



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

**REGULAR MEETING
Tuesday, March 19, 2019
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 Tom Zirk
Vice Chairperson Mark Dariz
Commissioner Duane Anderson
Commissioner Ellen Béraud
Commissioner Michael Shaw
Commissioner Jeff van den Eikhof
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. DRAFT MINUTES OF FEBRUARY 19, 2019

- Recommendation: Commission approve the February 19, 2019 Minutes.

COMMUNITY DEVELOPMENT STAFF REPORTS

None.

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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. TENTATIVE PARCEL MAP FOR 8559 / 8565 SANTA ROSA ROAD
(THIS ITEM WILL BE CONTINUED TO A FUTURE DATE)

The proposed project is the subdivision of two (2) existing residential parcels. Three (3) lots would be created in the Residential Single-Family (RSF-Y) zoning district.

- Ex-Parte Communications:
- Recommendation: Approve the project with conditions. (SBDV18-0150)

3. CITYWIDE ZONING ORDINANCE AMENDMENTS

The proposed project is for annual zoning text updates to the Atascadero Municipal Code to align the Zoning Code with the General Plan, fix inconsistencies, and provide for permit streamlining.

- Ex-Parte Communications:
- Recommendation: Approve the project with conditions. (ZCH19-0023)

COMMISSIONER COMMENTS AND REPORTS

DIRECTOR'S REPORT

ADJOURNMENT

The next regular meeting will be on April 2, 2019, 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 (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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ITEM NUMBER: 1

DATE: 3-19-19

CITY OF ATASCADERO PLANNING COMMISSION

DRAFT MINUTES

**Regular Meeting – Tuesday, February 19, 2019 – 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 Vice Chairperson Zirk led the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Wolff (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 Betz 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 PLANNING COMMISSION MEETING ON JANUARY 15, 2019

MOTION:

By Commissioner Anderson and seconded by Commissioner Dariz to approve the Consent Calendar.

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

COMMUNITY DEVELOPMENT STAFF REPORTS

None.

PLANNING COMMISSION BUSINESS

A. Administration of Oaths of Office

Administration of Oath of Offices to new Planning Commissioners by the City Clerk's Office.

Roll Call:

City Clerk Lara Christensen administered Oaths of Office to new Planning Commissioners Ellen Béraud, Jeff van den Eikhof, and Michael Shaw.

PRESENTATION:

B. Recognition of outgoing Planning Commission members Josh Donovan, Jerel Seay and Ryan Betz.

Director Dunsmore thanked Commission members Donovan, Seay and Betz for their contributions to the Commission and the City.

Vice Chairperson Zirk reconvened the meeting at 6:05 p.m. as the new Commissioners took their seats at the dais.

Recording Secretary Manier performed roll call with new Commissioners seated.

New Commissioners and returning Commissioners made brief introductions about their backgrounds.

PLANNING COMMISSION REORGANIZATION:

C. Election of Chairperson and Vice Chairperson

The Commission will select a Chairperson and Vice Chairperson.

Vice Chairperson Zirk accepted nominations for Chairperson.

MOTION: By Commissioner Béraud and seconded by Commissioner Anderson to nominate Vice Chairperson Zirk as Chairperson. Vice Chairperson Zirk accepted the nomination.

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

Chairperson Zirk accepted nominations for Vice Chairperson.

MOTION: By Commissioner Anderson and seconded by Commissioner Shaw to nominate Commissioner Dariz as Vice Chairperson. Commissioner Dariz accepted the nomination.

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

Vice Chairperson Zirk was seated as Chairperson and Commissioner Dariz was seated as Vice Chairperson at the dais.

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.

1. TENTATIVE PARCEL MAP FOR 5425 PESCADO CT.

The proposed project is the subdivision of a 3-acre lot in the Residential Single-Family (RSF-Z) zoning district.

- Ex-Parte Communications:
- Recommendation: Approve the project with conditions. (SBDV18-0109)

EX PARTE COMMUNICATIONS

None.

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

PUBLIC COMMENT

The following members of the public spoke during public comment: Dale McCrudden. Mr. McCrudden read a letter into the record (Exhibit A) which had already been distributed to the Commission.

A map was received from Dale and Lynn McCrudden (Exhibit B) and was distributed to the Commission.

Chairperson Zirk closed the Public Comment period.

Director Dunsmore explained that there were very few options with this parcel and its buildable area. Staff's recommendation was that the environmental impacts should be mitigated as per the General Plan, CEQA, and Hillside Grading Guidelines. Staff answered questions from the Commission.

