



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

In accordance with City Council Resolution No. 2022-068 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>

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, October 4, 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 SEPTEMBER 20, 2022

- **Recommendation:** Commission approve the September 20, 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. CONTINUANCE OF CONDITIONAL USE PERMIT FOR 10875 COLORADO ROAD

The proposed project is the review of a conditional use permit for a private "kennel" which would operate as a private dog breeding business on APN 045-441-029. 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).

3. AMENDMENT TO BUILDING ENVELOPES AT 9015 AND 9020 BOSQUE COURT

The proposed project is for an Amendment to the CEQA document (MND2016-0001) that created building envelopes at 9015 and 9020 Bosque Court on APNs 056-211-054 and -058 to increase buildable area. The project is consistent with the previously adopted environmental documents 2016-0001.

Recommendation: Staff's recommendation is for the Planning Commission to review the proposal and approve the project. (AMND22-0065).

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COMMISSIONER COMMENTS AND REPORTS

DIRECTOR'S REPORT

ADJOURNMENT

The next regular meeting will be held on October 18, 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, September 20, 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 Anderson led the Pledge of Allegiance.

ROLL CALL

Present: **By Teleconference** – Commissioners Anderson, Heath, Hughes, and Chairperson van den Eikhof

Absent: Commissioners Carranza, Schmidt and Vice Chairperson Keen (excused absences)

Vacant: None

Others Present: **By Teleconference** –
Jessica Applegate, Recording Secretary

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

APPROVAL OF AGENDA

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

*Motion passed 4:0 by a roll-call vote.
(Carranza, Schmidt and Keen absent)*

PUBLIC COMMENT

None.

Chairperson van den Eikhof closed the Public Comment period.

CONSENT CALENDAR**1. APPROVE THE DRAFT MINUTES OF AUGUST 2, 2022**

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

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

***Motion passed 4:0 by a roll-call vote.
(Carranza, Schmidt and Keen absent)***

PLANNING COMMISSION BUSINESS

None.

COMMUNITY DEVELOPMENT STAFF REPORTS

None.

PUBLIC HEARINGS**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).

EX PARTE COMMUNICATIONS

None.

Planner Gasch provided the staff report and answered questions from the Commission.

PUBLIC COMMENT

None.

Chairperson van den Eikhof closed the Public Comment period.

MOTION: By Commissioner Hughes and seconded by Commissioner Heath to adopt Draft Resolution approve Use Permit (CUP) USE22-0073, allowing the construction of an oversized accessory structure at 13505 Santa Lucia Road, based on findings and subject to conditions of approval.

*Motion passed 4:0 by a roll-call vote.
(Carranza, Schmidt and Keen absent)*

PUBLIC HEARINGS

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) exemptions.

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

EX PARTE COMMUNICATIONS

None.

Planner Gasch provided the staff report and answered questions from the Commission.

PUBLIC COMMENT

The following member of the public spoke: Chelsea and Nick Lawrence, Maci Umbertis, Marilyn Peterson, Susan and Dave Small, Barbara Sims, Larry and Elaine Burelle.

Chairperson van den Eikhof closed the Public Comment period.

MOTION: By Commissioner Anderson and seconded by Commissioner Heath for a continuance of Conditional Use Permit (CUP) USE22-0070, to the October 4th Planning Commission meeting.

*Motion passed 4:0 by a roll-call vote.
(Carranza, Schmidt and Keen absent)*

COMMISSIONER COMMENTS AND REPORTS

None.

DIRECTOR'S REPORT

Director Dunsmore gave updates on the upcoming Colony Days parade, Objective Design Standards, ADU and SB9 ordinances, and various projects near the Del Rio area.

ADJOURNMENT – 7:51 p.m.

The next regular meeting is scheduled for October 4, 2022 at City Hall, 6500 Palma Avenue, Atascadero.

MINUTES PREPARED BY:

Jessica Applegate, Recording Secretary
Administrative Assistant



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).

DISCUSSION:

Background:

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.

This project was heard by the Commission on September 2022. Three Commissioners were absent and, based on State law, a full majority vote is required to adopt a resolution. After staff presentation, public comment, and deliberation, all sitting members of the Commission voted to continue the item to a date certain for the purposes of including more commissioners in the vote. In this motion, the PC voted to continue the project to the regular October 4th meeting for further public comment, deliberation, and action.

In addition, the applicants expressed a desire to revise conditions related to operation standards as follows:

- Condition #6 – Revise maximum of 10 dogs to 6 dogs.
- Condition #7 – Allow up to two litters onsite at one time.

- Condition #12 – Revise condition to allow dogs outdoors when no property owners are present on the property.
- Condition #15 - Revise condition to allow for overnight boarding outdoors.

Condition #6 has been revised to reflect the change in the number of dogs allowed onsite. Staff would like to discuss additional revisions with the Planning Commission.

The staff report from the September 20, 2022 meeting is attached for reference and provides full analysis of the project.

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: September 20, 2022 staff report

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 (APN 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 October 4, 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 October 4, 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

EXHIBIT A: Conditions of Approval USE22-0070
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Conditions of Approval	Timing	Responsibility /Monitoring
Conditional Use Permit Dog Breeding / Kennel Facility 10875 Colorado	<small>BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</small>	<small>PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney</small>
1. This Conditional Use Permit shall be for a dog breeding / kennel facility as described in attached Exhibits, located at 10875 Colorado Road (APN 045-441-029), regardless of owner.	Ongoing	PS
2. The approval of this use permit shall become final and effective the date of the hearing. Issuance of building permits may not occur prior to the appeal period of fourteen (14) days following the Planning Commission approval.	Ongoing	PS
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 Conditional Use Permit.	Ongoing	PS, CE
4. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of this time period, the approval shall expire and become null and void unless the project has received a building permit or a time extension.	BP	PS
5. The owner and 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.	Ongoing	CA
Planning Services		
6. The Conditional Use Permit shall allow a private dog kennel for no more than 40 6 adult dogs (four months or older, as defined by the Zoning and Subdivision Regulations), which number shall include a combination of personal pets and breeding dogs.	Ongoing	PS
7. There shall only be one litter of puppies (dogs under 4 months) onsite at one time.	Ongoing	PS
8. The property shall be maintained in accordance with the site plan, attached hereto as Exhibit B, except as modified by these stipulations.	Ongoing	PS
9. The house on the property shall be used continuously as the applicant's primary place of residence.	Ongoing	PS
10. The kennel facility shall not be used for public boarding, breeding or training.	Ongoing	PS
11. The kennel shall be continuously operated in compliance with San Luis Obispo County Animal Services laws, regulations, and applicable requirements for kennel operations.	Ongoing	PS

