



# **CITY OF ATASCADERO PLANNING COMMISSION AGENDA**

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**REGULAR MEETING  
Tuesday, June 19, 2018  
6:00 P.M.**

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

## **CALL TO ORDER**

Pledge of Allegiance

Roll Call: Chairperson Jerel Seay  
Vice Chairperson Tom Zirk  
Commissioner Duane Anderson  
Commissioner Ryan Betz  
Commissioner Mark Dariz  
Commissioner Josh Donovan  
Commissioner Jan Wolff

## **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. APPROVAL OF DRAFT MINUTES OF JUNE 5, 2018**

## **PLANNING COMMISSION BUSINESS**



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**COMMUNITY DEVELOPMENT STAFF REPORTS**

None

**PUBLIC HEARINGS****DISCLOSURE OF EX PARTE COMMUNICATIONS:**

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

(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).)

**2. CONDITIONAL USE PERMIT AND TENTATIVE TRACT MAP AMENDMENT FOR 9105 PRINCIPAL AVE.**

<b>Property Owner:</b>	ECR Principal, LLC
<b>Applicant:</b>	ARH Quiky Investments LLC
<b>Project Title:</b>	PLN 2014-1519 Amendment (AMND 18-0053)
<b>Project Location:</b>	9105, 9107, 9109 Principal & 9300 Pino Solo APN 030-491-001; 013; 019; 020 (San Luis Obispo County)
<b>Project Description:</b>	Conditional Use Permit and Tentative Tract Amendment to modify the Conditions of Approval, which require undergrounding of all utilities along project frontages and on the project site. Some utilities are proposed to remain above ground as shown in applicant's proposed utility plan exhibit.
<b>City Staff:</b>	Callie Taylor, Sr. Planner, ctaylor@atascadero.org, Phone: (805) 470-3448.
<b>Proposed Environmental Determination:</b>	The proposal is consistent with the Mitigated Negative Declaration certified for the Principal Mixed-Use Development in 2014.
<b>Recommendation:</b>	Planning Commission adopt PC Resolution 2018-A, approving the Amendment.

**3. CONDITIONAL USE PERMIT FOR 9002 W. FRONT ROAD**

<b>Property Owner:</b>	Brett Marchi
<b>Project Title:</b>	PLN 2017-1656 – Conditional Use Permit
<b>Project Location:</b>	9002 W. Front Road, Atascadero, CA APN 056-131-022 (San Luis Obispo County)
<b>Project</b>	The proposed project is a Conditional Use Permit for a new 2,800 square-foot drive through coffee shop and associated site improvements. The proposed



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<b>Description:</b>	development will complete the West Front Village development.
<b>City Staff:</b>	Kelly Gleason, Sr. Planner, kgleason@atascadero.org, Phone: (805) 470-3446.
<b>Proposed Environmental Determination:</b>	The project may require amending the previously certified Mitigated Negative Declaration for the West Front Village development based on potential traffic impacts.
<b>Recommendation:</b>	Planning Commission adopt PC Resolution 2018-A, approving Conditional Use Permit.

## **COMMISSIONER COMMENTS AND REPORTS**

### **DIRECTOR'S REPORT**

#### **ADJOURNMENT**

*The next regular meeting on July 3, 2018, is cancelled. The next regular meeting will be on July 17, 2018, at 6:00 p.m. at City Hall Council Chambers, 6500 Palma Avenue, Atascadero.*

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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## **CITY OF ATASCADERO PLANNING COMMISSION**

# **DRAFT MINUTES**

**Regular Meeting – Tuesday, June 5, 2018 – 6:00 P.M.  
City Hall Council Chambers  
6500 Palma Avenue, Atascadero, California**

### **CALL TO ORDER - 6:02 p.m.**

Chairperson Seay called the meeting to order at 6:02 p.m. and Commissioner Wolff led the Pledge of Allegiance.

### **ROLL CALL**

Present: Commissioners Anderson, Betz, Dariz, Wolff, Vice Chairperson Zirk and Chairperson Seay

Absent: Commissioner Donovan (excused absence)

Others Present: Recording Secretary, Annette Manier

Staff Present: Community Development Director, Phil Dunsmore  
Associate Planner, Katie Banister

### **APPROVAL OF AGENDA**

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

***Motion passed 6:0 by a roll-call vote.***

### **PUBLIC COMMENT**

None

***Chairperson Seay closed the Public Comment period.***

### **CONSENT CALENDAR**

#### **1. APPROVAL OF DRAFT MINUTES OF MAY 15, 2018**

Commissioner Betz noted that he had not been at the May 15, 2018, meeting and would be abstaining from voting.

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

***Motion passed 5:0 by a roll-call vote. (Betz abstained)***

## **PLANNING COMMISSION BUSINESS**

None

## **COMMUNITY DEVELOPMENT STAFF REPORTS**

### **2. ANNUAL GENERAL PLAN UPDATE REPORT (CPP18-0061)**

Community Development Director Dunsmore presented the staff report and answered questions from the Commission.

The Commission received and filed this report.

## **PUBLIC HEARINGS**

### **DISCLOSURE OF EX PARTE COMMUNICATIONS:**

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### **3. CONDITIONAL USE PERMIT FOR 8030 EL CAMINO REAL**

<b>Property Owner:</b>	George Kartsioukas
<b>Project Title:</b>	PLN 2018-1699 – Conditional Use Permit
<b>Project Location:</b>	8030 El Camino Real, Atascadero, CA APN 056-031-043 (San Luis Obispo County)
<b>Project Description:</b>	Conditional Use Permit to allow a mixed-use development including 2 residential units on the second floor of an existing building in the Commercial Retail zoning district.
<b>City Staff:</b>	Katie Banister, Associate Planner, kbanister@atascadero.org, Phone: (805) 470-3480.
<b>Proposed Environmental</b>	The project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 1 Exemption for alteration of existing facilities (Section

<b>Determination:</b>	15301 of the CEQA Guidelines).
<b>Recommendation:</b>	Planning Commission adopt PC Resolution 2018-A, approving Conditional Use Permit.

## **EX PARTE COMMUNICATIONS**

None

Associate Planner Banister presented the staff report and answered questions from the Commission.

## **PUBLIC COMMENT**

The following members of the public spoke during public comment: George Kartsioukas. Mr. Kartsioukas explained his reasons for not wanting to put up solid fencing and covered parking spaces, and asked if he could get any relief from the \$11,000-\$12,000 in development impact fees.

***Chairperson Seay closed the Public Comment period.***

Associate Planner Banister, Director Dunsmore and George Kartsioukas answered additional questions from the Commission. It was noted that Condition 11 states that the applicant can put in a solid wall fence or a metal picket fence, so that condition stands as is. Condition 12 will remain as is because it is implied that shrubs or trees will grow tall enough to screen the building.

**MOTION:** By Vice Chairperson Zirk and seconded by Commissioner Dariz recommending the Planning Commission adopt PC Resolution 2018-A, approving PLN 2018-1699, a Conditional Use Permit (CUP 2018-0326) to allow a residential conversion of space to add an additional studio apartment within an existing second-story apartment, based on findings and subject to Conditions of Approval, with revisions as follows: Condition 8 shall be changed to allow 13 uncovered onsite parking spaces instead of 14 and adding a bike rack; Condition 9 (requiring a covered parking space) will be eliminated.

