson

ATTEST:

Phil Dunsmore
Planning Commission Secretary



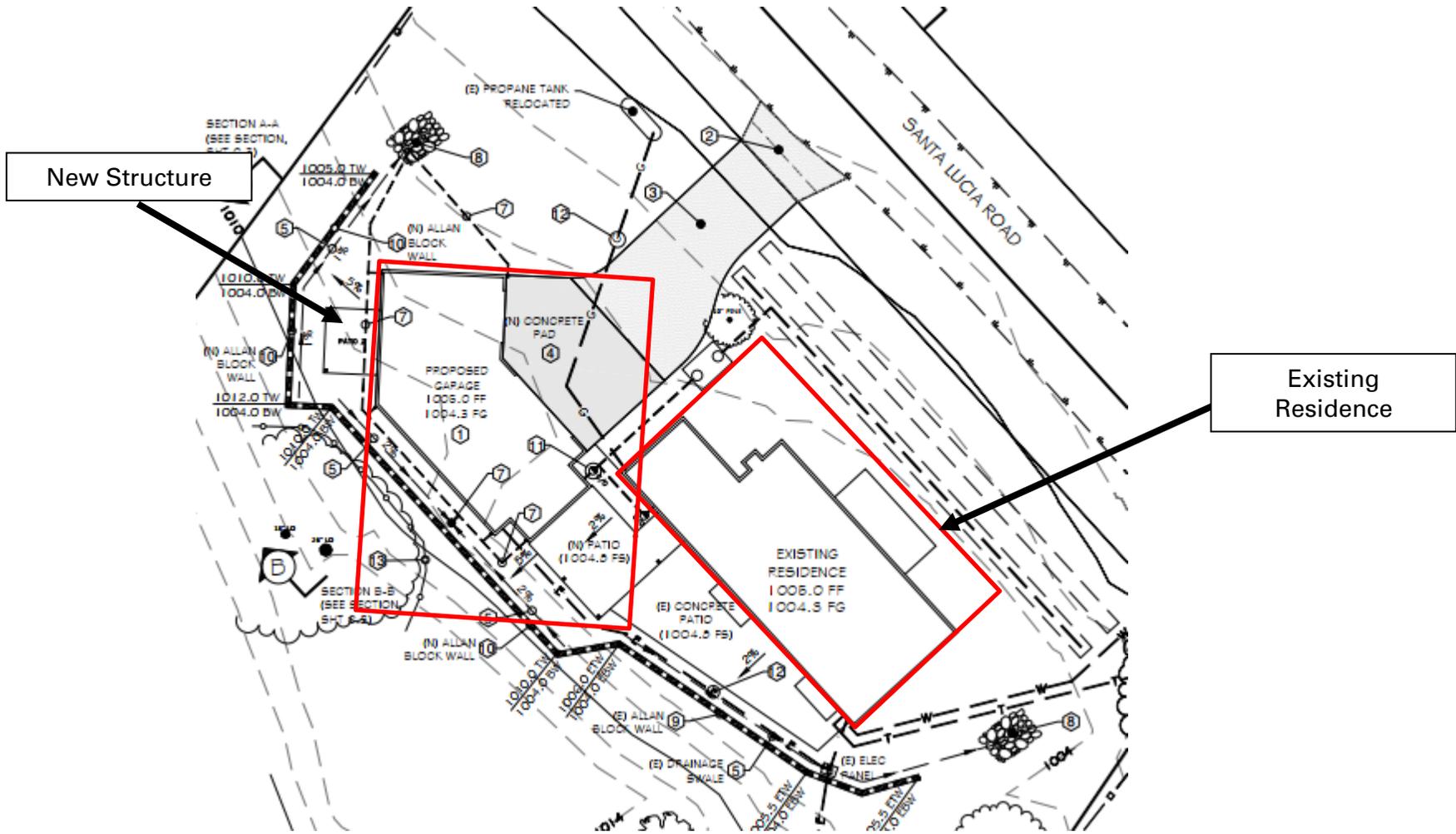
EXHIBIT A: Conditions of Approval USE 22-0073

Conditions of Approval USE22-0073	Timing
13505 Santa Lucia Road Detached Accessory Structure	BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy
Planning Services Conditions	
1. This Conditional Use Permit shall allow the accessory structure described in the attached exhibits and located on APN 050-324-014.	Ongoing
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the Planning Commission approval unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	Ongoing
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.	BP
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 and started construction on the project.	BP
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.	Ongoing
6. Architectural elevations shall be consistent with Exhibit C. Exterior building and roof colors and materials shall be a dark neutral to match the existing residence. The building shall include horizontal siding to match the existing residence.	BP / FI
7. Building Height shall be consistent with what is shown in Exhibit C.	BP
8. The applicant shall record a deed restriction prior to building permit final stating that the space will not be used for overnight stays or be converted into habitable space without required permits.	FI

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
USE22-0073**



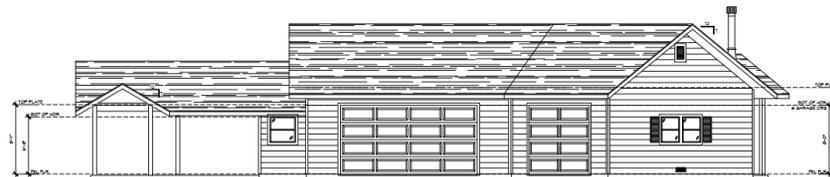
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO COMMUNITY DEVELOPMENT DEPARTMENT AT
<http://www.atascadero.org>
6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**EXHIBIT C: Elevations
USE22-0073**