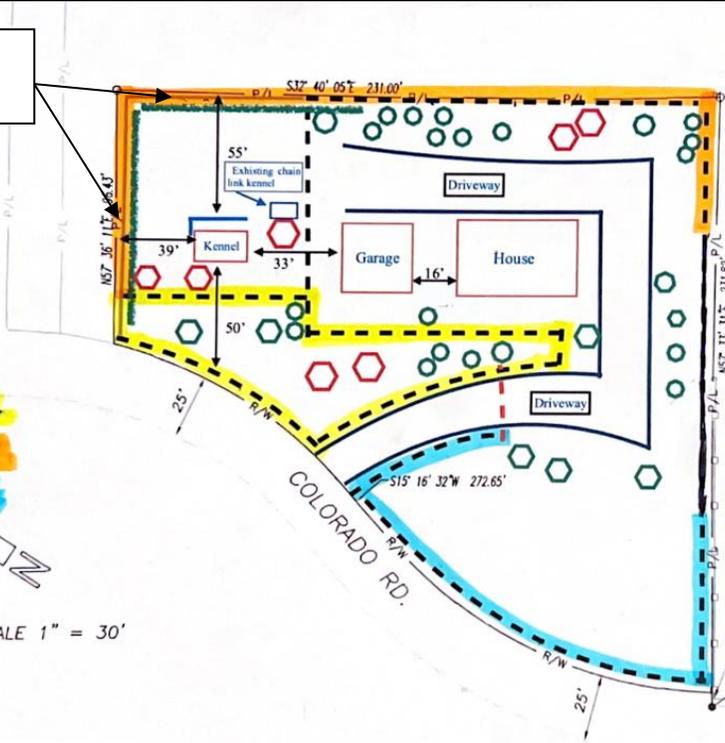
<p>12. The kennel shall be operated in a manner that prevents noise, odors, vermin, infestations, or other objectionable conditions from becoming a nuisance or a health risk to neighboring properties, property owners and their children or their pets.</p> <p>a. No dogs shall be off-leash in areas not fenced or enclosed.</p> <p>b. Dogs shall only be allowed outdoors when one or more of the property owners are present on the subject property. The applicant shall not allow any dog to act in a manner of continued or repeated barking, howling, or other loud or unusual noises anytime day or night.</p> <p>c. The kennel facilities shall be regularly cleaned, sanitized, and operated in a fashion that prevents the attraction of vermin, the growth of infectious bacteria, the communication of disease, or any other such related health problems.</p> <p>d. 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.</p> <p style="padding-left: 40px;">i. The kennel shall be cleaned and the animal waste shall be collected from the subject property at least once per week.</p> <p style="padding-left: 40px;">ii. Depositing the animal waste into the applicant’s trash is an allowed means of waste disposal.</p>	Ongoing	PS
<p>13. The applicant shall obtain a Business License from the City of Atascadero.</p>	BL	PS
<p>14. The applicant shall obtain a building permit for construction of the kennel building.</p>	BP	PS / BS
<p>15. Outside animal enclosures shall not be used for overnight boarding. Dogs shall be allowed outside between the hours of 7am and 9pm every day of the week. All animals shall be contained in pens or runs and not be allowed to run free on a site.</p>	Ongoing	PS
<p>16. Any outside enclosures shall be located a minimum of twenty-five (25) feet from all adjacent property lines and shall be designed to reduce noise per AMC</p>	BP/ Ongoing	PS
<p>17. Fencing around the side and rear property lines (Phase 2 as shown in Exhibit B) shall be 6 feet tall in height. Fencing shall be installed within 6 months of issuance of the kennel business license. The fencing shall be solid and reduce visibility into the site from adjacent properties.</p>	BL	PS
<p>18. Any new residential gate onsite shall comply with the standards of AMC section 9-4.128.</p>	Ongoing	PS
<p>19. The dogs kept onsite for breeding purposes shall not be limited to the two dog breeds, Decker Rat Terriers and Old Dominion Terriers, exceed fifty pounds in weight each.</p>	Ongoing	PS
<p>20. The Use Permit shall be subject to additional review upon receipt of noise or operational complaints. Additional mitigation may be warranted upon verification of recurring noise or operational disturbances that impact residential properties.</p>	Ongoing	PS

**EXHIBIT B: Site Plan
 USE22-0070**

6' fence referred to in Condition #16

Phase 1
 Phase 2
 Phase 3

SCALE 1" = 30'



Lawrence Kennel Site Plan

APN: 045-441-029
 Address: 10875 Colorado Rd, Atascadero, Ca 93422
 Zoning: RS
 Legal Owners: Nickolas & Chelsey Lawrence

Lot Size: 1.06 Acres
 Kennel Structure Size: (396 sq.ft. 33' x12')

Legend	
---	5ft-Fence/New to install fence
---	6ft-Fence/New to install fence
---	Property/New Gate
---	Property Line
---	New Shrub/Tree line(Phase 1)
○	Large Mature Oak Trees
○	Existing Misc Trees
←	Distance Between
---	6ft Privacy fence in front of kennel

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 (APN 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 October 4, 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:

2. 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 October 4, 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



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

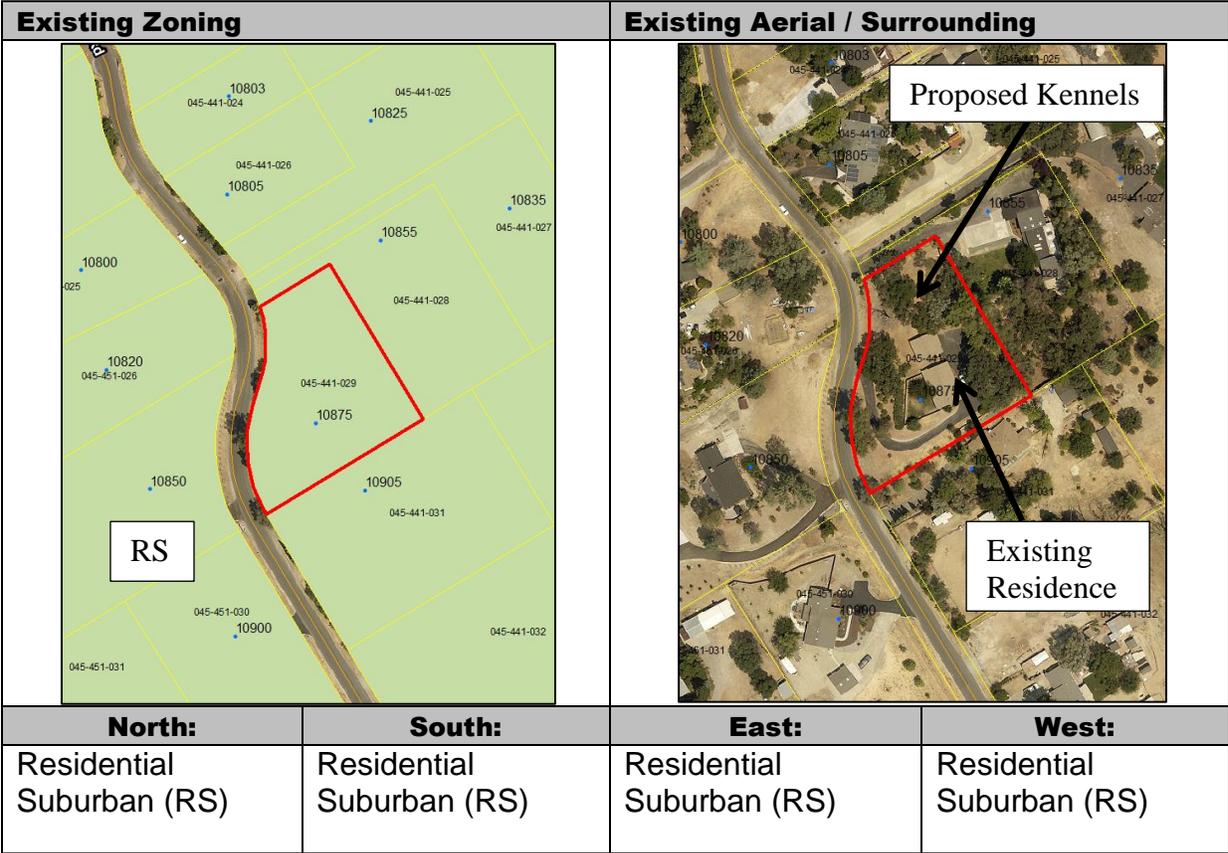
2. Adopt Draft Resolution B denying a Conditional Use Permit for a dog breeding / kennel project, based on finding(s).

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

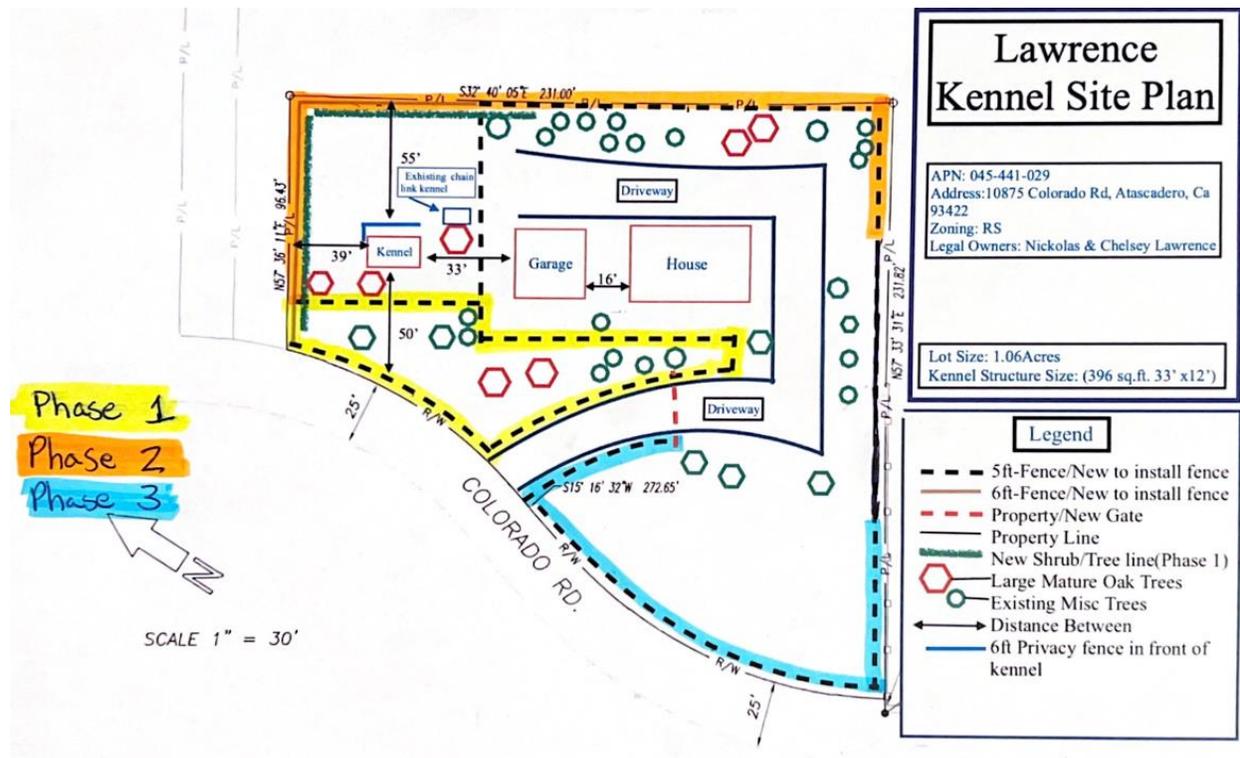
Required setbacks for kennel facilities are subject to standards of Atascadero Municipal Code (AMC) 9-6.109 for agricultural accessory buildings. The kennel facilities have already been constructed and are 33 feet long and 12 feet wide. They are approximately 5 feet tall. The kennels are wrapped in corten 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