***Motion passed 6:0 by a roll-call vote.***

## **4. ROAD ABANDONMENT FOR 5147, 5205 TRAFFIC WAY & 6155 VIA AVE.**

<b>Property Owner/Applicant:</b>	Eugene Barre and Calvin Cherry
<b>Project Title:</b>	PLN 2018-1691 – Road Abandonment

<b>Project Location:</b>	5147 Traffic Way, Atascadero, CA 93422 (APN 028-191-015) 5205 Traffic Way, Atascadero, CA 93422 (APN 028-191-008) 6155 Via Avenue, Atascadero, CA 93422 (APN 028-201-001) (San Luis Obispo County)
<b>Project Description:</b>	Road Abandonment (RAB) of a portion of Mercedes Ave. located between the Union Pacific Railroad and 5147 Traffic Way, and a portion of Del Rio Ave. adjacent to 5147 Traffic Way & 5205 Traffic Way and 6155 Via Ave. extending from Traffic Way and terminating at the Union Pacific Railroad. The abandonment consists of remnants of rights-of-way that have never been used or improved as roadways.
<b>City Staff:</b>	Mike Bertaccini, Associate Engineer, mbertaccini@atascadero.org, Phone: (805) 470-3462
<b>Proposed Environmental Determination:</b>	The project qualifies for a Class 32 CEQA exemption.
<b>Recommendation:</b>	Planning Commission adopt PC Resolution 2018-A, approving the RAB.

### **EX PARTE COMMUNICATIONS**

Commissioner Dariz stated that the applicant, Gene Barre is his neighbor, however, they have not discussed this project.

Community Development Director Dunsmore presented the staff report and noted that on Page 38, Alternative 1 should be deleted.

### **PUBLIC COMMENT**

The following members of the public spoke during public comment: Skip Touchon, Twin Cities Surveying.

***Chairperson Seay closed the Public Comment period.***

**MOTION:** By Commissioner Betz and seconded by Commissioner Wolff recommending the City Council summarily vacate an unconstructed portion of rights-of-way based on findings consistent with the State of California Streets and Highways Code and the City's General Plan.

***Motion passed 6:0 by a roll-call vote.***

### **COMMISSIONER COMMENTS AND REPORTS**

Chairperson Seay announced that he will be absent from the meeting on June 19, 2018. Commissioner Dariz announced that he will be absent on July 3, 2018.



### **DIRECTOR'S REPORT**

Director Dunsmore gave a report on the upcoming agenda items for June 19, 2018, and also gave a report on projects in the City. Director Dunsmore entertained the idea of cancelling the July 3<sup>rd</sup> meeting, since he will also be absent for that meeting.

**MOTION: By Vice Chairperson Zirk and seconded by Commissioner Betz recommending the July 3, 2018, meeting be cancelled.**

***Motion passed 6:0 by a roll-call vote.***

### **ADJOURNMENT – 7:25 p.m.**

The next Regular meeting of the Planning Commission is scheduled for **June 19, 2018**, at **6:00 p.m.** at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero.

### **MINUTES PREPARED BY:**

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Annette Manier, Recording Secretary  
Administrative Assistant



## ***Atascadero Planning Commission***

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

**Principal Planned Development - Utility Condition Amendment  
9105 Principal Ave.  
PLN 2014-1519 / CUP 2003-0117 / TTM 2014-0107  
(AMND 18-0053)**

### **RECOMMENDATIONS:**

*Staff recommends Planning Commission adopt:*

PC Resolution 2018-A, approving amendments to Conditional Use Permit 2003-0117 and Tentative Tract Map 2014-0107 to modify the requirements for undergrounding of utilities, based on findings and subject to Conditions of Approval and Mitigation Monitoring.

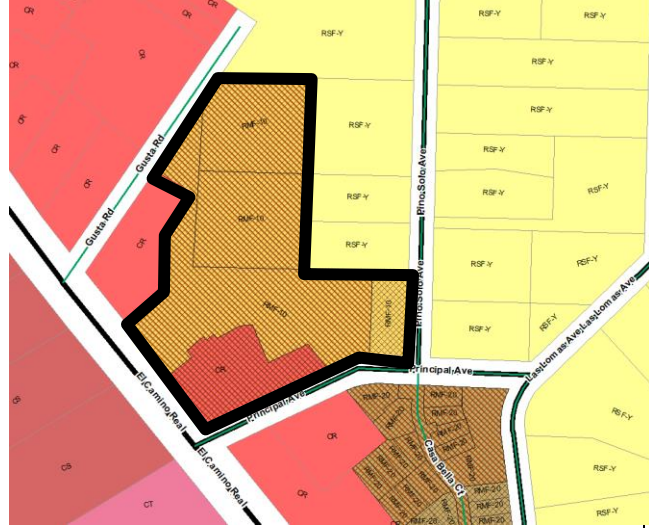

#### **Summary:**

Modifications to the Conditions of Approval for the Principal Mixed-use Planned Development are proposed. The applicant is requesting relief from the current requirement to underground all utilities on-site and along the project frontages. An updated utility exhibit is included to show location of proposed overhead lines.

Project Info In-Brief: ROJECT ADDRESS:	9105, 9107, 9109 Principal Ave, 9300 Pino Solo	Atascadero, CA	APN	030-491-001; 013; 019; 020
PROJECT PLANNER	Callie Taylor, Senior Planner	(805)470-3448	ctaylor@atascadero.org	
APPLICANT	ARH Quiky Investments, LLC			
PROPERTY OWNER	ECR Principal, LLC and Principal Partners, LLC			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
Medium Density Residential (MDR), General Commercial (GC	Residential Multi-Family (RMF-10), Commercial Retail (CR), PD-24 (Planned Development #24)	5.25 acres	Vacant	Mixed-use Planned Development (37 units & carwash)
ENVIRONMENTAL DETERMINATION				
☒ Negative / Mitigated Negative Declaration No. 2015-0001				

## DISCUSSION:

### Existing Surrounding Uses / Parcel Configurations:

Existing Zoning		Existing Aerial / Surrounding	
			
North:	South:	East:	West:
Residential Single-Family (RSF-Y) / Commercial Retail (CR) / Gusta Rd	Residential Multi-Family (RMF-20) / Commercial Retail / Principal Avenue	Residential Single-Family (RSF-Y)	Commercial Retail (CR) / El Camino Real