Right Elevation



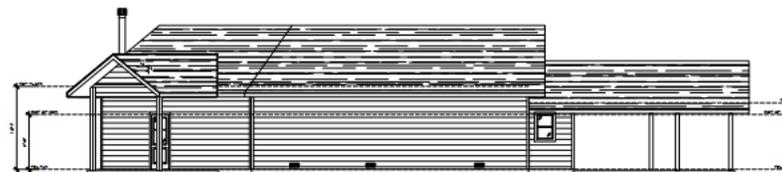
Front elevation



Left Elevation



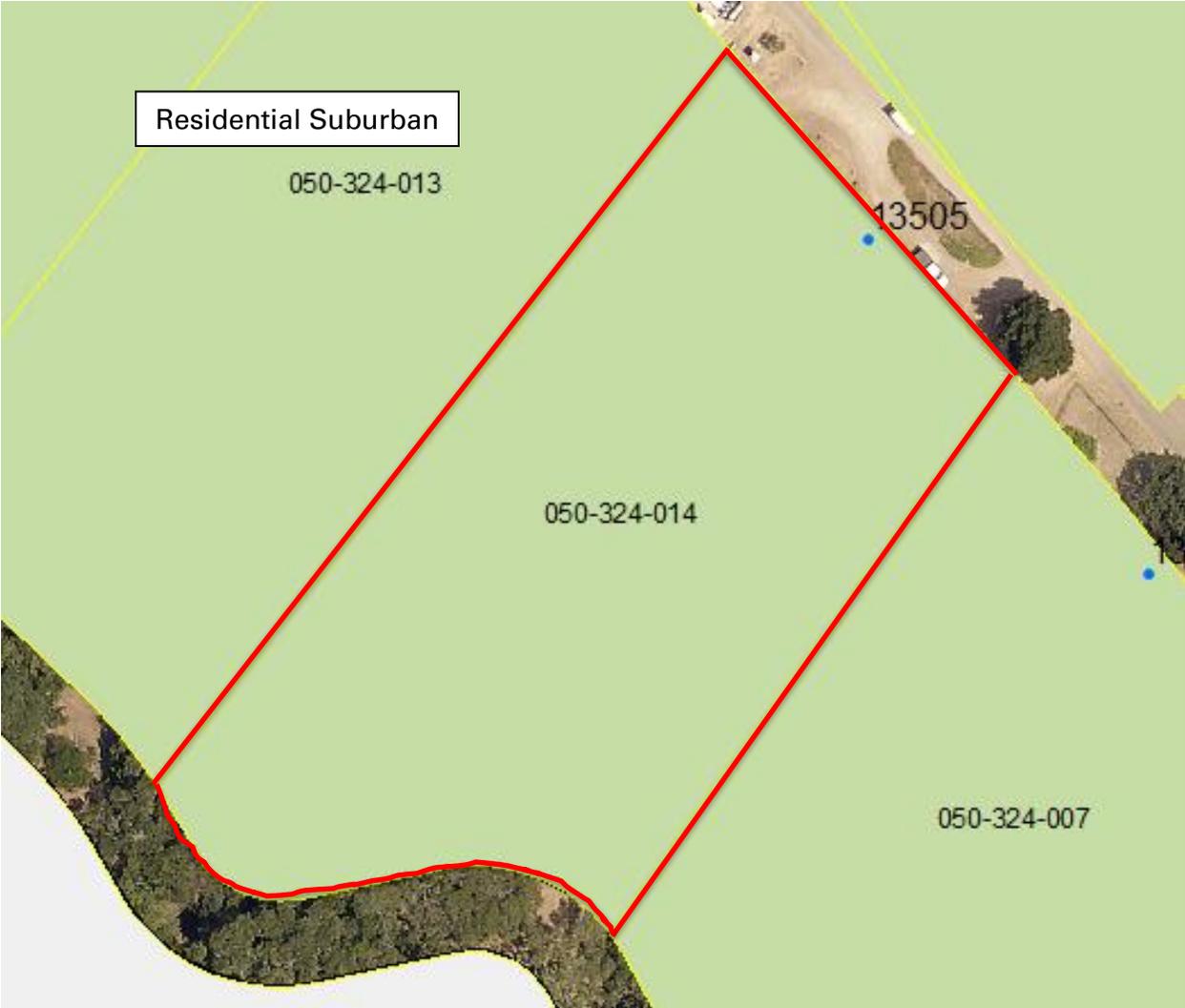
Rear Elevation



REAR ELEVATION



**ATTACHMENT 2: Location and Zoning
USE22-0073**



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

**ATTACHMENT 3: Aerial View
USE22-0073**



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

**ATTACHMENT 4: Site Photos
USE22-0073**

Building Site



Existing Residence



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

ATTACHMENT 5: Statement of Justification
USE22-0073

Justification for garage at 13505 Santa Lucia Road.

In December of 2015 we bought our house with plans to remodel, but after starting work found that the house had major structural issues and we ended up tearing the house down and building a new one.