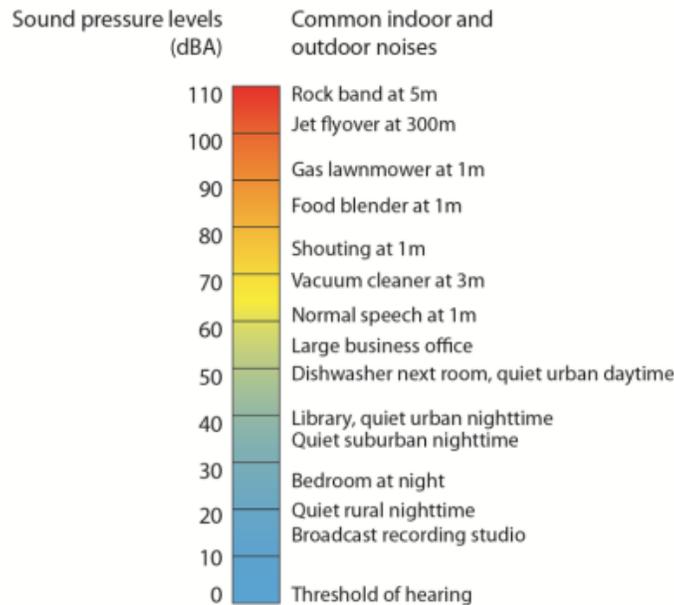
7am and 9pm daily. In addition, animals shall be contained in pens or runs and shall not be allowed to run free on site outside fenced area.

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

EXHIBIT A: Conditions of Approval USE22-0070
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Conditions of Approval	Timing	Responsibility /Monitoring
Conditional Use Permit Dog Breeding / Kennel Facility 10875 Colorado	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
1. This Conditional Use Permit shall be for a dog breeding / kennel facility as described in attached Exhibits, located at 10875 Colorado Road (APN 045-441-029), regardless of owner.	Ongoing	PS
2. The approval of this use permit shall become final and effective the date of the hearing. Issuance of building permits may not occur prior to the appeal period of fourteen (14) days following the Planning Commission approval.	Ongoing	PS
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 Conditional Use Permit.	Ongoing	PS, CE
4. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of this time period, the approval shall expire and become null and void unless the project has received a building permit or a time extension.	BP	PS
5. The owner and 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.	Ongoing	CA
Planning Services		
6. The Conditional Use Permit shall allow a private dog kennel for no more than 10 adult dogs (four months or older, as defined by the Zoning and Subdivision Regulations), which number shall include a combination of personal pets and breeding dogs.	Ongoing	PS
7. There shall only be one litter of puppies (dogs under 4 months) onsite at one time.	Ongoing	PS
8. The property shall be maintained in accordance with the site plan, attached hereto as Exhibit B, except as modified by these stipulations.	Ongoing	PS
9. The house on the property shall be used continuously as the applicant's primary place of residence.	Ongoing	PS
10. The kennel facility shall not be used for public boarding, breeding or training.	Ongoing	PS
11. The kennel shall be continuously operated in compliance with San Luis Obispo County Animal Services laws, regulations, and applicable requirements for kennel operations.	Ongoing	PS

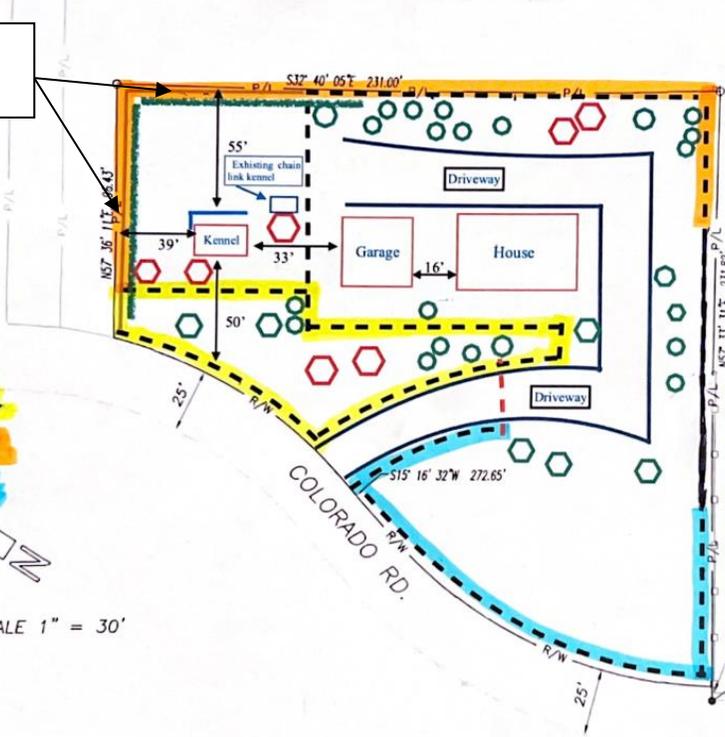
<p>12. The kennel shall be operated in a manner that prevents noise, odors, vermin, infestations, or other objectionable conditions from becoming a nuisance or a health risk to neighboring properties, property owners and their children or their pets.</p> <p>a. No dogs shall be off-leash in areas not fenced or enclosed.</p> <p>b. Dogs shall only be allowed outdoors when one or more of the property owners are present on the subject property. The applicant shall not allow any dog to act in a manner of continued or repeated barking, howling, or other loud or unusual noises anytime day or night.</p> <p>c. The kennel facilities shall be regularly cleaned, sanitized, and operated in a fashion that prevents the attraction of vermin, the growth of infectious bacteria, the communication of disease, or any other such related health problems.</p> <p>d. 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.</p> <p style="padding-left: 40px;">i. The kennel shall be cleaned and the animal waste shall be collected from the subject property at least once per week.</p> <p style="padding-left: 40px;">ii. Depositing the animal waste into the applicant’s trash is an allowed means of waste disposal.</p>	Ongoing	PS
<p>13. The applicant shall obtain a Business License from the City of Atascadero.</p>	BL	PS
<p>14. The applicant shall obtain a building permit for construction of the kennel building.</p>	BP	PS / BS
<p>15. Outside animal enclosures shall not be used for overnight boarding. Dogs shall be allowed outside between the hours of 7am and 9pm every day of the week. All animals shall be contained in pens or runs and not be allowed to run free on a site.</p>	Ongoing	PS
<p>16. Any outside enclosures shall be located a minimum of twenty-five (25) feet from all adjacent property lines and shall be designed to reduce noise per AMC</p>	BP/ Ongoing	PS
<p>17. Fencing around the side and rear property lines (Phase 2 as shown in Exhibit B) shall be 6 feet tall in height. Fencing shall be installed within 6 months of issuance of the kennel business license. The fencing shall be solid and reduce visibility into the site from adjacent properties.</p>	BL	PS
<p>18. Any new residential gate onsite shall comply with the standards of AMC section 9-4.128.</p>	Ongoing	PS
<p>19. The dogs kept onsite for breeding purposes shall not be limited to the two dog breeds, Decker Rat Terriers and Old Dominion Terriers, exceed fifty pounds in weight each.</p>	Ongoing	PS
<p>20. The Use Permit shall be subject to additional review upon receipt of noise or operational complaints. Additional mitigation may be warranted upon verification of recurring noise or operational disturbances that impact residential properties.</p>	Ongoing	PS

**EXHIBIT B: Site Plan
 USE22-0070**

6' fence referred to in Condition #16

Phase 1
 Phase 2
 Phase 3

SCALE 1" = 30'



Lawrence Kennel Site Plan

APN: 045-441-029
 Address: 10875 Colorado Rd, Atascadero, Ca 93422
 Zoning: RS
 Legal Owners: Nickolas & Chelsey Lawrence

Lot Size: 1.06Acres
 Kennel Structure Size: (396 sq.ft. 33' x12')

Legend

- 5ft-Fence/New to install fence
- 6ft-Fence/New to install fence
- Property/New Gate
- Property Line
- New Shrub/Tree line(Phase 1)
- Large Mature Oak Trees
- Existing Misc Trees
- Distance Between
- 6ft Privacy fence in front of kennel

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:

2. 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

**ATTACHMENT 3: Site photos
USE22-0070**

Kennel Facilities



Isolation kennel



Existing fenced area to be removed



View From Colorado Road



**ATTACHMENT 4: Letter of Justification
USE22-0070**

Hello,



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 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.