### ***Project History***

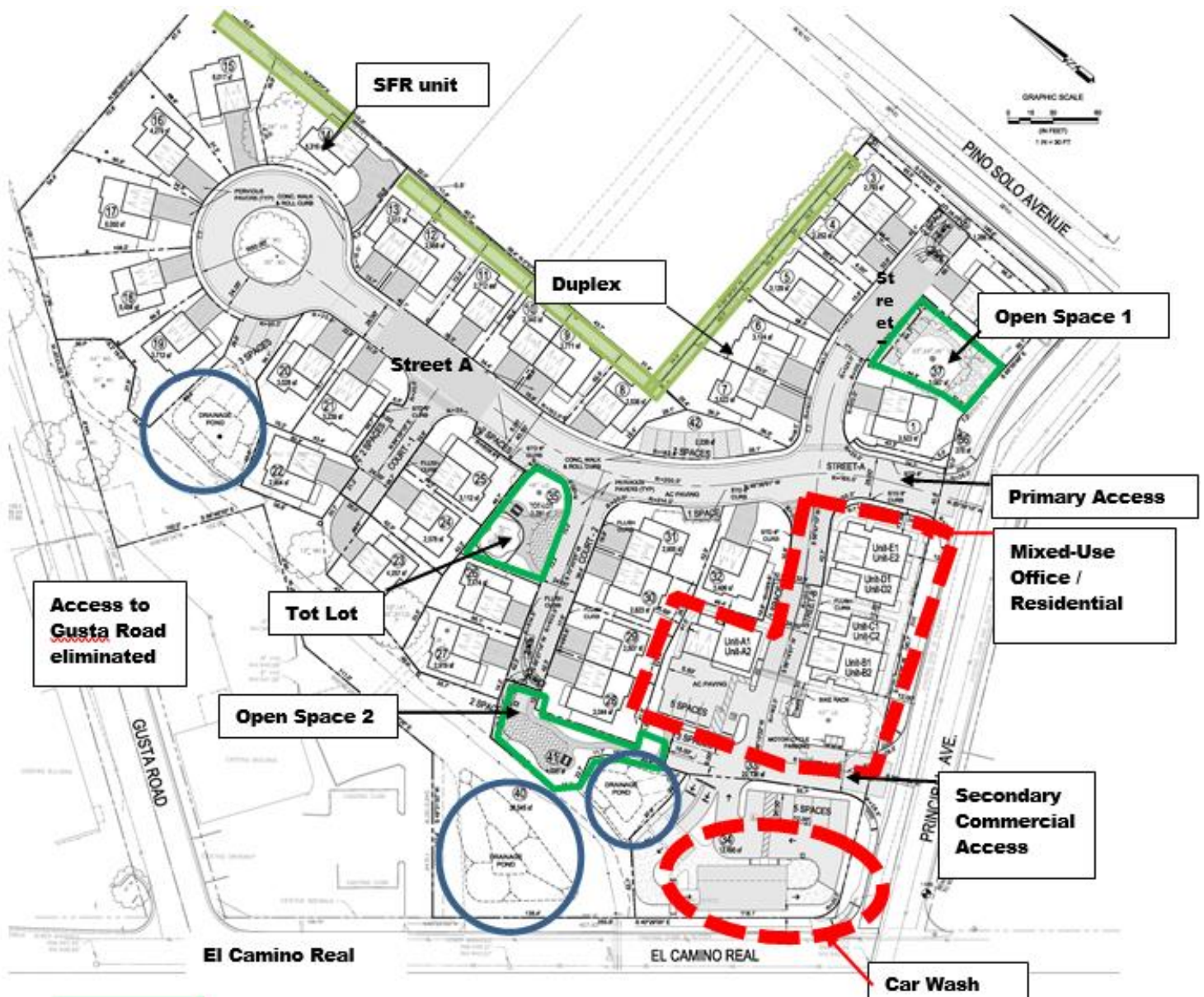
The “Principal Mixed-Use” project (GPA 2003-2008/ TTM 2003-0044/ ZCH 2003-0070/ CUP 2003-0117) was originally reviewed and approved by the City Council in October 2004, with a site specific Planned Development Overlay Zone (PD-24). The 5-acre site was originally zoned as Commercial Retail prior to 2003, but a General Plan Amendment was approved by the City Council to allow a Planned Development with multi-family residential and some commercial use of the corner site. A project amendment was approved by the City Council May 26, 2015, to modify the site plan, housing unit count and type, and to reduce the commercial portion of the project. The project approval currently includes the following components:

#### Summary – Current Approved Project (approved 2015):

9105 Principal Avenue and 9300 Pino Solo Avenue

- 20 single-family residences
- 12 duplex units
- 5 residential mixed-use units (live-work units)
- 37 Residential Units total**
- 3,215 sq. ft. first floor commercial (live-work units)
- Carwash (1,945 sq. ft.) on a 12,495 sq. ft. lot

**Current Approved Site Plan (Approved by City Council May 2015)**



An amendment to the subject Planned Development was previously reviewed by Planning Commission on December 5, 2017. The amendment included a zone text change, new CUP, and Tentative Tract Map to increase the density and modify the lot layout of the residential portion of the project. The project applicant is currently considering additional changes to the project design and has decided not to move forward to City Council at this time. This major project amendment and zone change is currently on hold until the project applicant decides how they would like to proceed.

### ***Project Description***

The current proposed amendment consists of changes only to the Conditions of Approval related to undergrounding of utilities. The site design and architecture of the commercial carwash and the residential project are not proposed to be modified with this amendment, and remain as approved by City Council in 2015.

Quiky Carwash, which is part of the Principal mixed-use master plan of development and PD 24 overlay, has recently been issued building permits for development of the commercial site at the corner of El Camino Real and Principal Avenue. The carwash applicant is currently proposing an amendment to the Conditional Use Permit (CUP) and Tentative Tract Map (TTM) Conditions of Approval to provide relief from the requirements for undergrounding utilities along the project frontages and within the project site.

There are several Conditions of Approval in the approved CUP and TTM resolutions which currently require undergrounding of utilities. The conditions state that all new utility services for power, telecommunications, and cable TV shall be placed underground, and all existing overhead utilities shall be placed underground where located along the subject property frontage of El Camino Real, Principal, and Pino Solo. These conditions are proposed to be modified with this amendment to allow some utility lines to remain overhead. A new utility exhibit has been provided by the applicant to describe which poles are proposed to remain or be relocated above ground.

The existing poles along the frontages support fiber optic cable lines, which cannot be split and would need to be placed underground to the next existing connection far beyond the project's frontage. The applicant estimates that it would cost more than \$300,000 to underground the PG&E, AT&T, and Charter utility lines at these locations. Additionally, an ephemeral drainage swale borders the project site, and would require permits from Fish and Wildlife and Regional Water Quality Control Board in order to underground the utility line at this location. In order to avoid these additional permits and costs, the applicant is requesting the lines remain above ground at these locations.

As recommended by DRC in preliminary review, conduit is proposed to be installed along El Camino Real in order to facilitate future undergrounding of utilities. If the City were to move forward with undergrounding of all of El Camino Real, the lines could be installed within the underground conduit without having to demolish the frontage improvements along this parcel frontage.

Per the new utility exhibit, the following utilities would remain above ground:

- Existing poles on the El Camino Real frontage, and poles and guy wires at the corner of Principal and El Camino Real, would remain.
- An existing overhead line and power pole near project Lot 22 at the center of the project site is proposed to be relocated but remain above ground.



**Overhead Utility Line Exhibit  
Exceptions to Undergrounding Requested by Applicant**

Utility lines to remain overhead

**OVERHEAD UTILITY NOTES**

- 1 Existing overhead utility lines to remain.
- 2 Existing utility pole to remain.
- 3 Existing utility pole and guy anchor to remain.
- 4 Demo/remove existing overhead utility lines.
- 5 Demo/remove existing utility pole.
- 6 New overhead power lines.
- 7 New power pole.
- 8 Not used.



Undergrounding of utilities is a standard City code requirement for all new construction, and is specifically included as a Condition of Approval on all Planned Developments. The DRC discussed the applicant's request for relief when they reviewed proposed project amendments on August 24, 2017. The DRC agreed that the special circumstances in this situation make undergrounding especially burdensome for this site.

As identified in the 2015 Council resolutions, CUP and TTM Condition of Approval #3 state that amendments to the project may be approved by Planning Commission. Since there is no zone change or density increase currently being requested, and only the condition regarding undergrounding of utilities is proposed for amendment, Planning Commission will have the final authority regarding the proposed utility condition change unless appealed to City Council.