Because of the cost to replace the house we decided not to build a garage to save some money. Now that the house is finished, we really need a garage to park our cars and a workshop for my woodworking hobby.

The garage will allow me to remove the container that is on the property and clean up the look of the property.

The bathroom in the garage is so that we won't have to go into the house if we are working outside.

Kevin and Vicki Porowski





Atascadero Planning Commission

Staff Report - Community Development Department

Dog Breeding / Kennel USE22-0070 (Lawrence)

RECOMMENDATION:

1. Adopt Draft Resolution A approving a Conditional Use Permit for a dog breeding / kennel project, subject to findings and conditions of approval,

OR

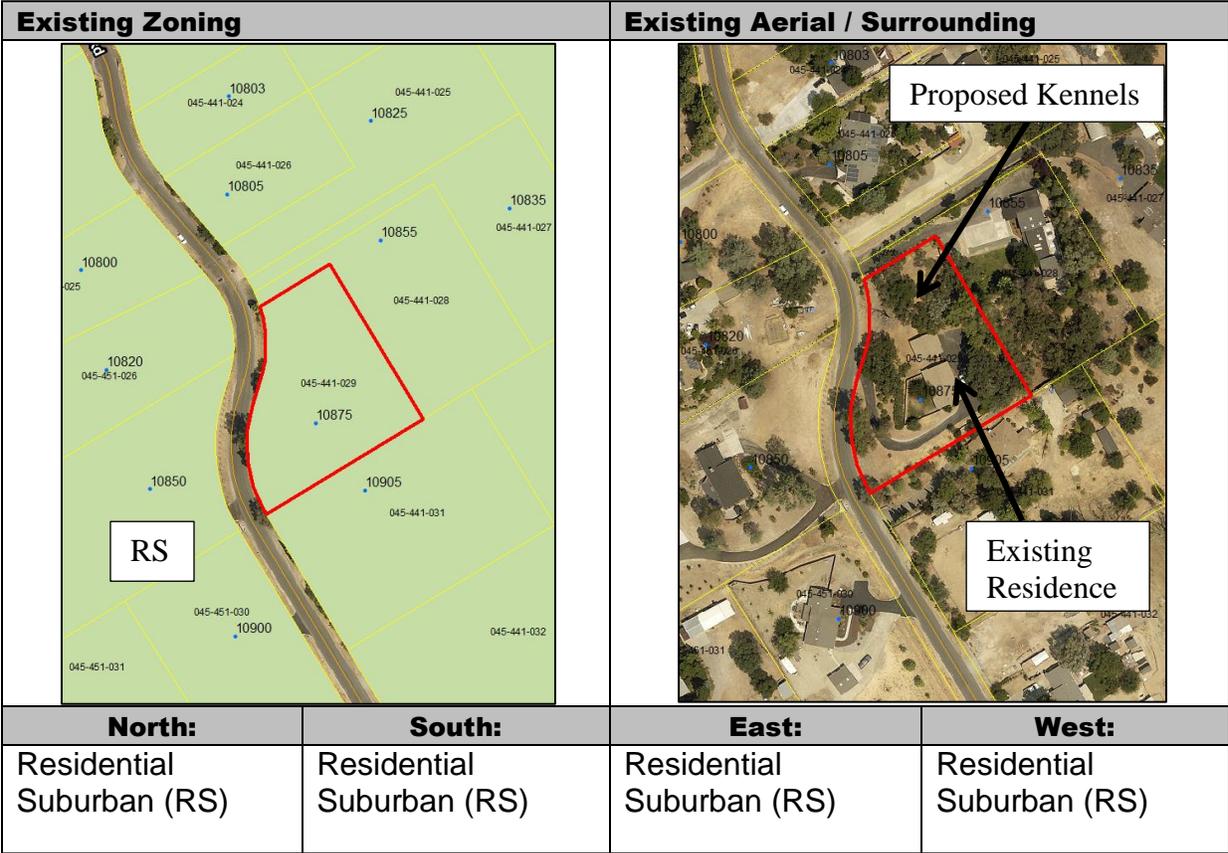
2. Adopt Draft Resolution B denying a Conditional Use Permit for a dog breeding / kennel project, based on finding(s).

Project Info In-Brief:

PROJECT ADDRESS:	10875 Colorado Rd.	Atascadero, CA	APN	045-441-029
PROJECT PLANNER	Mariah Gasch Associate Planner	470-3436	mgasch@atascadero.org	
PROPERTY OWNER	Nick and Chelsey Lawrence			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
Rural Estate (RE)	Residential Suburban (RS)	1.06 acre	Single-Family Residence	Dog kennel/ breeding
ENVIRONMENTAL DETERMINATION				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input type="checkbox"/> Negative / Mitigated Negative Declaration No. _____ <input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15301 <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				

DISCUSSION:

Existing Surrounding Uses / Parcel Configurations:



Background:

The applicants purchased the subject residential property in 2021 with an intent to breed their dogs onsite. After contacting SLO County Animal Services, they were issued a Hobby Breeder permit. The applicants were not aware that they needed approval of a Conditional Use Permit (CUP) from the City of Atascadero in conjunction with the County permit. City staff was made aware of the intent to operate a dog breeding business following a complaint from a neighbor. After being notified of the use permit requirement, the applicants applied for the CUP.