Atascadero Planning Commission

Staff Report – Community Development Department

Revised Building Envelopes – Bosque Court 9015 and 9020 Bosque Court / AMND22-0065

RECOMMENDATION(S):

Staff Recommends: The Planning Commission adopt Draft Resolution approving Amendment (AMND) USE22-0065, allowing for the expansion of previously approved building envelopes in Tract 3085, amending PC Resolution 2016-0015 and 2016-0016 as conditioned.

Project Info In-Brief:

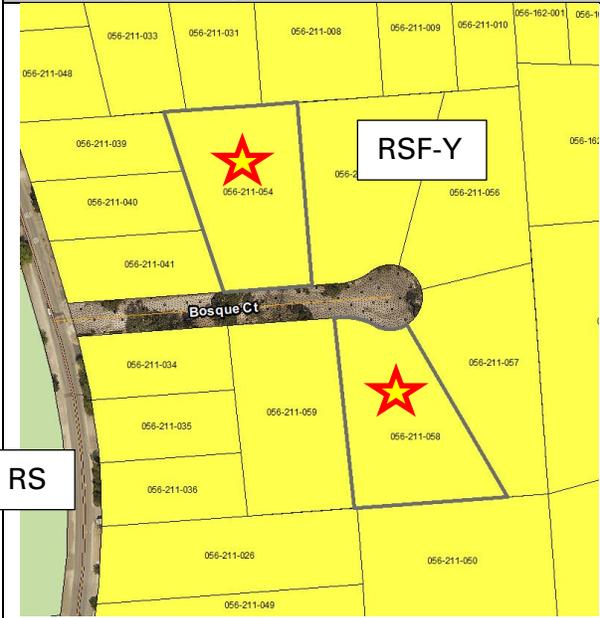
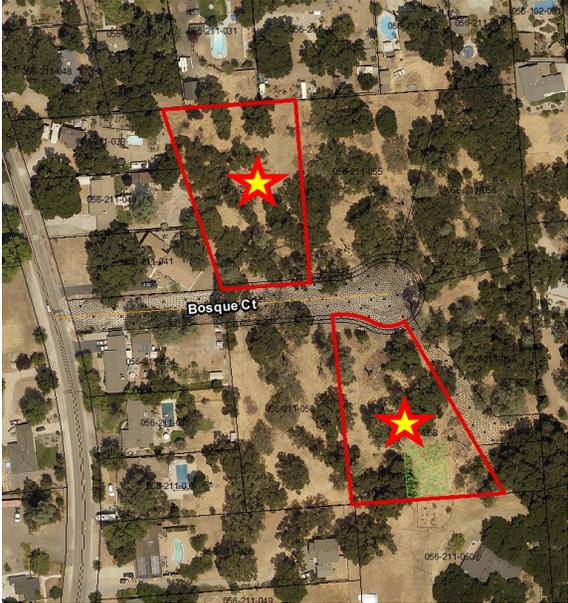
PROJECT ADDRESS:	9015, 9020 Bosque Court	Atascadero, CA	APN	056-211-054 and 056-211-058
PROJECT PLANNER	Mariah Gasch Associate Planner	470-3436	mgasch@atascadero.org	
PROPERTY OWNER	Trevor and Kelli Marks (Lot 1); Leif Erickson (Lot 5)			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
Single-Family Residential (SFR-Y)	Residential Single-Family (RSF-Y)	1 acre (Lot 1) 1.01 acre (Lot 5)	Single family residence / vacant	Building envelope expansion
ENVIRONMENTAL DETERMINATION				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input checked="" type="checkbox"/> Negative / Mitigated Negative Declaration No. 2016-0001 <input type="checkbox"/> Categorical Exemption CEQA <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:

Existing Zoning		Existing Aerial / Surrounding	
			
North:	South:	East:	West:
Residential Single-Family (RSF-Y)	Residential Single-Family (RSF-Y)	Residential Single-Family (RSF-Y)	Residential Suburban (RS)

Discussion:

In 2016, the Planning Commission approved a Tentative Vesting Tract Map 3085 to subdivide two lots at 10075 and 10085 Atascadero Avenue. This approved a total of 6.71 acres to be subdivided into six (6) smaller lots in the Residential Single-Family (RSF-Y) zone, which has a minimum lot size of 1-acre gross area. The lot sizes range in size from 1.0 gross acre to 1.24 gross acres. The Tentative Map expired in 2018 and was reconsidered and approved by the Planning Commission in 2020.

The six (6) lots are accessed from a cul-de-sac that was constructed as part of the subdivision improvements. Building envelopes were included on each lot to determine environmental impacts, most notably to quantify the number of native trees that may be removed during construction. It was anticipated that new residential homes and related accessory structures would be placed in the proposed building envelopes to take advantage of a streamlined environmental review.

As parcels sold to separate individuals requesting to build homes, a few of the property owners found their approved building envelopes to be too restrictive. The sizes and locations of the envelopes would not allow for their proposed plans, which included



accessory structures. Conditions of several sites have also changed within the past few years. With drought conditions over the past few years, various trees onsite have fallen. One tree was also removed in anticipation of building in the future.

A mitigated Negative Declaration (MND) was prepared for the project in 2016. This MND focused primarily on the impacts that future development may have on the native trees in the area. Due to changed circumstances, two of the new owners are requesting to amend their building envelopes to increase usable space on the property. After reviewing the facts and analyzing the circumstances, City staff has determined that a new MND is not required because none of the circumstances described in CEQA Section 15162, as implemented by CEQA Guidelines Section 15164, would occur. Staff has prepared an addendum to discuss these issues and the basis for this determination.

The certified Mitigated Negative Declaration for the Bosque Court development included an arborist analysis originally completed in 2015 for the subdivision. This Arborist Report analyzed potential impacts to native trees based on locations of the proposed building envelopes. At the time of construction permit submittal, each applicant is required to submit their own updated arborist report based on the impact of their proposed project and current conditions on-site.

Native Trees:

Two property owners in the subdivision are requesting to amend their envelopes. Each applicant submitted an updated Arborist Report for their proposed envelopes.

Lot 1

The owner of Lot 1 is requesting to amend their building envelope to include the majority of the site. The purpose of this request is to expand the buildable area on the site. The owners plan to build a small accessory dwelling unit (ADU) on the rear of the property. The intent would be to rent it out long term. Therefore, the owner would like separation between the primary residence and future ADU. The applicant provided an updated Arborist Report for the expanded envelope. The Arborist Report was prepared by Steve Alvarez in July 2022. Alvarez's determination states that the proposed development will impact two native trees. No trees are anticipated for removal.

However, one native tree was removed without permits in anticipation of building a future pool behind the residence. The Municipal Code requires a tree permit and mitigation when native trees are removed prior to applying for a building permit. Therefore, upon recordation of updated building envelopes, the owner will be required to pay mitigation fees for the tree removed or mitigate by replanting native trees onsite.

Lot 5

The owner of Lot 5 is requesting to modify the approved building envelope to allow for a larger building area with less impacts to the trees. The current building envelope is located towards the front of the property. This is a flat area that includes five oak trees that would require removal upon construction. The applicant also provided an updated Arborist Report from Steve Alvarez about the current conditions on the site. The report states that



a large oak (tree #11) was uprooted and fell during a storm last year. Construction within the amended envelope will require the removal of two native oak trees as opposed to the current envelope's five. The two oak trees required for removal in the amended envelope also includes the large tree that has already fallen. Therefore, only one live tree will be required for removal as a result of the amended envelope.