## **ENVIRONMENTAL DETERMINATION:**

As lead agency, the City of Atascadero prepared a Mitigated Negative Declaration for the revised project in 2015 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 environmental analysis identified concerns regarding potential impacts to aesthetics, noise, biological resources, air quality, water quality, and traffic. Mitigation measures pertaining to these resources were included. A finding was made that the project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. The City Council certified Mitigated Negative Declaration (MND) No. 2015-0001 in conjunction with project approvals at a public hearing on May 26, 2015. The current proposed project amendment is consistent with the Mitigated Negative Declaration certified by the City Council in 2015.

## **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 amendment. 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. If the proposed project amendment is denied, the previously approved 2015 Project Approval and existing conditions would remain in place for the site.

**ATTACHMENTS:**

1. Site Photographs
2. Draft PC Resolution 2018-A



**ATTACHMENT 1: Site Photographs**  
**PLN 2014-1519**



**ATTACHMENT 2: Draft PC Resolution 2018-A**

**Amendment to CUP 2003-0117 & TTM 2014-0107 – Utility Conditions**

**DRAFT PC RESOLUTION 2018-A**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ATASCADERO, CALIFORNIA,  
AMENDING CONDITIONAL USE PERMIT 2003-0117 (MASTER PLAN  
OF DEVELOPMENT) AND TENTATIVE TRACT MAP 2014-0107 FOR  
THE PRINCIPAL MIXED-USE PROJECT  
APN 030-491-001, 013, 019, 020  
9105 Principal Avenue / ECR Principal, LLC  
(AMND18-0053)**

**WHEREAS**, an application has been received from ARH Quiky Investments, LLC (835 Aerovista Place, Suite 230, San Luis Obispo, CA 93401), Applicant, and ECR Principal, LLC (125 South Bowling Green Way, Los Angeles, CA 90049), Owner, to amend a previously approved Master Plan of Development and Vesting Tentative Tract Map on a 5.25-acre site located at 9105, 9107, 9109 Principal Ave and 9300 Pino Solo (APN 030-491-001, 013, 019, 020); and,

**WHEREAS**, the site's current General Plan Land Use Designation is Medium Density Residential (MDR) and General Commercial (GC); and,

**WHEREAS**, the site's current Zoning Designation is Residential Multi-Family (RMF-10) and Commercial Retail (CR) with a Planned Development #24 (PD-24) Overlay; and,

**WHEREAS**, the PD-24 requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and

**WHEREAS**, the City Council approved the original Master Plan of Development (CUP 2003-0117) of the project on October 12, 2004, and approved the most recent amendment to the Master Plan of Development on May 26, 2015; and,

**WHEREAS**, an Initial Study and Proposed Mitigated Negative Declaration 2015-0001 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

**WHEREAS**, the certified Mitigated Negative Declaration adequately addresses the effects of the project as proposed for amendment, no substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could

not have been known when the Mitigated Negative Declaration No. 2015-0001 was certified has become known, and therefore, no further environmental review is required; and,

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

**WHEREAS**, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on June 19, 2018, studied and considered the proposed amendments to Conditional Use Permit 2003-0117 (Master Plan of Development) and Tentative Subdivision Map (TTM) 2014-0107, after studying and considering the certified Mitigated Negative Declaration prepared for the project, and,

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission of the City of Atascadero takes the following actions:

**SECTION 1. Findings for Approval of Conditional Use Permit and Tentative Tract Map.** The Planning Commission of the City of Atascadero finds as follows:

1. The proposed project or use is consistent with the General Plan and the City's Appearance Review Manual; and,

**Fact.** The proposed amendments are consistent with General Plan Land Use Policies 1.1, 1.3, 2.3, 5.3, 6.1, 7.1, 7.2, 8.5, 15.1, and 15.6; Circulation Policies 1.1, 1.3, 1.4, and 1.5; and Housing Element Policies 1.1, 4.1, and 4.3. The project design was previously approved by Planning Commission and City Council in 2015 and was found to comply with the Appearance Review Manual. The Design Review Committee reviewed the proposed utility amendment and exhibit and recommended conduit be installed for future undergrounding along El Camino Real.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD-24 Overlay Zone; and,

**Fact.** The Planned Development 24 overlay allows for development standards to be established through a Master Plan of Development.

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

**Fact.** The proposed residential use will not be detrimental to the health, safety, or welfare of the general public or persons residing in the neighborhood. A residential use is

consistent with the surrounding neighborhood to the west and south, and the commercial development is consistent with the adjacent commercial uses on El Camino Real and the corner of Principal Avenue. The Planned Development overlay language, mitigation measures, and City development standards will ensure that pedestrian and vehicular access conditions are designed in a manner which does not create ongoing safety concerns.

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

**Fact.** The proposed residential use is consistent with other attached and detached multi-family residential and residential serving uses in the area. The carwash is consistent with other commercial and service uses along El Camino Real.

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

**Fact.** The proposed residential and commercial uses will not generate significant and unavoidable impacts to traffic. The project will contribute City TIF fees toward the US 101 interchanges. Frontage roads will be developed to City standards, including a turn lane on Principal Avenue. All internal and abutting public roads have been designed to City standard.

6. The site is physically suitable for the type of development proposed; and,

**Fact.** The site is mostly flat, with slopes near Pino Solo and along the ephemeral drainage area. Development has been designed to avoid the drainage swale and most of the large native trees on site. The overall development pattern and site layout has been maintained consistent with the 2015 project approval.

7. The site is physically suitable for the density of development proposed; and,

**Fact.** The site is located between a major commercial area on El Camino Real, and a single-family residential development to the west. The configuration of the project design takes into account natural topography of the site, and acts as a buffer between commercial and single-family residential uses.

8. The design and improvement of the proposed subdivision will not cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat; and,

**Fact.** Setbacks are maintained between the proposed development and the ephemeral drainage swale on site. Permits, or letters of exemption, are required from permitting agencies for work around the swale, as identified in the mitigation measures; and,

9. The design of the subdivision or the type of improvements will not cause serious health problems; and,

**Fact.** A mitigated negative declaration was prepared for the project, which considered environmental effects, including impacts to air quality, and determined the project would not create significant impact with the incorporated mitigation measures. The design of the subdivision or the type of improvements will not cause serious health problems.

10. The design of the subdivision will not conflict with easements acquired by the public at large for access through, or the use of property within, the proposed subdivision; or substantially equivalent alternative easements are provided; and,

**Fact.** The site is private property, currently fenced and restricted to public access. Frontage improvements will be installed to provide pedestrian access on sidewalks around the periphery of the project site; and,

11. Covenants, Conditions and Restrictions (CC&R's) or equivalent shall be required that incorporate the Master Plan of Development Conditions of Approval to ensure that the site retains the proposed qualities (architecture, colors, materials, plan amenities, fencing, and landscaping) over time; and,

**Fact.** A Condition of Approval was included in the 2015 resolution, requiring CC&R's be recorded concurrently with the final map.

12. The Master Plan of Development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area; and,

**Fact.** The PD-24 established development standards that promote a cohesive neighborhood development and ensure that City goals related to traffic mitigation, aesthetic character, inclusionary housing, and pedestrian connectivity, among others, are achieved.