Chairperson Zirk re-opened the Public Comment Period

PUBLIC COMMENT

The following members of the public spoke during public comment: Dale McCrudden.

Chairperson Zirk closed the Public Comment period.

MOTION: By Commissioner Béraud and seconded by Vice Chairperson Dariz to adopt PC Resolution 2019-A certifying MND 2018-0014 and approving SBDV18-0109, Tentative Parcel Map AT 18-0086, to subdivide one residential parcel into two residential parcels, at 5425 Pescado Court, based on findings and subject to mitigation and Conditions of Approval.

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

COMMISSIONER COMMENTS AND REPORTS

None

DIRECTOR'S REPORT

Director Dunsmore announced that the next meeting scheduled for March 5, 2019, will be cancelled. Director Dunsmore gave an update on projects within the City, which includes amending the Specific Plan at Del Rio Road.

ADJOURNMENT – 7:29 p.m.

The next meeting of the Planning Commission scheduled for **March 5, 2019**, at **6:00 p.m.** will be cancelled. The next Regular meeting of the Planning Commission is scheduled for **March 19, 2019**, at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero.

MINUTES PREPARED BY:

Annette Manier, Recording Secretary
Administrative Assistant

The following Exhibits are available in the Community Development Department:

Exhibit A – Letter from Dale and Lynn McCrudden

Exhibit B – Map from Dale and Lynn McCrudden

Adopted



Atascadero Planning Commission

Staff Report - Community Development Department

Kelly Gleason, Senior Planner, 470-3446, kgleason@atascadero.org

Title 9 Planning and Zoning Text Amendments ZCH19-0023 (City of Atascadero)

SUBJECT:

This action consists of proposed Zoning Ordinance Text Amendments to Title 9, Zoning Regulations of the City of Atascadero, to further align the code with the General Plan, correct inconsistencies and allow for process streamlining.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Draft Resolution, recommending the City Council introduce an ordinance for first reading, by title only, to approve amendments to Title 9 of the Atascadero Municipal Code, based on findings.

SITUATION AND FACTS:

- | | |
|------------------------------|---|
| 1. Applicant: | City of Atascadero, 6500 Palma Ave.
Atascadero, CA 93422 |
| 2. General Plan Designation: | Citywide |
| 3. Zoning District: | Citywide |
| 4. Environmental Status: | Exempt from CEQA (Section 15061(b)(3). No significant environmental impact. |

DISCUSSION:

Background:

In August of 2016, the Planning Commission recommended the City Council adopt a substantial update to the zoning regulations, which included changes to land use definitions and “clean-up” of inconsistencies between the code and the General Plan. In September of 2016, the City Council approved these amendments. At that time, staff noted that an annual update of the zoning regulations may be essential to continue to keep the document responsive to the community while continuing to refine consistency with the General Plan. An annual update and refinement was completed in 2017; however, due to staffing and workload, the 2018 update is now being completed. This amendment aims to clarify a number of inconsistencies, gain closer alignment with General Plan policies and clarify land uses such as storage uses and fuel station uses within commercial zones.

Analysis:

The following discussion summarizes the proposed text updates/clarifications as illustrated in the following categories:

1. Clarification to add performance standards instead of use permit approval to Animal Density Standards for youth projects

The Municipal Code currently allows for modification of the minimum lot size for farm animal raising associated with youth projects through approval of an Administrative Use Permit. This permit process currently costs almost \$1,000 and requires a public hearing to be held. The City recognizes that this process is too onerous for many youth and their families to go through and deters compliance with the requirements.

The City does understand that animal raising can have negative impacts on the surrounding neighbors and the proposed text change adds standardized requirements to ensure that these impacts are minimized and to ensure consistency and clarity for all participants. The standardized requirements are based on the findings that are already a part of the City’s code. The code is proposed to be amended as shown in Exhibit A and includes standard conditions that would normally be required with a use permit when considering reductions to minimum lot size to maintain farm animals. The amendments do not allow adjustments to setbacks from other properties nor reduce the standards to maintain the site in an appropriate manner.

2. Mobile Food Vending

The current non-residential use chart restricts mobile food vending to private property only; however, the public safety code allows vendors to stop in the right-of-way for a period of fifteen minutes or less if hailed by a patron. With the growth of the food truck industry and trends toward using food trucks to supplement permanent businesses, staff is proposing code changes to provide greater flexibility for the use of food trucks consistent with the vehicle code and temporary event requirements. Food trucks that are more permanent in nature are not affected by the proposed code amendments and will remain governed by any applicable building code and commercial development requirements.