Project description:

The applicants are proposing a 396 square foot outdoor dog kennel facility for a maximum of four litters per year with a maximum of ten dogs onsite (over four months of age) at one time (see discussion below). The dogs being kept and bred are Decker Rat Terriers and Old Dominion Terriers. This is not a commercial kennel where outside dogs are being boarded or trained, and the use permit would only allow for the private breeding business.

Analysis

The Atascadero Municipal Code includes specific requirements related to how many domestic animals may be kept on a residential property. Section 4-1.119 (Limitation on keeping animals) limits the number of dogs at any single-family dwelling to no more than three (3) dogs, four (4) months of age or older. The Atascadero Municipal Code allows for dog kennels, including those used for dog breeding, in the Residential Suburban Zone with the approval of a Conditional Use Permit. The Municipal Code defines a Kennel as:

“A lot, building, structure, enclosure or premises where four (4) or more dogs or cats (four (4) months of age or older) are kept or maintained, including the keeping of such animals for sale, for commercial breeding or for lodging and care for which a fee is charged.”

9-6.111 Kennels.

Kennels providing overnight or longer-term boarding for dogs, cats and similar household pets are subject to the following standards:

(a) Minimum Site Area.

(1) A, RS, and RSF Zones. One acre.

(2) CS Zone. None.

(b) Building Setbacks.

(1) A, RS and RSF Zones. As provided by Section 9-6.109.

(2) CS Zone. None.

(c) Outside Animal Enclosures. Outside animal enclosures shall not be used for overnight boarding. All animals shall be contained in pens or runs and not be allowed to run free on a site. Any outside enclosures shall be located a minimum of twenty-five (25) feet from all adjacent property lines and shall be designed to comply with subsection (d) of this section.

(d) Noise Control. As provided by Section 9.4.163.

(e) Operation. The premises shall be continuously maintained in a clean and sanitary condition by daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies or offensive odors. (Ord. 68 § 9-6.111, 1983)

The applicants require a CUP for keeping over three dogs and for a commercial dog breeding business in which they are making money on the dogs. The applicants are proposing the kennel for breeding purposes only and do not intend to use the kennel for overnight lodging or care of other dogs. The applicants currently have 5 dogs on site. They plan to keep the number of adult dogs at the current number of five (5) but would like to request that up to ten (10) adult dogs be allowed on the property at one time. This number considers future dogs that will likely be raised from puppies and overlap with existing females when they become too old to breed and are rehomed. For example, the applicant may bring one more male onsite, increasing the number to 6 total. In a few years the applicant plans to keep some of the female puppies and raise them as the older females age out of breeding. At no time would more than ten adult dogs live onsite. A

condition has been included in attached Resolution A to limit the number of adult dogs kept on the subject site. No more than 10 adult dogs (over the age of four months) shall be kept on site at any one time (Condition 6). Staff has also added a condition that there shall only be one litter of puppies (dogs under 4 months) onsite at one time.

Staff has also added conditions to draft resolution A requiring that the house remain the applicants' primary place of residence, that the facility not be used for public boarding, breeding or training, and that the applicants continuously operate in compliance with the San Luis Obispo County Animal Services laws.

Proposed Facilities and code requirements

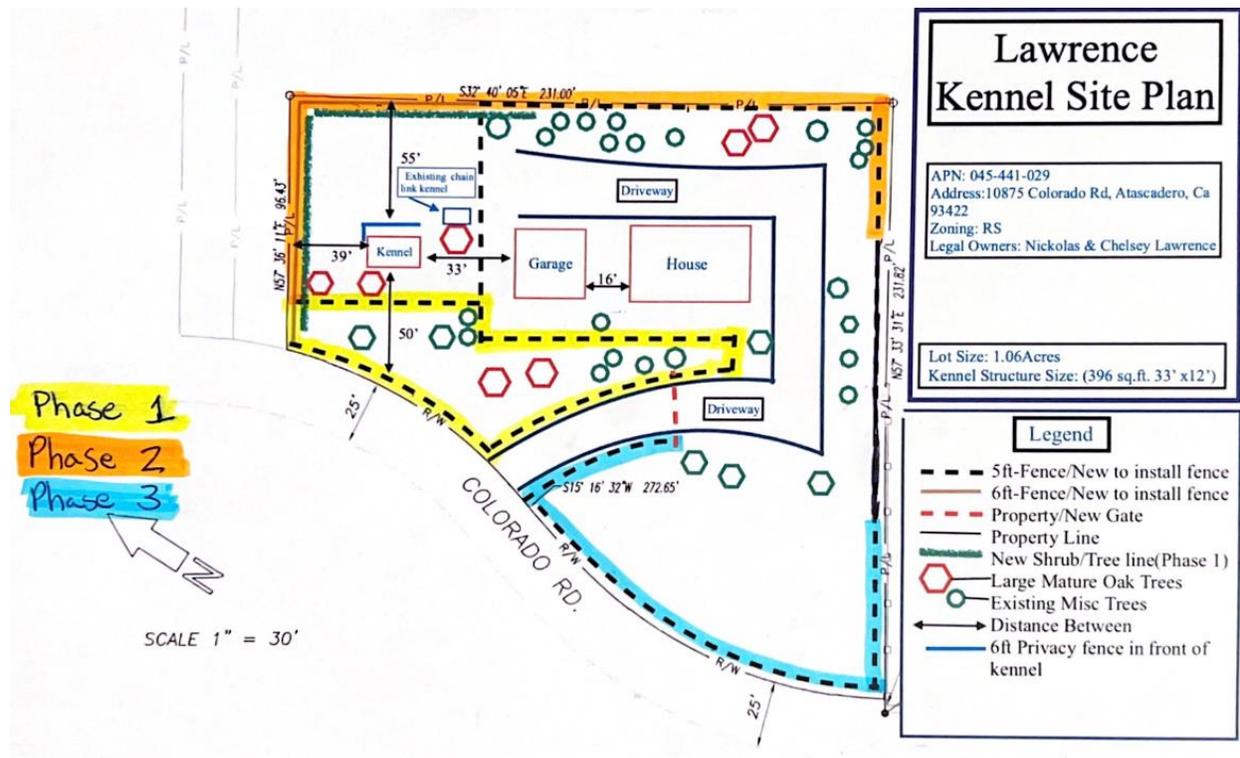
Required setbacks for kennel facilities are subject to standards of Atascadero Municipal Code (AMC) 9-6.109 for agricultural accessory buildings. The kennel facilities have already been constructed and are 33 feet long and 12 feet wide. They are approximately 5 feet tall. The kennels are wrapped in corten steel with the transparent gate openings facing the rear property line. From the street, only the corten steel walls will be visible. The applicants recently constructed a 6-foot-tall solid wood fence to block views of the dogs when they're in their kennels from the adjacent property. In addition to the new kennel, the applicants have an existing small chain link fence kennel between the new kennel and the garage. This is required by Animal Services to obtain a commercial breeding license. Conditions relating to the Municipal Code Special Use Requirements for kennels have been included in attached Resolution A. The following code requirements apply to the kennels:

- A minimum lot size of one (1) acre is required for kennels. Parcel Map CO76-522 indicates that the subject lot size is 1.06 acres.
- Required setbacks are 50 feet in the front and 25 feet in the side and rear. The facilities are 50 feet from the front property line, 39 feet from the adjacent accessway for the property behind and 55 feet from the rear property line, the structures are also 33 feet away from the applicant's garage, therefore the structures meet required setbacks.

Proposed Kennel Management and Phasing

Animal Waste will be picked up and the kennels will be sanitized daily to eliminate odor. The applicants are proposing three phases for improvements around their site.

- Phase one includes a new five-foot fence around the front of the property to create a dog run area.
- Phase 2 include the addition of a six-foot solid fence along the northern and eastern property lines, along the top of the slope. This will block the view of the entire kennel area and rear yard from the residence on the adjacent flag lot. Phase 2 also includes a five-foot fence extending along the eastern property line and down the southern line.
- Finally, phase 3 includes building a new five-foot fence around the remainder of the front lot.



Staff has added a condition that the fencing around the side and rear property lines be six feet tall solid fencing as shown on the site plan. (Condition #16) This will block the view from adjacent properties.

Staff has also added conditions regarding the timelines of proposed phases. Phase 1 shall be complete prior to issuing a business license for the breeding operation. The solid fence in Phase 2 shall be complete within 6 months of obtaining their business license. The remaining fence in Phase 2 and Phase 3 has a much lower impact on the proposed project than the first two phases. It is not essential to maintain the health and welfare of the surrounding neighborhood. Therefore, staff has not added a time constraint for the remainder of the fence in Phase 2 or for Phase 3.

Once the fence is built they will have a large fenced in backyard and plan to build a new puppy pen. The puppies will be kept in the pen during the day once they are five weeks old. They will not be visible from the street or the adjacent properties. Puppies will be kept in the garage at night.

Adult dogs will be kept in their kennels during the day and will be turned out to run in the large fenced front area of the property. At night, one dog sleeps in the house while the other four sleep in crates in the garage. The current facilities meet the Hobby Breeder permit issued by Animal Services.

Staff has added a condition to Resolution A that the outside animal enclosure not be used for overnight boarding and that dogs shall only be allowed outside between the hours of

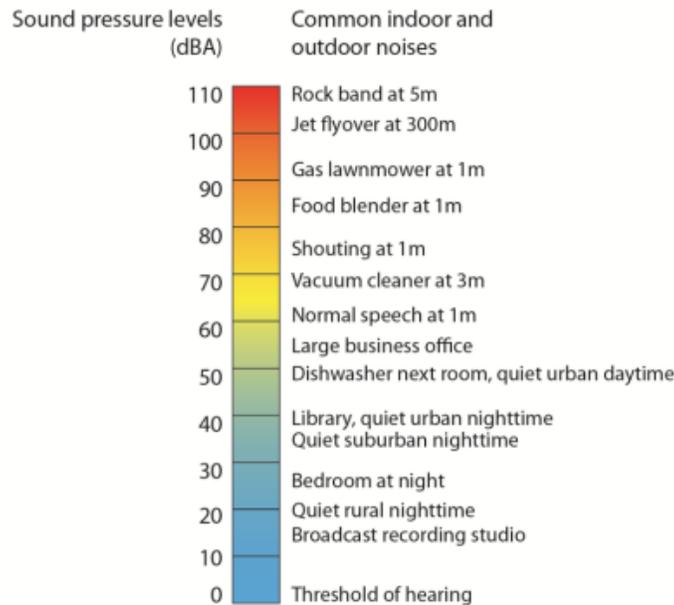
7am and 9pm daily. In addition, animals shall be contained in pens or runs and shall not be allowed to run free on site outside fenced area.