13. Benefits derived from the Master Plan of Development and PD-24 Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements; and,

**Fact.** The Planned Development 24 overlay text modifies standard development requirements to allow for a mixed-use residential and commercial project. Modified standards for the development enable the unit count and site design as approved by City Council in 2015. City Council Planned Development Policy requires project benefits such as affordable inclusionary housing, pocket parks, and high-quality landscape and architecture in exchange for modified development standards. The project satisfies these requirements.

14. The proposed project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties.

**Fact.** The Planned Development Overlay Zone 24 ensures that development within the area provide certain benefits as identified by Council Policy. Development under the PD-24 standards will maintain and enhance neighborhood character and provide transition between commercial and single-family uses.

**SECTION 2. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on June 19, 2018, resolved to approve amendments to Conditional Use Permit 2003-0117 (Master Plan of Development) and Tentative Tract Map 2014-0107 subject to the following:

EXHIBIT A:      Conditions of Approval  
EXHIBIT B:      Utility Exhibit

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

\_\_\_\_\_  
Jerel Seay  
Planning Commission Chairperson

ATTEST:

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

**EXHIBIT A: Conditions of Approval**

**CUP 2003-0117 and TTM 2014-0107 (2018 Amendment) / PLN 2014- 1519**

<b>Conditions of Approval – 2018 Amendment</b>  <b>Principal Mixed-Use Planned Development (PD-24)</b>  <b>Master Plan of Development / Tract 3070</b> <b>CUP 2003-0117/TTM 2014-0107 (2018 Amendment)</b>	<b>Timing</b>  <small>FM: Final Map  GP: Grading Permit  BP: Building Permit  TO: Temporary Occupancy  FI: Final Inspection  FO: Final Occupancy</small>
1. This amendment shall be for utility line location and undergrounding only. No other project changes are authorized by this amendment	<b>Ongoing</b>
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 prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	<b>FM / BP</b>
3. All previous Conditions of Approval and Exhibits approved with Council Resolution No. 2015-045 (CUP) and Council Resolution No. 2015-046 (TTM) adopted May 26, 2015 , shall remain in effect for the approved project, unless specifically noted below. Only the conditions noted below regarding undergrounding of utilities shall be modified with this resolution.	<b>Ongoing</b>
4. The following Conditions of Approval regarding requirements for undergrounding of utilities shall be deleted:  <u>Council Resolution No. 2015-045 (CUP):</u> <ul style="list-style-type: none"> <li>Public Works condition #44: “New utility services for power, telecommunications and cable TV shall be placed underground, beginning from the off-site point of connection established by the public utility provider.”</li> <li>Public Works condition #55: “Overhead utilities shall be placed underground where located along the subject property frontage of El Camino Real, Principal, and Pino Solo.”</li> <li>Public Works condition #56: “The applicant shall install all new utilities (water, gas, electric, cable TV and telephone) underground. Utilities shall be extended to the property line frontage of each lot or its public utility easement.”</li> </ul> <u>Council Resolution No. 2015-046 (TTM):</u> <ul style="list-style-type: none"> <li>Public Works condition #16: “New utility services for power, telecommunications and cable TV shall be placed underground, beginning from the off-site point of connection established by the public utility provider.”</li> <li>Public Works condition #43: “All utilities shall be undergrounded on project frontage.”</li> </ul>	<b>Ongoing</b>



**ITEM 2 | 6/19/2018**  
**MIXED-USE PLANNED DEVELOPMENT, 9105 PRINCIPAL AVE**  
**PLN 2014-1519 / ECR Principal LLC**

<p><b>Conditions of Approval – 2018 Amendment</b></p> <p><b>Principal Mixed-Use Planned Development (PD-24)</b></p> <p><b>Master Plan of Development / Tract 3070</b></p> <p><b>CUP 2003-0117/TTM 2014-0107 (2018 Amendment)</b></p>	<p style="text-align: center;"><b>Timing</b></p> <p>FM: Final Map  GP: Grading Permit  BP: Building Permit  TO: Temporary Occupancy  FI: Final Inspection  FO: Final Occupancy</p>
<p>5. The applicant shall install all new utility services (water, gas, electric, cable TV and telephone) underground, beginning from the off-site point of connection established by the public utility provider, as depicted on the attached Exhibit B. Utilities shall be extended to the property line frontage of each lot or its public utility easement.</p>	<p style="text-align: center;"><b>FM / BP</b></p>
<p>6. Overhead utilities shall be placed underground where located along the subject property frontage of El Camino Real, Principal, and Pino Solo, as depicted in the attached Exhibit B.</p>	<p style="text-align: center;"><b>FM / BP</b></p>

**EXHIBIT B: Utility Exhibit**

Utility lines to remain overhead

**OVERHEAD UTILITY NOTES**

- ① Existing overhead utility lines to remain.
- ② Existing utility pole to remain.
- ③ Existing utility pole and guy anchor to remain.
- ④ Demo/remove existing overhead utility lines.
- ⑤ Demo/remove existing utility pole.
- ⑥ New overhead power lines.
- ⑦ New power pole.
- ⑧ Not used.





## ***Atascadero Planning Commission***

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

#### **Drive-Through Restaurant, 9002 West Front Road (PLN 2017-1656)**

#### **RECOMMENDATION:**

Design Review Committee recommends:

Planning Commission adopt PC Resolution 2018-A, approving a drive-through restaurant at 9002 West Front Rd., based on findings and subject to Conditions of Approval.

Summary: The proposed project includes construction of a 2,250 sq. ft. Starbucks with a drive-through. The proposed project would complete the West Front Village development.

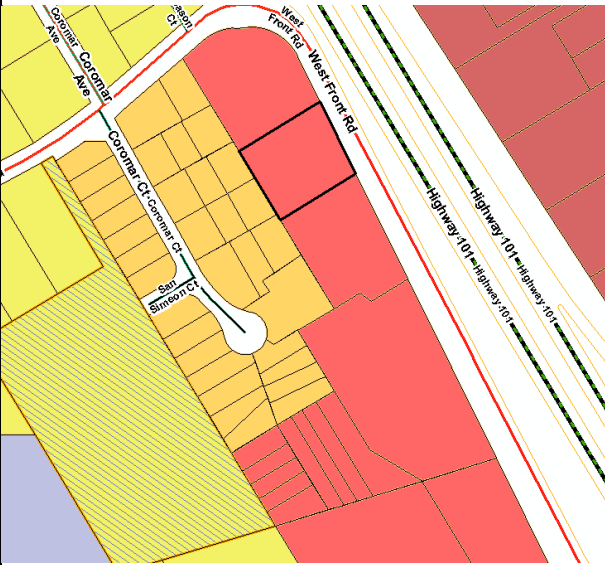

PROJECT ADDRESS:	9002 West Front Rd	Atascadero, CA		APN	056-131-022
PROJECT PLANNER	Kelly Gleason, Senior Planner	805-470-3446	kgleason@atascadero.org		
PROPERTY OWNER	Brett Marchi				
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE		PROPOSED USE
General Commercial (GC)	Commercial Retail (CR)	0.75 acres	Vacant Commercial Pad		Drive-through Coffee Shop
ENVIRONMENTAL DETERMINATION					
<input checked="" type="checkbox"/> Consistent with previously certified Mitigated Negative Declaration					

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

## DISCUSSION:

### Existing Surrounding Uses / Parcel Configurations:

Existing Zoning		Existing Aerial / Surrounding	
			
North:	South:	East:	West:
Commercial	Commercial	Highway 101	Residential

### Background:

The West Front Village project was approved in 2005 and included a residential planned development, a hotel, and 3 accessory commercial pads. Jack-in-the-Box was constructed in 2008 and Marston's 101 was constructed in 2014. This proposed development will occupy the remaining pad between the Jack-in-the-Box and Marston's 101 restaurant. The project requires the approval of a Conditional Use Permit because it includes a drive-through restaurant.