ENVIRONMENTAL DETERMINATION:

MND No. 2016-0001 Addendum

As a lead agency, the City of Atascadero prepared a Mitigated Negative Declaration (MND) for the 6-lot subdivision at 10075 Atascadero Avenue (aka. Bosque Court) in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Section 15000 *et seq.*, as amended). The Planning Commission certified the Mitigated Negative Declaration (MND) for the subdivision at a public hearing on May 17, 2016. As noted in the MND, the analysis in the MND was at a "project" level of detail, which anticipated the potential impacts of future development. Public Resources Code Section 15162 limits the ability of an agency to require an additional MND once one has been certified for a project. The CEQA Guidelines further refine the circumstances under which a supplemental or subsequent MND may be required.

After reviewing the facts and analyzing the circumstances, City staff has determined that a new MND is not required because none of the circumstances described by CEQA Guidelines Section 15162 would occur. Staff has prepared an addendum to discuss these issues and the basis for this determination. It has been concluded that there would be no significant environmental purpose to maintain the building envelopes as previously drawn on these two sites. The addendum is included in the attached Resolution A for review and consideration.

FINDINGS:

To approve the requested modification, the planning Commission must find that the impacts are not increased to a level of significance based on the proposed building envelope expansion and that previous findings associated with the map approval remain valid, as listed below:

Tentative Parcel Map

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan (Government Code §§ 66474(a) and (b)), and
2. The site is physically suitable for the type of development (Government Code § 66474(c)), and
3. The site is physically suitable for the proposed density of development (Government Code § 66474(d)), and



4. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (Government Code § 66474(e)), and
5. The design of the subdivision or the type of improvements will not cause serious health problems. (Government Code § 66474(f)), and
6. The design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision. (Government Code § 66474(g)).

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. Statement of Justification



**ATTACHMENT 1: Draft Resolution
AMND22-0065**

DRAFT PC RESOLUTION

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO, CALIFORNIA,
APPROVING AMND22-0065, TO ALLOW THE EXPANSION OF
PREVIOUSLY APPROVED BUILDING ENVELOPES ON LOTS 1 AND 5
OF TRACT 3085**

**9015 AND 9020 BOSQUE COURT
MARKS AND ERICKSON**

WHEREAS, an application was received from Trevor and Kelli Marks, 9015 Bosque Ct., Atascadero, CA 93422, (owner and applicant) and Leif Erickson, 1379 Knoll Rd., Redlands, CA 92373, (owner and applicant) for an Addendum to Mitigated Negative Declaration (MND) No. 2016-0001 and modification of designated building envelopes; and

WHEREAS, the site has a General Plan Designation of Single-Family Residential (SFR-Y); and

WHEREAS, the property is in the Residential Single-Family (RSF-Y) zoning district; and

WHEREAS, the Planning Commission approved Tentative Vesting Tract Map 3085 on May 17, 2016; and

WHEREAS, Mitigated Negative Declaration 2016-0001 was prepared for the project and certified by the Planning Commission at a public hearing on May 17, 2016; and,

WHEREAS, A&T Arborists (Steve Alvarez) prepared a report analyzing impacts from the proposed development as compared to mitigation measures and timing listed in the amended MND and determined that impacts were equal to or less than impacts identified in the amended MND; and

WHEREAS, to assess potential environmental impacts associated with the proposed detailed envelopes, City staff prepared an addendum to the MND pursuant to CEQA (herein referred to as "Addendum"); and

WHEREAS, the Addendum concluded that the proposed amendments would not result in any new or substantially more severe impacts than disclosed in the original Bosque Court building envelopes, as amended; and

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WHEREAS, Section 21000, *et seq.*, of the Public Recourses Code and Section 15000, *et seq.*, of Title 14 of the California Code of Regulations (herein referred to as the “CEQA Guidelines”), which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the Bosque Court Subdivision and Addendum; and

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject 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 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 October 4, 2022 and considered testimony and reports from staff, the applicants, and the public.

SECTION 3. All findings made for the original subdivision remain valid and proposed amendments are consistent with the previous approval.

SECTION 4. CEQA. The previous approval for the subdivision (TR 3085) included building envelopes as the basis for determining impacts to native trees. As the proposed amendment revised these identified building envelopes, an addendum was prepared to ensure that conditions and impacts were analyzed in relation to the previous determination.

After reviewing the facts and analyzing the circumstances, City staff has determined that a new MND is not required because none of the circumstances described in CEQA Section 21166, as implemented by CEQA Guidelines Section 15162, would occur. Staff has prepared an addendum to discuss these issues and the basis for this determination.

SECTION 5. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on October 4, 2022, resolved to approve Amendment AMND22-0065, subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: MND Addendum
- EXHIBIT C: Updated Building Envelopes for Lots 1 and 5



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 AMND22-0065
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Conditions of Approval AMND22-0065	Timing
Bosque Ct. Building Envelope Amendment	BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy
Planning Services Conditions	
1. All Conditions of Approval set forth by Resolutions PC 2016-0015 and 2016-0016 shall be adhered to unless specifically amended by this resolution. This approval relates to Lots 1 and 5 of Tract 3085, as described in the attached exhibits and located on APN 056-211-054 and -058.	Ongoing
2. The approval of this amendment 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. 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
5. Conditions of Approval set forth in Resolutions PC 2016-0015 and 2016-0016 shall remain true and valid unless otherwise amended by this resolution.	Ongoing
6. Any proposed residential structures and driveways shall be located in the proposed building envelope as identified in Exhibit C. (Revision to COA #9)	Ongoing
7. A deed notification shall be recorded prior to issuing building permits for structures outside the originally approved building envelopes. This deed notification shall include updated building envelopes and clearly define activities allowed outside approved envelopes. (Revision to COAs #10 and #11)	BP / Ongoing
8. Upon recordation of updated building envelopes, the owner of Lot 1 will be required to provide a letter from the arborist indicating the size and type of tree removed. The owner shall pay mitigation fees for the tree removed without permit or mitigate by replanting native trees onsite.	BP

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EXHIBIT B: MND Addendum
AMND22-0065

EXHIBIT B

ADDENDUM TO MITIGATED NEGATIVE DECLARATION 2016-0001 10075 Atascadero Ave Subdivision – Bosque Ct. (Certified by the Planning Commission on May, 15, 2016)

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies to analyze and consider the environmental consequences of decisions to approve development projects that they exercise discretion over. CEQA achieves this objective by requiring agencies to prepare Mitigated Negative Declarations (MND's) for projects with the potential to cause significant impacts on the physical environment. MND's are public documents that analyze environmental effects related to the planning, construction, and operation of a project, and indicate ways to reduce or avoid possible environmental damage. An MND also discloses growth-inducing impacts, effects found not to be significant, significant cumulative impacts, and significant impacts that cannot be avoided, if any. The purpose of an MND is to inform. MND's are not policy documents that recommend project approval or denial.

As a lead agency, the City of Atascadero prepared a Mitigated Negative Declaration (MND) for the 6-lot subdivision at 10075 Atascadero Avenue which has been renamed to Bosque Court, in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Section 15000 *et seq.*, as amended). The Planning Commission certified the Mitigated Negative Declaration (MND) for the subdivision at a public hearing on May 17, 2016. As noted in the MND, the analysis in the MND was at a "project" level of detail, which anticipated the potential impacts of future development. Public Resources Code Section 15162 limits the ability of an agency to require an additional MND, once one has been certified for a project. Section 15162 provides as follows:

15162. Subsequent EIRs and Negative Declarations.

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1). Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2). Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or

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negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3). New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A). The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B). Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C). Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D). Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The CEQA Guidelines further refine the circumstances under which a supplemental or subsequent MND may be required. Guidelines Section 15162 provides as follows:

§15164. Addendum to an EIR or Negative Declaration.

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.



In 2016, the Planning Commission approved Tentative Vesting Tract Map 3085 to subdivide two lots at 10075 and 10085 Atascadero Avenue. This approved a total of 6.71 acres to be subdivided into six (6) smaller lots in the Residential Single-Family (RSF-Y) zone, which has a minimum lot size of 1-acre gross area. The lot sizes range in size from 1.0 gross acre to 1.24 gross acres. The Tentative Map expired in 2018 and was reconsidered by the Planning Commission in 2020.

The six (6) lots are accessed from a cul-de-sac that was constructed as part of the subdivision improvement plans. Building envelopes were included on each lot to quantify the number of native trees that may be removed during construction. It was anticipated that new residential homes would be placed in the proposed building envelopes to take advantage of a streamlined environmental review.

As parcels sold off to separate individuals requesting to build homes, a few of the property owners found their approved building envelopes to be limiting. The sizes and locations of the envelopes would not allow for their proposed plans. Conditions of several sites have also changed within the past few years. With drought conditions over the past few years, various trees onsite have fallen. One tree was also removed in anticipation of building in the future.