3. CPK Storage Uses / Commercial Retail - Vehicle Storage Use, Fueling Stations

The 2016 and 2017 zone text amendments have focused on ensuring that uses for each zone remain consistent with the intent of the General Plan. The Commercial Park and Commercial Retail zoning districts are the City's most visible properties and the most valuable in terms of commerce. These properties line El Camino Real and Highway 101 and give Atascadero its character. Zoning amendments are needed to ensure that the Commercial Park and Retail zones remain available for quality projects that support our local economy while reflecting our image and staying true to the General Plan.

Currently, the Zoning Ordinance allows industrial and storage uses to occupy the areas along highway 101. However, the zoning also requires that any land use that includes 10,000 sf or more of outdoor storage automatically require a conditional use permit. This discrepancy commonly creates misunderstandings and results in land uses in locations not intended by the General Plan. Instead, uses such as construction yards, vehicle storage, contractor's yards, and similar high intensity uses that involve little or no public visitation, low employee counts, and high amounts of outdoor storage should be subject to conditional approval and are more suitable in service commercial and industrial zones.

The General Plan envisions the Commercial Park (CPK) zoning district for indoor land uses that involve office parks, tech companies, small scale manufacturing, and business park developments. The entirety of the zoning designation is located at the north end of the City (north of Del Rio) between El Camino Real and Highway 101. This district was not intended to be utilized for outdoor storage or contractor's yards.

The Commercial Retail zoning district dominates a majority of El Camino Real and is envisioned to accommodate shopping and customer based service uses that have a high degree of interaction with the public. There are a few uses listed in the current use table that do not support this goal. Instead, such uses are appropriate in the Commercial Service, Industrial, or other zones, preserving our valuable retail land for restaurants, retail, light services, and mixed-use projects.

In order to preserve the intent of the General Plan, the following uses are proposed to be modified:

- Change building materials and hardware, contract construction services, farm equipment and supplies, and horticultural specialties, from an allowed use to a conditional use permit in the commercial zones. This will allow for use permit review for uses that have an outdoor storage component.
- Add horticultural specialties as an allowed use in the Industrial and Industrial Park zone where large outdoor operations are appropriate.
- Change service stations from an allowed to a conditionally allowed use in the CT zone. Service stations generally have traffic and aesthetic concerns that necessitate additional review to ensure neighborhood compatibility.
- Remove vehicle and equipment storage, fuel dealer uses from the CR zone. These uses are appropriate in Commercial-Service and Industrial zones.
- Change fuel dealer to a conditional use permit in the CPK zone to allow for additional review of outdoor storage spaces.
- Change medical extended care services and assisted living developments to conditional use permits to allow for review of surrounding use compatibility. Also eliminate these uses from the Commercial Service and Commercial Neighborhood zoning districts for consistency with the General Plan.

For all commercial zones, notes clarifying the requirement for conditional use permit approval if outdoor storage is equal to or greater than 1000-square feet are proposed as follows:

- Accessory Storage, general retail, fuel dealer, collection stations, building materials and hardware, vehicle and equipment storage, winery – production, printing & publishing, winery – boutique, wholesaling & distribution center.

The City is also currently preparing a plan for the El Camino Corridor that will look at appropriate uses and zoning designations for a majority of the properties along El Camino Real. We anticipate that additional changes will be proposed in the future Citywide General Plan update based on the recommendations of this plan. This minor update is a first step in ensuring that uses listed for the retail district achieve the goals and vision described in the General Plan.

4. Lot Posting Requirements for Subdivisions

The Municipal Code currently requires sites proposed for subdivision to be posted once the map is deemed complete. An application is deemed complete once the City receives enough information to complete their analysis. This posting is an additional step in the process that is unnecessary and not required by the Subdivision map Act or other State law. The proposed text amendment eliminates this additional lot posting. Sites will continue to be posted prior to any public hearing per state and local requirements.

5. Neighborhood Notice Radii for Development Projects

The California Environmental Quality Act and the Atascadero Municipal Code require noticing to all owners within 300-feet of a proposed project boundary. The Municipal Code increases the noticing radius to 1,000-feet for subdivisions within the RS zone due to the large lot sizes and need to extend notification beyond the adjoining parcels. It has been the City's practice to notice all projects within the RS zone at the 1,000-foot radius, although it is only technically required for subdivisions. As this is City policy and not codified, the City cannot pass along the cost of the additional mailings to the applicants. This usually results in a minor additional cost associated with postage of the notices. The mailing and label generation fee generally stay the same as the cost is a flat fee within a given range of parcels required to be noticed. The proposed update would codify the City's policy and require 1,000-foot noticing for all projects in the RS zone that require a public hearing allowing the City to recoup postage costs.