The proposed project was reviewed by the DRC in September of 2017 and May of 2018 to evaluate modifications to the existing site layout and architecture. During the 2017 meeting, the DRC recommended approval of the proposed project with architectural modifications to provide consistency with the surrounding West Front Village center. After the DRC meeting, Starbucks released a new building prototype design and the applicant opted to bring the project back to DRC for review. The DRC reviewed the new architecture in May of this year and is recommending approval of the project with the following conditions which have been incorporated into the attached resolution:

- Incorporate drought tolerant landscape and shade trees into the landscape plan



- Utilize a warm grey tone for the exterior of the building and ensure that the wood accent features are a compatible color.

Analysis:

A Conditional Use Permit is required for a drive-through restaurant. Planning Commission review is required to ensure compatibility and appropriateness of the proposed use. Design review of elevations and site plan is required for all commercial projects.

*Site Design*

The existing vacant pad is designed with the parking area along the West Front Road frontage and the building pad adjacent to the residentially zoned property. The new site design places the building and the drive-through along the road frontage to minimize impacts to the residential neighborhood.

The drive-through window faces the existing Jack-in-the-Box restaurant with queuing adjacent to the wetland area at West Front Road. The entrance to the building faces the interior of the site. A covered patio is included at the building entrance. New landscaping will be provided throughout the project site and will include:

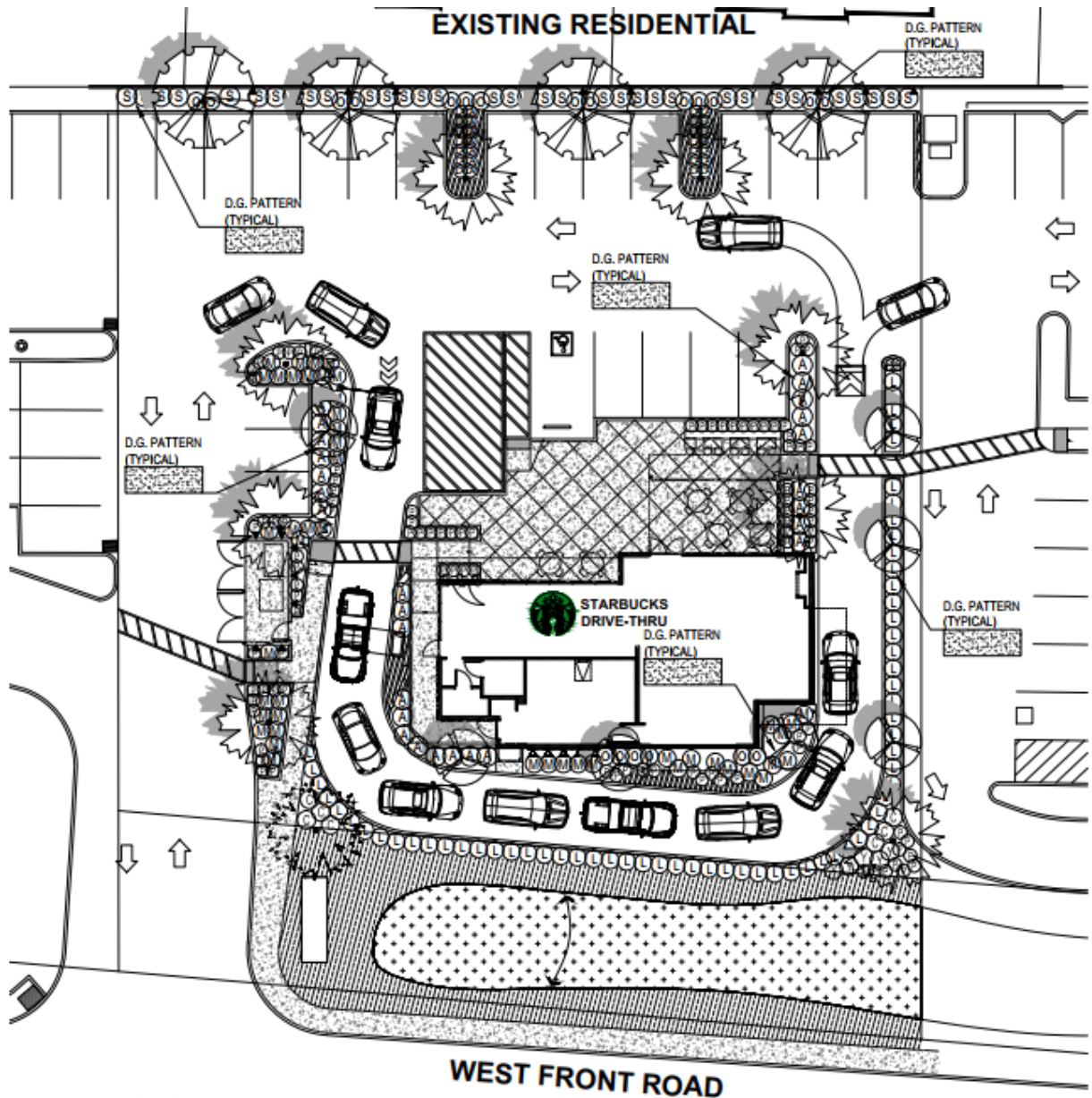
- Screening landscape between the wetland and the drive-through lane
- Shade trees surrounding the building
- Trees and dense shrubs adjacent to the residential development
- Shade trees throughout the new parking lot.

Landscaping has been designed to be low water using and provide consistency with the previously developed portions of the site.





**Proposed Landscape and Site Plan**



*Elevations / Architectural Design*

The proposed building employs a modern theme and emphasizes window glazing and clean structural lines. Wood accent material is included at the base of the building at the drive-through window and under the projecting overhang elements.

The elevation facing West Front includes window walls toward the north and landscaped wall trellises on the remaining portion. The entrance elevation facing the internal parking lot is designed with a projecting overhang and patio seating space. The front elevation is mostly glazing with wall trellis features as accents. There are also



large amounts of glazing on the north and south elevations, facing the Jack-in-the-Box pad and the center entry driveway.

While this architectural theme is more contemporary than the existing center buildings, the form and massing compliments the existing architectural palette and provides contrast and interest along the street frontage. The DRC has recommended approval of the building using a warm tone grey for the exterior of the building. The applicant has updated the elevations to include this recommendation as shown below:

### **Proposed Restaurant Elevation Design**



#### *Signage*

Building signage is proposed on the entry elevation and the elevation facing the Jack-in-the-Box site. The applicant will also have the option of signage on the existing pylon structure. Staff has concerns about any illuminated signage on the entry elevation as this faces the residential neighborhood. Staff has included a condition which prohibits illuminated signage on the west elevation of the building.

### **ENVIRONMENTAL DETERMINATION:**

The proposed project is consistent with the previously certified Mitigated Negative Declaration prepared for the original West Front Village development. .

### **FINDINGS:**

The Planning Commission must make findings to approve the proposed drive-through use. These findings and the facts to support these findings are included in the attached resolution (Attachment 3).