Noise

The applicants provided responses to several common concerns that may arise from a new kennel in a residential neighborhood. The applicants identified the dogs as a special line of rat terrier that that has the Basenji breed bred into it. This type of dog is typically known as a “barkless dog”. While the dogs do bark, it is typically a softer bark at wildlife or visitors coming up the driveway. The applicants also use bark collars to train the dogs not to bark and have cameras in all areas where the dogs are being kept so they know when a dog is barking.

AMC9-14.05 limits exterior noises to an average of 50 decibels (Leq dB) between the hours of 7am and 9pm and 45 Leq dB from 9pm to 7am. The maximum noise level from 7am to 9pm is 70 dB and 65dB between the hours of 9pm and 7am. Examples of noise sources in decibels can be seen in the following figure.

Common noise sources and their dBA levels



Source: Minnesota Pollution Control Agency (<https://www.pca.state.mn.us/sites/default/files/p-gen6-01.pdf>)

Staff has added a condition that dogs are limited to the two breeds proposed, Decker Rat Terriers and Old Dominion Terriers, 50 pounds and below to ensure that only smaller dogs are bred on-site, especially as it relates to the request for up to 10 adult dogs on-site at a time. If the applicants or future owners want to continue the business with other breeds, they will need to amend their Conditional Use Permit.

Neighborhood character

In approving a CUP, findings must be made that the use is consistent with the General Plan and Zoning Ordinance, and that it will not be inconsistent with the character of the immediate neighborhood. The character of the neighborhood is dominated by single-family residences. The introduction of a kennel for commercial breeding (breeding in which dogs are sold for monetary gain) will introduce a new commercial use into the neighborhood. Businesses operating from their homes require Home Occupation business licenses. Home Occupation requirements include not creating excessive noise, smells, traffic, etc. and require that the Home Occupation not change the character of the neighborhood.

The overall site plan does not change the residential character of the property. The primary question for the Planning Commission is if the proposed use meets required Finding #4 for neighborhood compatibility. If the Planning Commission determines that they cannot make the findings for the proposed use and chooses to deny the permit, the owners will be required to rehome two of their existing dogs and will not be allowed to breed the remaining three. Conditions have been added to Draft resolution A to help attain compatibility. The Planning Commission may identify and add other conditions should they be necessary to support the findings for approval.

ALTERNATIVES

1. The Planning Commission may adopt Draft Resolution A to approve the Conditional Use Permit. Findings must be made to support the use permit and conditions may be added to enhance the project's compatibility with the General Plan and with the compatibility with the neighborhood.
2. The Planning Commission may adopt Draft Resolution B and deny the requested Conditional Use Permit. The Commission should clearly state which finding cannot be made for the record and evidence to support the finding.
3. The Planning Commission may continue the project to a later hearing and request that staff and the applicant provide additional information. The Commission should clearly state what information is needed.

ATTACHMENTS:

- Attachment 1: Draft Resolution A
- Attachment 2: Draft Resolution B
- Attachment 3: Site Photos
- Attachment 4: Letter of justification

DRAFT RESOLUTION A

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO APPROVING A CONDITIONAL USE PERMIT
TO ESTABLISH A DOG BREEDING & KENNEL FACILITY LOCATED
AT 10875 COLORADO ROAD**

**DOG BREEDING/ KENNEL
LAWRENCE
(USE22-0070)**

WHEREAS, an application has been received from Nick & Chelsey Lawrence (10875 Colorado Road, Atascadero, CA 93422), Owner and Applicant, to consider Planning Application USE22-0070, for a Conditional Use Permit for a dog breeding and kennel facility on a 1-acre site located at 10875 Colorado Road, Atascadero, CA 93422 (APNs 045-441-029); and

WHEREAS, the site's current General Plan Land Use Designation is Rural Estate (RE);
and

WHEREAS, the site's current Zoning District is Residential Suburban (RS); and

WHEREAS, a kennel is a conditionally allowed use in the Residential Suburban (RS) zoning district; and

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

WHEREAS, a timely and properly noticed public hearing was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said conditional use permit; and

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

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

SECTION 2. Public Hearing. The Planning Commission held a duly noticed public hearing to consider the project on September 20, 2022 and considered testimony and reports from staff, the applicants, and the public.

SECTION 3. Findings. The Planning Commission makes the following findings, determinations and approvals

1. Findings for Approval of a Conditional Use Permit

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

FACT: The use is consistent with the General Plan. Specifically, it relates to agricultural practices and keeping of domestic animals on rural and agricultural lands. General Plan Policy 9.2 aims adequately regulate the keeping of domestic animals on rural lands as consistent with the City Zoning Ordinance. The municipal code allows dog kennels and breeding operations with a conditional use permit.

FINDING: The proposed project or use satisfies all applicable provisions of the Zoning Ordinance

FACT: The proposed kennel facility can be permitted though the Conditional Use Permit process as identified in the Municipal Code. The proposed structure and site plan are consistent with the applicable provisions of the Atascadero Municipal Code as conditioned.