A mitigated Negative Declaration (MND) was prepared for the project in 2015. This MND focused primarily on the impacts that future development may have on the native trees in the area. Due to changed circumstances, two of the new owners are requesting to amend their building envelopes to increase usable space on the property. After reviewing the facts and analyzing the circumstances, City staff has determined that a new MND is not required because none of the circumstances described in CEQA Section 15162, as implemented by CEQA Guidelines Section 15164, would occur. Staff has prepared an addendum to discuss these issues and the basis for this determination.

2.0 Native Trees

The certified Mitigated Negative Declaration for the Bosque Court subdivision included an arborist analysis originally completed in 2015 for the subdivision. This arborist report analyzed potential impacts to native trees, based on locations of the proposed building envelopes. At the time of construction permit submittal, each applicant is required to submit their own updated arborist report based on the impact of their proposed project.

Two property owners in the subdivision are requesting to amend their envelopes. Each applicant submitted an updated arborist report for their proposed envelopes.

The updated arborist reports concluded the following:

Lot 1: The proposed development will impact two native trees. No trees are anticipated for removal.

Lot 5: A large oak (tree #11) was uprooted and fell during a storm last year. Construction within the amended envelope will require the removal of two native oak trees as opposed



to the current envelope's five. The two oak trees required for removal in the amended envelope also includes the large tree that has already fallen. Therefore, only one live tree will be required for removal as a result of the amended envelope.

2.1 Application of CEQA Guideline Section 15612

Is there substantial evidence in the record revealing that there have been substantial changes proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects as a result of the Master Plan of Development amendment and revised land use development scenarios?

No. The City has completed a thorough review of the updated arborist reports. Current conditions and building envelope revision, fewer trees will be required for removal than originally anticipated.

Is there substantial evidence in the record revealing that there have been substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects as a result of the expanded building envelopes on Bosque Court?

No, there is no evidence suggesting that there have been substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions to the previous MND due to the involvement of new significant impacts or increases in the severity of previously identified impacts. Changed conditions on the site and mitigation per the City's Native Tree Ordinance make the proposed changes to the previously certified MND insignificant.

Is there substantial evidence in the record revealing that there is new information of substantial importance related to the proposed amendments, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified that shows: (1) the project will have one or more significant effects not discussed in the MND, (2) significant effects previously shown will be substantially more severe than shown in the previous MND, (3) mitigation measure or alternatives previously found to be infeasible would in fact be feasible, or (4) there are considerably different mitigation measure or alternatives from those analyzed in the previous MND that would substantially reduce one or more significant effects?

No, there is no evidence suggesting that there is new information of substantial importance relating to new significant effects or the severity of previously identified significant effects, or new alternatives or mitigation measures or the efficacy of previously considered alternatives or mitigation measures. At the time of the certification of the original MND, native tree impacts and mitigations were identified based on the trees within



proposed envelopes at the time. Native tree conditions have changed over the years. This new analysis reveals that no new significant environmental effects would result from the expansion of building envelopes as proposed. It can be concluded that no new mitigation measures or alternatives need be analyzed.

3.0 BASIS FOR DECISION TO PREPARE AN ADDENDUM

CEQA Guidelines Section 15164 explains when an addendum to an EIR is required:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent MND have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent MND or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final MND or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final MND or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Although the project description has been refined with the submittal of a more precise development plan, an Addendum is appropriate because impacts have been shown to decrease or stay the same from the previously certified MND as amended and because none of the conditions described in Section 15162 calling for preparation of a subsequent MND have occurred. More specifically, the project will not impact more native trees than anticipated in the original MND, as they exist on the site today. Furthermore, there have been no other changes, evidence or new information which would require revisions to the previous EIR. Because none of the criterion in section 15162 has been met, an addendum is appropriate.

Attachments:

Attachment 1: 2022 Updated Arborist Reports



Attachment 1: 2022 Updated Arborist Reports



July 1, 2022

Leif Erickson
Lot #5 El Bosque Court
Atascadero, CA 93422



Re: Tree Protection Plan for development located at Lot #5 El Bosque Court Atascadero, CA 93422.

This Tree Protection Plan is for the location stated above. The development will be impacting 15 native trees 14 live oaks (*Quercus agrifolia*) and 1 valley oak tree (*Quercus lobota*). No other native trees will be impacted and 2 trees are being requested for removal.

This development had a large valley oak (tree # 11) fall over during a storm post subdivision. This event has made building the proposed home on the applicants's modified envelope significantly better than doing so on the original one because it will have less impact on the property trees.

It is the **responsibility of the owner/agency** to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the drip line of the native trees. It is highly recommended that each contractor sign and acknowledge this tree protection plan.

The trees impacted by this project are numbered and identified on both the grading plan and the tree protection spreadsheet.

Tree Rating System

A rating system of 1-10 was used for visually establishing the overall condition of each tree on the spreadsheet. The rating system is defined as follows:

<u>Rating</u>	<u>Condition</u>
0	Deceased
1	Evidence of massive past failures, extreme disease and is in severe decline. Pruning from overhead utility lines.
2	May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.
3	Some past failures, some pests or structural defects that may be mitigated by class IV pruning.

- 4 May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.
- 5 Relatively healthy tree with little visual structural and or pest defects.
- 6 Healthy tree that probably can be left in its natural state.
- 7-9 Have had proper arboricultural pruning and attention or have no apparent structural defects.
- 10 Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

The following mitigation measures/methods must be fully understood and followed by anyone working within the drip line of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

1. Fencing: The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked at the edge of the drip line or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree.

2. Soil Aeration Methods: Soils within the drip line that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

3. Chip Mulch: All areas within the drip line of the trees that cannot be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

4. Trenching Within Drip Line: All trenching within the drip line of native trees shall be **hand dug**, augured or bored (for utilities). All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A **Mandatory** meeting between the arborists and grading contractor(s) must take place prior to work start.

5. Grading Within The Drip Line: Grading should not encroach within the drip line unless authorized. Grading should not disrupt the normal drainage pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.

6. Exposed Roots: Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with burlap or another suitable material and wetted down 2x per day until re-buried.



7. Paving Within The Drip Line: Pervious surfacing is preferred within the drip line of any native tree. If pavers are required, the areas are outlined on the grading plans. Pavers must be interlocking with a minimum of 10% void space backfilled with pea gravel. Fabric shall be permeable. The % slope of the driveway may prohibit the engineering of pavers for this project.

8. Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

9. Existing Surfaces: The existing ground surface within the drip line of all oak trees shall not be cut, filled, compacted or pared, unless shown on the grading plans and approved by the arborist.

10. Construction Materials And Waste: No liquid or solid construction waste shall be dumped on the ground within the drip line of any native tree. The drip line areas are not for storage of materials either.

11. Arborist Monitoring: An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the owner(s) or their designee to inform us prior to these events so we can make arrangements to be present. It is the responsibility of the owner to contract (prior to construction) a locally licensed and insured arborist that will document all monitoring activities.

- Pre-construction fence placement
- any utility or drainage trenching within any drip line
- All grading and trenching near trees requiring monitoring on the spreadsheet
- All driveway construction activities
- Tree removal operations

12. Pre-Construction Meeting: An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the earth moving team shall be required for this project. Prior to final occupancy, a letter from the arborist(s) may be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the drip line of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

13. Pruning: Class I pruning includes deadwood removal along with selective thinning to lesson wind resistance. Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any

native tree. Any trees that may need pruning for road/home clearance shall be pruned **prior** to any grading activities to avoid any branch tearing.

14. Landscape: All landscape under the drip-line shall be drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around drip lines; otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation.

15. Utility Placement: All utilities shall be placed down the road/driveway and when possible outside of the drip lines. The arborist shall supervise trenching within the drip line. **All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over the roots.**

The included spreadsheet includes trees listed by number, species and multiple stems if applicable, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of drip line impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning and individual tree notes.

If all the above mitigation measures are followed, we feel there will be no additional long-term significant impacts to the remaining native trees.

Please let us know if we can be of any future assistance to you for this project.