**RECOMMENDATION:**

DRC and City Staff recommend the Planning Commission adopt Resolution PC 2018-A approving a drive-through restaurant, with conditions.

**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.

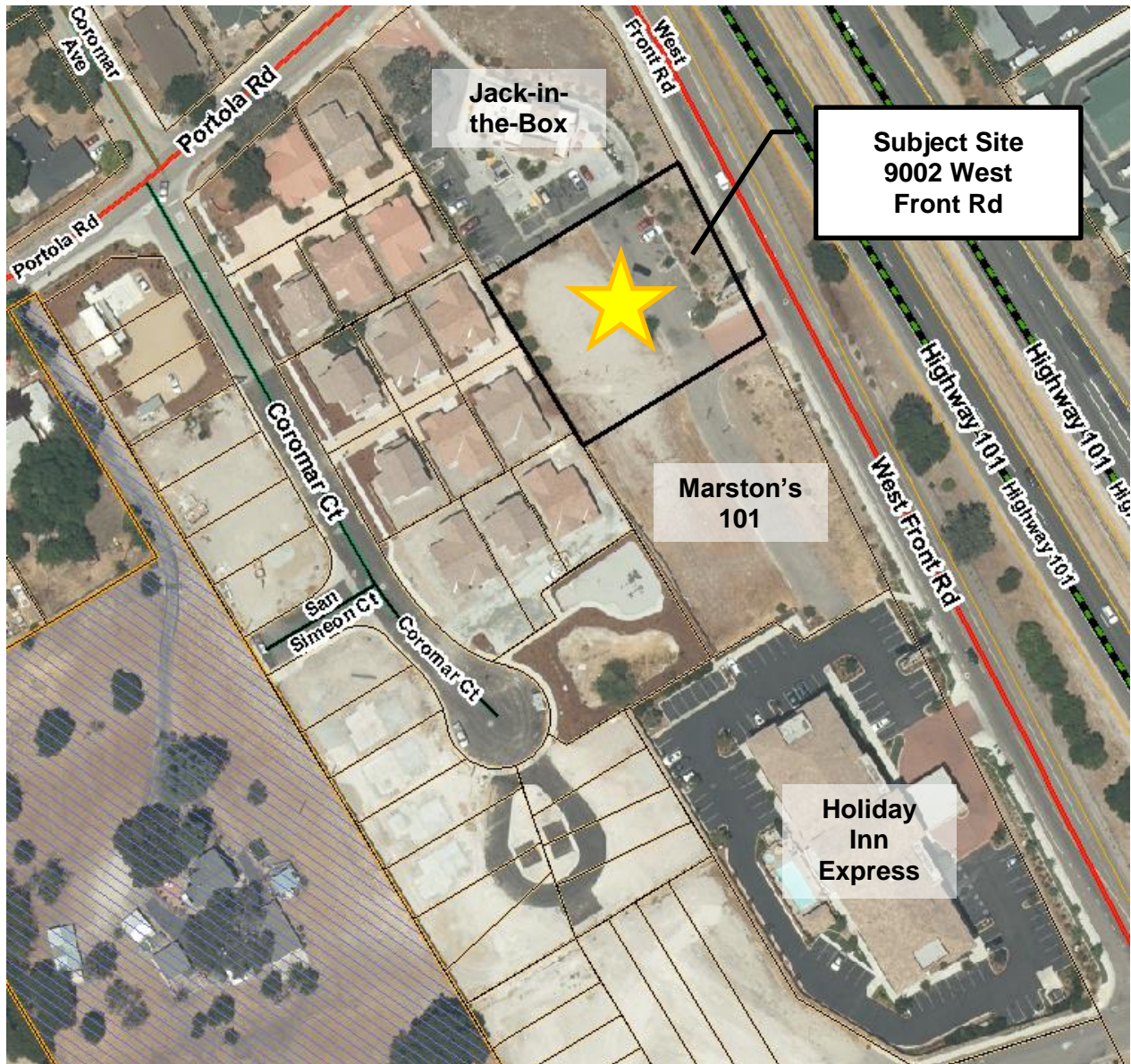
**ATTACHMENTS:**

1. Site Aerial
2. Site Photographs
3. Draft Resolution PC 2018-A





**ATTACHMENT 1: Site Aerial**  
**PLN 2017-1656**



**ATTACHMENT 2: Site Photographs**  
**PLN 2017-1656**



**ATTACHMENT 3: Draft Resolution PC 2018-A  
PLN 2017-1656**

**DRAFT PC RESOLUTION 2018-A  
DRIVE-THROUGH**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ATASCADERO, CALIFORNIA,  
APPROVING A DRIVE-THROUGH RESTAURANT AT  
WEST FRONT VILLAGE ON APN 056-131-022**

**BRETT MARCHI  
9002 WEST FRONT ROAD  
(PLN 2017-1656)**

**WHEREAS**, an application has been received from Brett Marchi, 2599 Baseline Ave., Solvang, CA 93460 (Owner and Applicant) to consider Planning Application PLN 2017-1656, for a project consisting of a drive-through restaurant on a 0.75 acre site located at 9002 West Front Road, Atascadero, CA 93422 (APN 056-131-022); and,

**WHEREAS**, the site's current General Plan Land Use Designation is General Commercial (GC); and,

**WHEREAS**, the site's current Zoning District is Commercial Retail (CR)/PD23; and,

**WHEREAS**, establishing a drive-through restaurant use requires the adoption of a Conditional Use Permit in the CR zoning district; and,

**WHEREAS**, the Design Review Committee reviewed the proposed project on September 13, 2017, and May 23, 2018, and provided recommendations to the Planning Commission regarding the site plan and architectural appearance of the project; and,

**WHEREAS**, the proposed project is consistent with previously certified Mitigated Negative Declaration MND2005-0046 prepared for the West Front Village development; 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 Conditional Use Permit was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said application; and,



**WHEREAS**, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on June 19, 2018, studied and considered PLN 2017-1656; and,

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

**SECTION 1. Findings for approval of Conditional Use Permit.** The Planning Commission finds as follows:

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

**Fact.** The project is consistent with the Land Use, Open Space and Circulation (LOC) Policies and Programs 1.1 for guiding new development into the urban core; 1.1.7 for infill development; 1.4.1 for screening exterior lights; 7.2.4 for providing shade trees; 8.5.3 for providing on-site storm water management; 13.1 for convenient location of goods and services; and 15.1 for directing growth to an area with existing City services.

The project is consistent with Circulation Element (CIR) Policies and Programs 1.3.3 for locating on an arterial with minimal driveways; 1.5.1 for requiring adequate off-street parking; and 1.5.3 for landscaping, lighting, screening and shade trees in the parking lot.

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

**Fact.** The proposed drive-through restaurant can be permitted through 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 with the approval of the subject entitlement.

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

**Fact.** The proposed drive-through restaurant is being constructed on an existing vacant pad that was approved for commercial development as part of the West Front Village project. The establishment of the use on a commercial infill site will not be detrimental to the public health, safety, or welfare. Conditions of Approval have been added to minimize impacts to the adjacent residential uses.

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

**Fact.** The proposed drive-through use and signage are consistent with the approved West Front Village development.





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

**Fact.** The proposed drive-through restaurant is part of the West Front Village project which anticipated tourist serving uses in this location. Traffic impacts were analyzed and mitigated as part of the original project approvals. .

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

**Fact.** The Design Review Committee has reviewed the proposed project and found the site plan and elevations to be consistent with the criteria in the City's Design Review Manual.