6. Minimum Lot Sizes in Commercial Zoning Districts

The Municipal Code currently does not establish minimum lot sizes in the commercial zoning districts. This allows for flexible ownership configurations within larger integrated commercial developments. However, the lack of a minimum lot size is problematic when commercial subdivisions are used for the purpose of separating a non-conforming use from a new development or when subdivisions are proposed without a comprehensive development plan. Resulting parcels can often be too small to accommodate reasonable uses as envisioned by the General Plan and as listed in the Zoning Ordinance. This perpetuates vacant, underutilized, or non-conforming lots to exist with no incentive or realistic plan to develop. The proliferation of small lots along our commercial corridor is one of several factors that have reduced the economic potential of our commercial corridor. Establishing logical minimum lot sizes for commercial districts will help the City preserve our Commercial Land for the uses that were envisioned by the General Plan.

The proposed code text establishes a one-half (1/2) acre minimum lot size in the Commercial Neighborhood, Commercial Professional, and Commercial retail zoning districts. The commercial retail zone generally sees uses that are indoor focused and only have a need for parking outside of the building. A one-half acre minimum lot size

will allow maximum development flexibility while retaining appropriate land area for parking and other required site improvements.

Staff is recommending a one (1) acre minimum lot size in the Commercial Service and Commercial Tourist zoning districts. This will ensure that uses such as auto repair and light manufacturing in the Commercial Service zone, and large scale hotels and restaurants in the Commercial Tourist zone will have enough site area to accommodate required ancillary improvements.

A two (2) acre minimum lot size is proposed for the Industrial and Industrial Park zoning districts. Parcels in this zone are intended for larger scale uses that can have a sizable outdoor component. A two acre minimum will allow parcels to be marketable for their intended uses.

Within each zoning district, exceptions to the minimum lot size are included for subdivisions that are part of a planned commercial or industrial center development. In addition, a finding must be made that smaller lot sizes will not be detrimental to the purpose of the zoning district.

7. Clarification of approval process for Condominium maps.

Section 12 of Title 9 refers to tentative and final maps as required for processing of a condominium map. The intent was to include both Parcel or Tract maps as part of this process based on the number of parcels and units requested as part of the subdivision or any allowed mapping exemptions listed in the Subdivision Map Act; however, the Subdivision Map Act only uses the term “final map” in relation to a Tract Map, using the term Parcel Map to designate the map that records to finalize a tentative parcel map. With this inconsistency between the Subdivision map Act and City code, our condominium code section can be interpreted incorrectly. The proposed changes clarify that Parcel Maps are included in this process for condominium subdivisions as applicable.

Proposed Environmental Determination

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

CONCLUSION

The proposed text amendments are consistent with the General Plan and are part of an annual effort to align the zoning regulations with City policy while ensuring the City has an accurate and legible code. Each year, a series of zoning amendments will be explored in order to keep the zoning ordinance a “living document” that can be responsive to economic development and the latest changes to state and local policies.

ALTERNATIVES

1. The Commission may recommend modifications of the text amendments to the City Council.
2. The Commission may determine that more information is needed on some proposed revisions and may refer the item back to staff to develop the additional information. The Commission should clearly state the type of information that is required and move to continue the item to a future date.
3. The Commission may recommend the City Council deny some or all of the proposed text amendments. The Commission should specify the reasons for denial of the project and recommend an associated finding with such action.

ATTACHMENTS:

- | | |
|---------------|--|
| Attachment 1: | Proposed Zoning Regulation Amendments with Tracked Changes |
| Attachment 2: | Draft Resolution |

ATTACHMENT 1: Proposed Zoning Regulation Amendments with Tracked Changes
ZCH19-0023

1. Farm Animal Raising

9-6.112 Farm animal raising

(h) Modification of Certain Standards. The minimum site area and allowable animal density standards set forth in this section may be adjusted ~~through administrative use permit approval (refer to Section 9-1.112)~~ subject to compliance with the criteria set forth in this section, except that these standards may also be modified through Conditional Use Permit approval (refer to Section 9-2.110) if these criteria cannot be satisfied. The setback, maintenance and special requirements standards may not be modified by ~~administrative use permit or~~ conditional use permit.