Steven G. Alvarez



Certified Arborist #WC 0511



LEIF ERICKSON
 LOT #5 EL BOSQUE COURT

LO

1	2	3	4	5	6	7	8	9	10	11
TREE #	TREE SPECIES	TRUNK DBH	TREE CONDITION	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	FIELD NOTES
1	LO	34	5	G,C	5%	G,C	F	NONE	NONE	NONE
2	LO	16	5	G,C	5%	G,C	F	NONE	NONE	NONE
3	LO	10	5	G,C	20%	G,C	F	Y	NONE	NONE
4	LO	36	5	G,C	5%	G,C	F	NONE	NONE	NONE
5	LO	6	5	G,C	20%	G,C	F	Y	NONE	NONE
6	LO	5	5	G,C	20%	G,C	F	Y	NONE	NONE
7	LO	2X52	5	G,C	40%	G,C	F	Y	1	NONE
8	LO	10	5	G,C	0%	R	NONE	NONE	REM	NONE
9	LO	36	5	G,C	20%	G,C	F	Y	4	NONE
10	LO	6	5	G,C	30%	G,C	F	Y	4	NONE
11	VO	28	0	G,C	0%	R	NONE	NONE	NONE	NONE
12	LO	24	5	G,C	15%	G,C	F	NONE	NONE	NONE
13	LO	28	5	G,C	5%	G,C	F	NONE	NONE	NONE
14	LO	7	5	G,C	5%	G,C	F	NONE	NONE	NONE
15	LO	8	5	G,C	10%	G,C	F	NONE	NONE	NONE
16										
17										
18										
19										
20										

8 TREE # MOSTLY CLOCKWISE FROM DUE NORTH
 9 TREE TYPE: COMMON NAME IE W.O. = WHITE OAK
 20 TRUNK DIAMETER @ 4FT
 4 = TREE CONDITION: 1 = POOR, 5 = EXCELLENT
 5 = CONSTRUCTION STATUS: REMOVE, SAVED
 6 = CRZ: PERCENT OF IMPACTED CRITICAL ROOT ZONE

7 = CONSTRUCTION IMPACT TYPE: GRADING, COMPACTON, TRENCHING
 8 = MITIGATION REQUIREMENTS: FENCING, MONITORING, ROOTPRUNING,
 9 = ARBORIST MONITORING: REQUIRED, YES/NO
 10 = FENCING PRESENCE: CLASS 1-4
 11 = FIELD NOTES





July 1, 2022

Lot 1 El Bosque Court
Atascadero, CA 93422



Re; Tree Protection Plan for development located at Lot 1 El Bosque Court, Atascadero, CA 93422

This Tree Protection Plan is for the location stated above. The development will be impacting 2 native oak trees (*Quercus agrifolia*). No other oak trees will be impacted and no oak trees are being requested for removal. The owner is requesting the building envelope be expanded for a shop and ADU. If the owner follows the tree protection plan the impact will be little to no impact of the native trees.

It is the **responsibility of the owner/agency** to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the drip line of the native trees. It is highly recommended that each contractor sign and acknowledge this tree protection plan.

The trees impacted by this project are numbered and identified on both the grading plan and the tree protection spreadsheet.

Tree Rating System

A rating system of 1-10 was used for visually establishing the overall condition of each tree on the spreadsheet. The rating system is defined as follows:

<u>Rating</u>	<u>Condition</u>
0	Deceased
1	Evidence of massive past failures, extreme disease and is in severe decline. Pruning from overhead utility lines.
2	May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.
3	Some past failures, some pests or structural defects that may be mitigated by class IV pruning.
4	May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.



- 5 Relatively healthy tree with little visual structural and or pest defects.
- 6 Healthy tree that probably can be left in its natural state.
- 7-9 Have had proper arboricultural pruning and attention or have no apparent structural defects.
- 10 Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

The following mitigation measures/methods must be fully understood and followed by anyone working within the drip line of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

1. Fencing: The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked at the edge of the drip line or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree.

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8. Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

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11. Arborist Monitoring: An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the owner(s) or their designee to inform us prior to these events so we can make arrangements to be present. It is the responsibility of the owner to contract (prior to construction) a locally licensed and insured arborist that will document all monitoring activities.

- Pre-construction fence placement
- any utility or drainage trenching within any drip line
- All grading and trenching near trees requiring monitoring on the spreadsheet
- All driveway construction activities
- Tree removal operations

12. Pre-Construction Meeting: An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the earth moving team shall be required for this project. Prior to final occupancy, a letter from the arborist(s) may be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the drip line of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

13. Pruning: Class I pruning includes deadwood removal along with selective thinning to lesson wind resistance. Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned **prior** to any grading activities to avoid any branch tearing.



14. Landscape: All landscape under the drip-line shall be drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around drip lines; otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation.

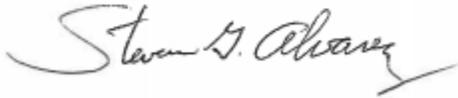
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The included spreadsheet includes trees listed by number, species and multiple stems if applicable, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of drip line impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning and individual tree notes.

If all the above mitigation measures are followed, we feel there will be no additional long-term significant impacts to the remaining native trees.

Please let us know if we can be of any future assistance to you for this project.

Steven G. Alvarez



Certified Arborist #WC 0511



LOT 1 BOSQUE COURT
 ATASCADERO, CA 93422

LO

1	2	3	4	5	6	7	8	9	10	11
TREE #	TREE SPECIES	TRUNK DBH	TREE CONDITION	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	FIELD NOTES
1	LO	40"	6	1	5%	GC	F	NO	NONE	NONE
2	LO	3X35"	6	1	20%	GC	F	NO	NONE	NONE
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										

18 TREE # MOSTLY CLOCKWISE FROM OUR NORTH
 19 TREE TYPE COMMON NAME IE W.O. = WHITE OAK
 20 TRUNK DIAMETER @ 4FT

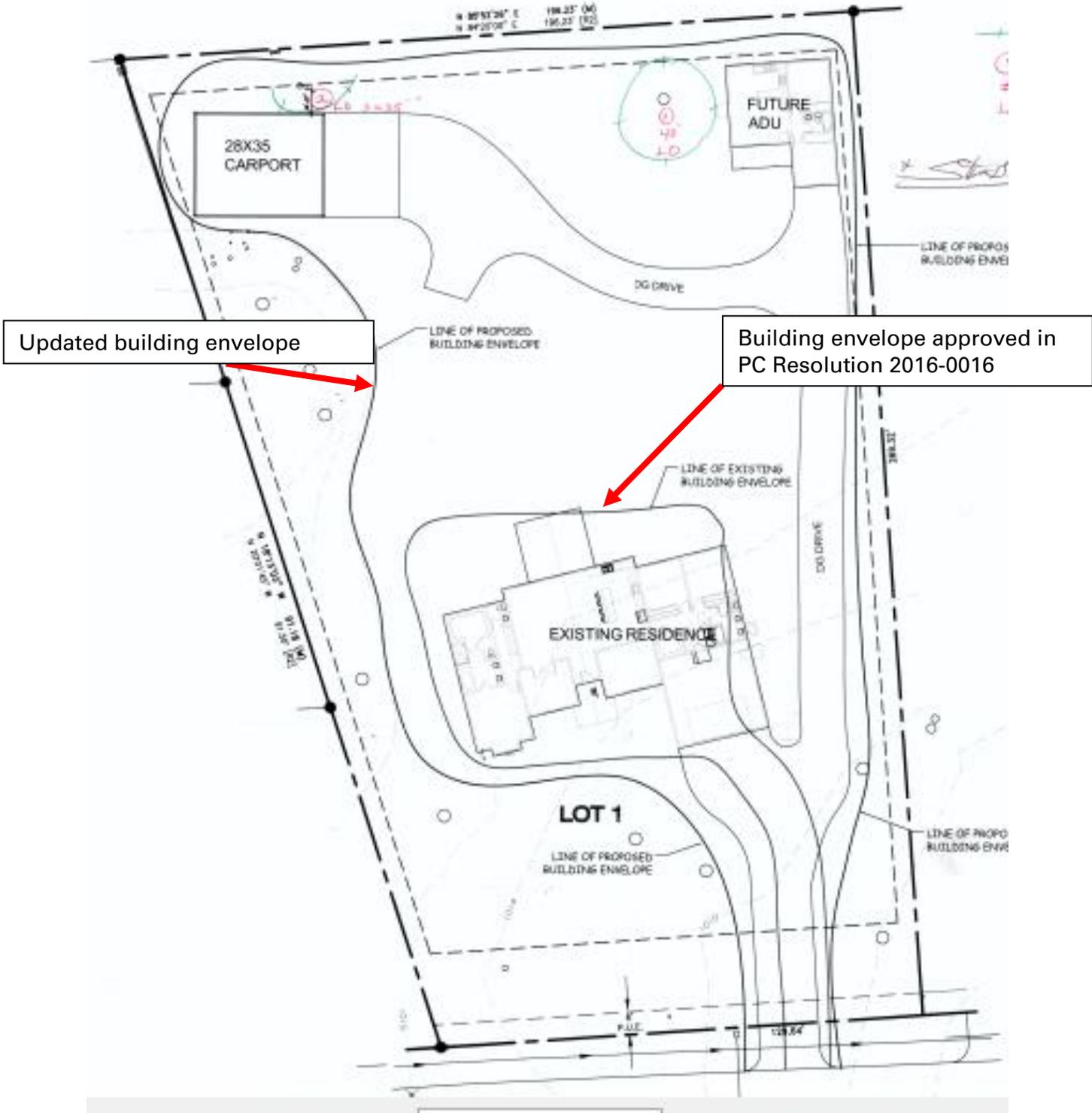
7 = CONSTRUCTION IMPACT TYPE: GRADING, COMPACTON, TREESING
 8 = MITIGATION REQUIREMENTS: FENCING, MONITORING, ROOT PRUNING,
 9 = ARBORIST MONITORING REQUIRED: YES/NO
 10 = PERFORMED PRUNING - CLASS 1-4
 11 = FIELD NOTES