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

FACT: The proposed kennel will not be detrimental to the general public or working person's health, safety, or welfare.

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

FACT: The proposed project is on a property with an existing single-family residence. The use will be accessory the residence. As conditioned, the kennels will be screened from the neighboring properties and will not be visible from Colorado Road. Allowing the use will be consistent with the rural character of the surrounding neighborhood.

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

FACT: The proposed project and use is consistent with the traffic projections and road improvements anticipated within the General Plan. The project site is an existing site on Colorado Road.

FINDING: The proposed project is in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council.

FACT: The project is consistent with the General Plan and municipal code, as conditioned.

SECTION 4. CEQA. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15301, Class 1: Existing Facilities.

SECTION 5. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on September 20, 2022, resolved to approve a Conditional Use Permit to allow for a dog breeding / kennel facility (USE22-0070) subject to the following:

- 1. EXHIBIT A: Conditions of Approval
- 2. EXHIBIT B: Site Pan

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

Jeff Van den Eikhof
Planning Commission Chairperson

Attest:

Phil Dunsmore
Planning Commission Secretary

DRAFT RESOLUTION B

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO DENYING A CONDITIONAL USE PERMIT TO
ESTABLISH A DOG BREEDING & KENNEL FACILITY LOCATED AT
10875 COLORADO ROAD**

**DOG BREEDING/ KENNEL
LAWRENCE
(USE22-0070)**

WHEREAS, an application has been received from Nick & Chelsey Lawrence (10875 Colorado Road, Atascadero, CA 93422), Owner and Applicant, to consider Planning Application DEV22-0070, for a Conditional Use Permit for a dog breeding and kennel facility on a 1-acre site located at 10875 Colorado Road, Atascadero, CA 93422 (APNs 045-441-029); and

WHEREAS, the site's current General Plan Land Use Designation is Rural Estate (RE);
and

WHEREAS, the site's current Zoning District is Residential Suburban (RS); and

WHEREAS, a kennel is a conditionally allowed use in the Residential Suburban (RS) zoning district; and

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

WHEREAS, a timely and properly noticed public hearing was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said conditional use permit; and

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

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

SECTION 2. Public Hearing. The Planning Commission held a duly noticed public hearing to consider the project on September 20, 2022 and considered testimony and reports from staff, the applicants, and the public.

SECTION 3. Findings. The Planning Commission makes the following findings and determinations with respect to the Conditional Use Permit:

1. Findings for Denial of a Conditional Use Permit

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

FACT: The project is inconsistent with Land Use, Open Space and Circulation (LOC) Policies and Programs:

9.2 for not adequately regulating allowed agricultural practices and keeping of domestic animals.

Additionally, the project is inconsistent with Goal #6 of the Safety and Noise Element to protect the citizens of Atascadero from the harmful and annoying effects of exposure to excessive noise.

B. FINDING: The proposed project or use does not satisfy all applicable provisions of the Zoning Code (Title 9 – Planning and Zoning).

FACT:

C. FINDING: The establishment, and subsequent operation or conduct of the use will, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.

FACT: The establishment of a kennel facility will negatively alter the character of the area, which is dominated by residential uses. The kennel may add unwanted side effects such as excessive noise from what is there right now.

D. FINDING: The proposed project or use will be inconsistent with the character of the immediate neighborhood or contrary to its orderly development.

FACT: The establishment of a kennel facility will negatively alter the character of the area, which is dominated by residential uses. The introduction of a kennel will add a commercial component to the neighborhood that that does comply with typical Home Occupation standards.

E. FINDING: The proposed use or project will 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:

F. FINDING: The proposed project is not in compliance with pertinent City policy or criteria adopted by ordinance or resolution of the City Council.

FACT: The proposed use is inconsistent with General Plan Policy LOC 9.2 and Noise and Safety Element Goal #6.

SECTION 4. CEQA. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15301, Class 1: Existing Facilities.

SECTION 5. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on September 20, 2022, resolved to deny a Conditional Use Permit to allow for a dog breeding / kennel facility (USE22-0070).

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

Jeff Van den Eikhof
Planning Commission Chairperson

Attest:

Phil Dunsmore
Planning Commission Secretary

Kennel Facilities



Isolation kennel



Existing fenced area to be removed



View From Colorado Road



ATTACHMENT 4: Letter of Justification
USE22-0070

Hello,

COMMUNITY DEVELOPMENT

My name is Chelsey Lawrence. Today we are proposing and asking permission to start a small scale commercial dog breeding kennel on our property, located at 10875 Colorado Rd. We live in a unique location that is considered in town but looks rural. On our street, you can find horses, goats, ponies, cats, dogs, and chickens. We live on a quiet street with the occasional goat call, rooster crow, or dog bark. Our neighbors on the street consist of a mix of senior citizens, families with children, middle age, and even an Airbnb.

My hope is that you allow me to follow my dream and raise these incredible dogs that I love. I have over 30 years of experience with terriers. I grew up with them as a child and still call them family today. Within the last year I was also nominated as the Vice President of the Old Dominion Terrier Club of America.