**SECTION 2. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on June 19, 2018, resolved to approve the Conditional Use Permit subject to the following:

1. EXHIBIT A: Conditions of Approval
2. EXHIBIT B: Site Plan / Landscape Plan
3. EXHIBIT C: Elevations



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

AYES: ( )

NOES: ( )

ABSTAIN: ( )

ABSENT: ( )

ADOPTED:

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Jerel Seay  
Planning Commission Chairperson

Attest:

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



**EXHIBIT A: Conditions of Approval**  
**PLN 2017-1656**

<b>Conditions of Approval</b>  <b>PLN2017-1656</b> <b>Conditional Use Permit</b> <b>Drive-through Restaurant</b> <b>9002 West Front Rd.</b>	<b>Timing</b>  BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	<b>Responsibility /Monitoring</b>  PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
1. PLN 2017-1656 shall be for a drive-through restaurant as described in attached Exhibits B and C, located at 9002 West Front Rd (APN 056-131-022), regardless of owner.	<b>Ongoing</b>	<b>PS</b>
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the Planning Commission approval unless prior to the time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	<b>Ongoing</b>	<b>PS</b>
3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (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.	<b>Ongoing</b>	<b>PS, CE</b>
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.	<b>BP</b>	<b>PS</b>
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.	<b>Ongoing</b>	<b>CA</b>
<b>Planning Services</b>		
6. A bicycle rack shall be provided near the entrance to the buildings on the subject site.	<b>BP</b>	<b>PS</b>
7. The landscape plan, shown in Exhibit B, shall be modified as follows: <ul style="list-style-type: none"> <li>At least one of the shade trees adjacent to the patio shall be a Chinese Pistache or London Plane tree.</li> <li>A shade tree shall be added within a tree well adjacent to the parking stalls at the front entry of the building.</li> <li>Privet and flax shall be replaced with native grasses surrounding the eating patio and the drive-through.</li> <li>All plant species shall be listed as applicable for Sunset zone 7.</li> </ul>	<b>BP</b>	<b>PS</b>
8. New lighting shall conform to the standards of Atascadero Municipal Code 9-4.137 for exterior lighting. All pole lighting shall be shielded from neighboring properties and buildings.	<b>BP</b>	<b>PS</b>



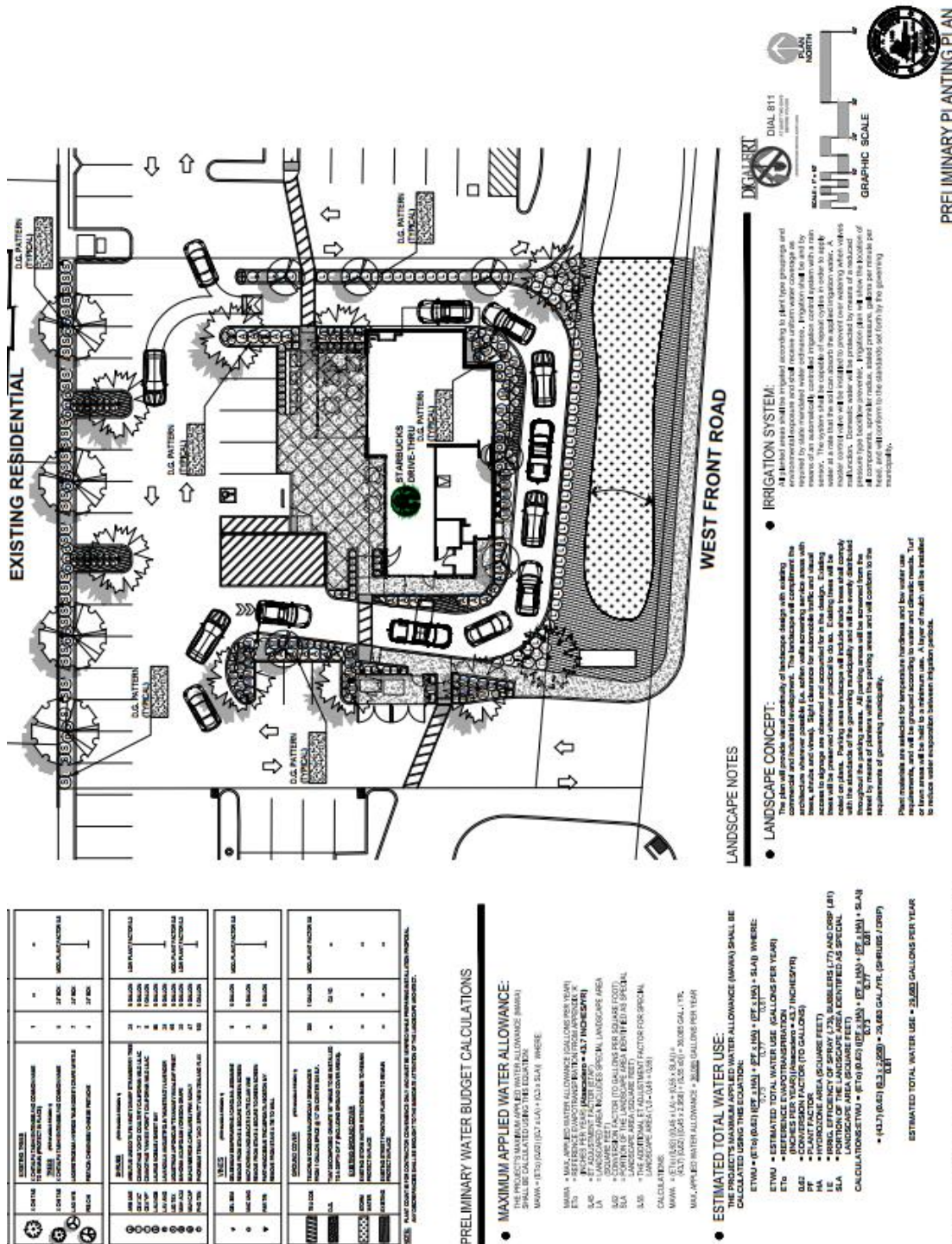
**ITEM 3 | 06/19/2018**  
**DRIVE-THROUGH RESTAURANT, 9002 WEST FRONT RD**  
**PLN 2017-1656 / Marchi**

9. Elevations shall incorporate high quality materials and shall be consistent with the colors and design shown in Exhibit C. Stucco shall have a smooth finish.	<b>BP</b>	<b>PS</b>
10. The final front patio design shall be reviewed and approved by the Community Development Department upon Building Permit submittal, and shall include dining features and aesthetics to create a quality outdoor dining atmosphere. Patio shall include movable tables and chairs. Separation between patio seating and driveways/streets shall be provided with landscape planters and/or low decorative walls or railings, subject to staff approval.	<b>BP/Ongoing</b>	<b>PS</b>
11. Only non-illuminated signage shall be permitted facing residential uses	<b>BP</b>	<b>PS</b>
12. All mechanical equipment on site shall be screened, including all ground and roof mounted equipment, air conditioners, transformers, etc.	<b>BP</b>	<b>PS</b>
13. All utilities on site shall be installed underground.	<b>BP</b>	<b>PS</b>





**EXHIBIT B: Site Plan / Landscape Plan**  
**PLN 2017-1656**



**EXHIBIT C: Elevations**  
**PLN 2017-1656**



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

**EXHIBIT C: Elevations**  
**PLN 2017-1651**