4 = TREE CONDITION: 1 = POOR, 10 = EXCELLENT
 5 = CONSTRUCTION STATUS: REMOVE, SAVED
 6 = CRZ PERCENT OF IMPACTED CRITICAL ROOT ZONE



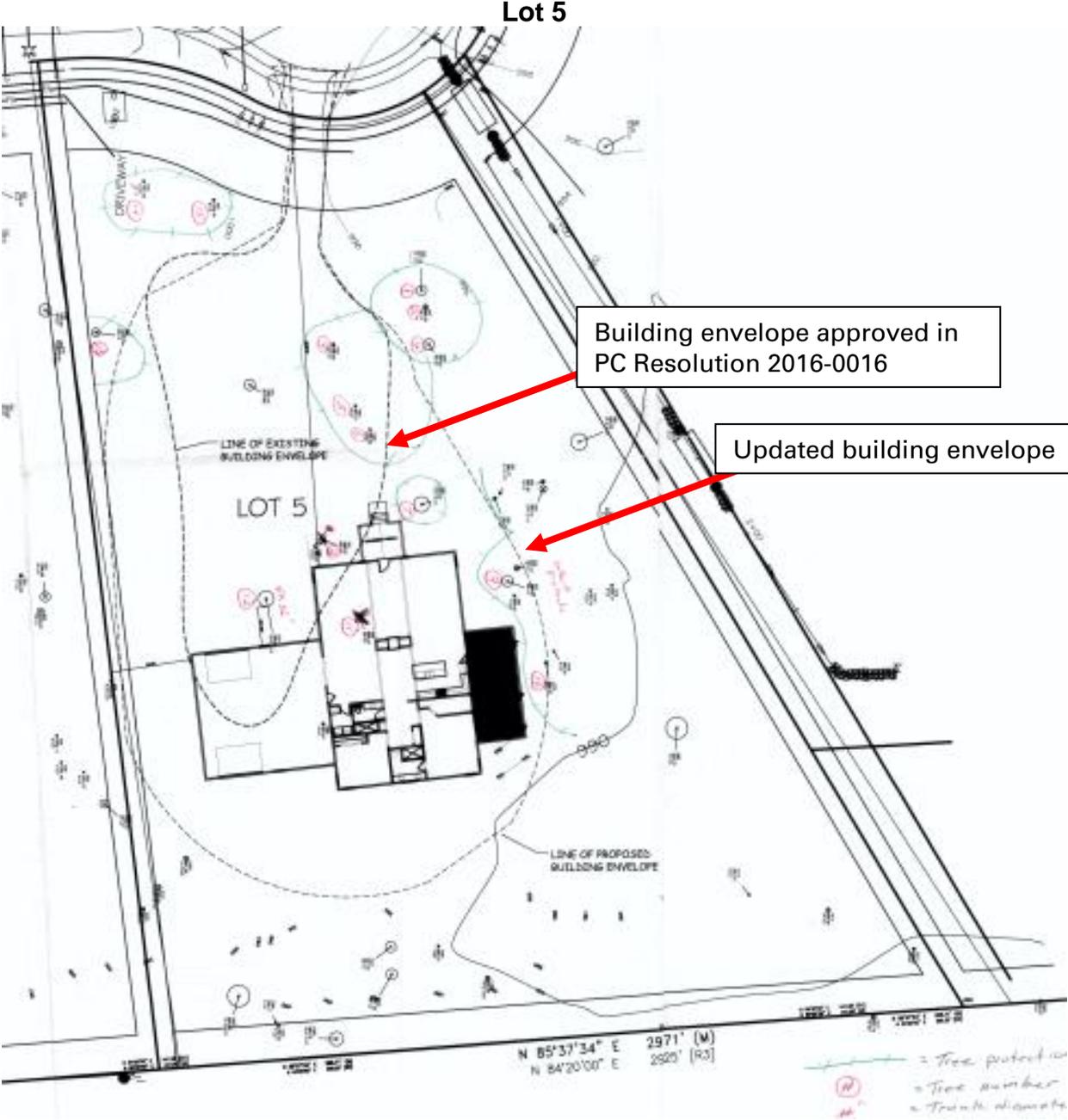
**EXHIBIT C: Updated Building Envelopes for Lots 1 and 5
AMND22-0065**

Lot 1



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



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COMMUNITY DEVELOPMENT DEPARTMENT AT
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6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

**Attachment 2: Statement of Justification
AMND22-0065**

DESCRIPTION AND SCOPE OF REQUEST

LOT 1 -Bosque Court

BY: Trevor and Kelli Marks, owners



We are Trevor and Kelli Marks and a year ago, along with our two children (8 and 10) we moved into the dream home we had built for our family on Bosque Court. We take a great pride in what we have been able to do with the property and wish to continue making the best use of the land while being mindful of our immediate environment. We are a tidy family and believe in maintaining our property tidy as well.

Our family is also very active. Our kids are involved in individual sports plus we water ski, snow board, go camping and fish as a family.

Background: As part of taking good care of our property we believe in taking good care of what we own and that includes our family boat and being able to properly store all the sporting equipment we have. It is for this reason that we want to build a shop/storage building where we can store our boat and equipment and have it all neatly protected from the environment.

We are also interested in being able to, sometime in the future, build a small ADU home (749 square feet).

When a few months back, we approached the city with a permit request for the shop, it was then that we learned, for the first time, of the building envelope limitations our lot has. We are not blaming anyone at this point, as the title report would have shown this restriction, but it was one of those things that we never realized. It was a sad realization. With one acre of land, mostly unused, we were confident we would be able to meet both desires and hope the city does allow us the opportunity to do so, at this point, by allowing a modification of our approved building envelope.

Our Request: As you will be able to read in the enclosed Arborist Report by Mr. Steve Alvarez, expanding the building envelope on our property to allow for the building of a shop/storage structure and a future planned ADU, will not affect any of the protected trees on our property. Attached you will find our site plan which contains:

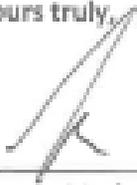
- An approximation of the original building envelope and the location of our home.
- The specific home location we are wishing to build a shop at.
- The specific location we wish to build an ADU (within 5 years)
- The modified envelope I am seeking your approval for in order to accommodate the proposed structures.



We should also add, the terrain on our property is mostly flat and the planned locations for each project (far from the street) makes them quite private –rather than a crowded set of buildings by the front of the property. As a matter of fact, it would be difficult to see either one from the road. Our property is also all fenced (6" vertical cedar boards)

We remain very hopeful your office will be able to agree to our request. If there is anything, in addition, you would like us to provide please do not hesitate to ask.

Yours truly,



Trevor Marks



Kelli Marks



July 6, 2022

Ms. Mariah Gash
Associate Planner
CITY OF ATASCADERO
Community Development Department
City Hall
6500 Palma
Atascadero, CA 93422



Cc: Ms. Kelly Gleason, Senior Planner, City of Atascadero

RE: Bosque Court Request for Construction Envelope Modifications

Dear Mariah:

This letter is a follow-up to your February 8th email to me on the subject of "Building Envelope Discussion for 9015 Bosque Court" (attached) in which you expressed that, after reviewing my request to modify our property's current building envelope and speaking with your director, it was determined that I could apply for amendment to the environmental document governing the Bosque development.

Please note this application is being done jointly with Leif Erickson (co-signor below), owner of Lot 5 as we are both submitting this application and sharing on the costs. Attached you will find:

City of Atascadero Planning Application Lot 1 (Kelli and Trevor Marks)
Description and Scope of Request for Lot 1 (9015 Bosque)
Arborist Report for Lot 1
Site Plan and Tree Protection Plan for Lot 1

City of Atascadero Planning Application Lot 5 (Leif Erickson)
Description and Scope of Request for Lot 5 (City has not yet assigned address)
Arborist Report for Lot 5
Site Plan and Tree Protection Plan for Lot 5

Sincerely yours,


Trevor Marks
Lot 1


Mr. Leif Erickson
Co-applicant/ Lot 5