I raise Decker Rat Terriers and Old Dominion Terriers. Deckers are a rare line of rat terrier that was developed in the 70s. They are different than standard rat terriers due to their larger size (up to 45 pounds) and their known deminer as being a quieter and calmer terrier. Old Dominion Terriers are a newer breed. They are the goal of taking the Decker line dog out of the rat terrier category and giving them a place and name of their own, known as the Old Dominion Terrier.

My love for terriers came from my father. He is an avid hunter and always had one or two terriers running around the property. There is something special about this group of dog that is intelligent, funny, and tough, all wrapped up in a little ball of fun.

Seven years ago he was ready to add another terrier to the farm. He asked me to help him find one. After researching different breeders we found the Decker Terrier lines. We were both intrigued to find a larger size terrier than we were used to. He decided to purchase two females from Southern California. I made the 5 hour drive down to help him pick them out. I was hooked with these two and they quickly took over my heart .

I was ready to add my own Decker to my family a few years ago. I wanted a go dog... put him in the truck, go hiking, go to the beach, go on a bike ride, all while being happy, yet protective of my family and me. I found Goose two years ago from a breeder in Ohio. When he arrived I knew he was something special. He was everything I wanted. He is driven, protective, and truly loves his people. I could not be happier with this handsome boy. I can truly say out of all the dogs I've had in my past and all the dogs I've met, I have never loved one more than Goose. He loves me, my husband, and my children. I want to share with others the feeling of unconditional love that these terriers share with their people.

Deckers and ODTs have an intelligence to them to where they read their people. They look into your eyes to try and see what you want from them. They aim to please. They are big, beautiful, and have a personality to match. They are happy to be hunting one minute and hanging out on the couch with the family the next.

My goal is to help someone find their next family member. Whether they hunt, want a pet, or are looking for their next go buddy, I feel very confident that we can help them find what they are looking for.

We are currently the only breeders on the Central Coast. These dogs are not like a doodle like a Starbucks on every corner. I feel like we have a unique opportunity here to fill a spot of a medium sized dog that makes the perfect companion for someone living in our area.

My property is the ideal place to raise puppies. They will get lots of love and socialization from my family and children which is essential in raising well rounded puppies and dogs. We have a large privacy fenced backyard that I plan on building a puppy pen in. The puppies will be kept in there during the day once they are five weeks of age. They will be safe and not visible from the street. Puppies will be kept in the garage at night in a special pen that has bedding and a separate place for them to relieve themselves.

The adult dogs will be kept in their kennels during the day, or turned out to run and exercise in a large fenced area in front of our property. At night, my male sleeps in the house and the females will be in the garage in crates. Animal services has already inspected our property and approved us a Hobby Breeders Permit. We currently meet their standards.

I plan on having up to four litters a year. This was supposed to be a small-scale hobby and I plan to keep it a small scale kennel. We are at least two years out from reaching four litters a year. Two of my females are puppies and will not be ready to have puppies themselves until they are two years of age. We are also a just under a year out from having puppies with my other two females due to their age.

I have thought about this number a lot and I am asking to have up to 10 potential dogs at one time. I currently have one male stud dog and four females. One of those females is his daughter and I cannot breed her to him. I need a potential spot open for another stud. The other 4 dogs would be in a six year span. Those again, are potential daughters held back to replace their mothers once they are too old to breed and will need to be retired and placed in new homes. This by far does not mean that I want or need 10 dogs at this time, but I want you all to know what my plans will be for my future business. As a breeder, I need to constantly be thinking of the future of these dogs. I also need to be doing better with the next generations to come and what is best for the breed. My dogs carry champion bloodlines, that if not preserved, they will be gone forever.

I know and have a feeling that the biggest concern that you will get from my neighbors will be noise and the devaluation of their homes if you approve this kennel. I would like to address these issues ahead of time.

Noise

- My dogs are a special line of rat terrier that has basenji bred into it. Basenjies are known as barkless dogs. Mine do make noise on occasion, but is typically a soft bark at wildlife or if someone comes up the driveway.

- I use bark collars to train my dogs not to bark.
- I do not want my neighbors to have to listen to barking dogs. I do not enjoy listening to all the other dogs bark on the street, and that is something that I keep quiet at my own home. We have been told on numerous occasions that our dogs are very quiet compared to others on the street and they hardly know they are here.
- I keep the dogs in the garage at night in crates to ensure that no one is kept awake and bothered.
- I have cameras on all the areas where my dogs are located, so I know if they do bark or not.
- We will not be a boarding or training kennel bringing in unpredictable or loud dogs.

Devaluation-

- We have used TOP materials on our dog kennels. Most of our neighbors have already asked what the building is that we built up on the hill and how beautiful it looks. The building is wrapped in cor-ten steel and the back of the kennels is the only part visible from the street.
- We plan on putting up privacy fence in between our house and our neighbor directly behind us, so our kennels do not affect his view. We had him remove the previous privacy fence that he put on our property because it spanned from 5-30 feet in on our side, so a new one should not be an issue in line of view.
- People will not see the inside of the kennels from street/ walking view.
- Waste will be picked up daily and kennels will be sanitized daily with a special cleaner called Wysiwash, so smell will not be an issue.
- Once our fence is completed we will also put in landscaping to block parts of the fence line and kennels from view. The kennels are also tucked behind a large oak tree which also blocks them from view.
- We will be removing the current puppy pen and the old kennel in front of the garage to add more curb appeal.