(1) Youth Projects. An adjustment not to exceed one (1) additional animal equivalency unit per acre or an adjustment to reduce the minimum site area by no more than twenty-five (25) percent may be granted for a youth project sponsored by a recognized organization, subject to the following criteria:

(i) The project is for a limited duration with a known termination date at which time the project animal will be removed from the site and the site brought into conformance with all applicable standards; and

(ii) There is an adult project supervisor who has reviewed and approved, in writing, the project and who can take corrective action if necessary regarding the project; and

(iii) All other standards of the section including setbacks, maintenance and special standards applicable to the project are and will be continuously satisfied; and

(iv) The site otherwise conforms to the standards set forth in the section; and

(v) All animals maintained on the site are owned by the residents of the premises; and

(vi) The youth involved in the project has demonstrated in prior adjustments, if applicable, the responsibility to maintain the project in a satisfactory manner.

2. Mobile Food Vending

9-3.330 Nonresidential district allowable land uses.

Notes: (These notes apply only to Table 3-2).

6 Mobile food vending permitted ~~if use is located outside of right-of-way and located~~ on private property with owner's permission and City review of parking and access on-site. Mobile food trucks used as part of an event may be permitted in the right-of-way with the issuance of an Event Permit.

9-6.174 Seasonal or temporary sales.

Seasonal sales include the retail sale of seasonal products such as produce and Christmas trees. Temporary sales include retail trade activities of short duration which involve the sale of other products. Both types of sales occur outdoors or in locations not otherwise designated by this title as being appropriate for permanent retail trade facilities. Such activities are subject to the provisions of this section.

(a) Licensing Requirement. Business license clearance is required for all seasonal or temporary sales, except sidewalk sales when conducted by merchants with previously approved annual business licenses; and

(b) Temporary Sales Generally. Temporary sales of items other than seasonal agricultural products are allowed only in conjunction with temporary events (Section 9-6.177), except:

- (1) The temporary sale of handcrafted items and artwork, produced by an authorized home occupation are allowable as set forth in Section 9-6.105.
- (2) Sidewalk or Temporary sales are allowed in commercial zones when:
 - (i) Conducted by the merchants of shops abutting the sidewalk; and
 - (ii) Authorized by an encroachment permit (if using the public sidewalk or are a mobile vendor in the right-of-way); and
 - (iii) Such sales are conducted no more frequently than one (1) two (2) day period in every ninety (90) days.

3. CPK Storage Uses / Commercial Retail - Vehicle Storage Use

9-3.330 Nonresidential district allowable land uses.

Table 3-2 identifies the uses of land allowed by this Zoning Code in each nonresidential district, and the planning permit required to establish each use, in compliance with Chapters 9-1 and 9-2 of this code. Where the last column in the tables (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this article may also apply.

Table 3-2 – Nonresidential Use Table
Allowed Land Uses and Permit Requirements

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										Special Regulation(s)
	Permitted Uses By Zones										
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Agricultural Resources											
Agricultural Produce Stands	A	A			A	A					9-6.117
Farm Equipment and Supplies			A CUP	A CUP		A CUP			A	A	
Farmers’ Market	CUP	CUP	CUP		CUP	CUP	A	A			
Horticultural Specialties		A CUP	A CUP	A CUP	A CUP	A CUP			A	A	9-6.116
Large Scale Ag				CUP					CUP	A	9-6.103

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Manufacturing											
Residential Uses											
Age Restricted Housing							CUP				
Caretaker's Residence/Employee Unit		CUP	CUP	CUP							
Live/Work Unit							A ¹				
Multifamily Dwelling	CUP ²	CUP ²	CUP ²	CUP ²			A ¹	A ¹			
Single-Family Dwelling							A ¹	A ¹			
Single-Room Occupancy Units			CUP								9-6.184
Recreation, Education, and Public Assembly											
Amusement Services		A	A	A		A	A			A	
Churches and Related Activities		CUP	CUP								9-6.121
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Libraries, Museums		A	A	A	A		A	A			
Membership Organizations			A	A		CUP	CUP				
Outdoor Recreation Services			CUP	CUP	A						9-6.123
Parks and Playgrounds							A	A			
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Schools		A	A	A			CUP	CUP			9-6.125
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Temporary Events	A/ CUP ³	CUP	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A	A	9-6.177
Tourism, Lodging, and Dining											
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Hotels, Motels		CUP	A	A	A		CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Recreational Vehicle Parks					A						9-6.180
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Retail Trade and Sales⁴											
Accessory Storage		A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	9-6.103
Adult Oriented Business			A	A					A	A	9-16
Artisan Foods and Products			A	A		A	A ⁵		A	A	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163

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Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Building Materials and Hardware		A CUP	A CUP	A ⁴		A CUP			A ⁴	A ⁴	9-6.165
Fuel Dealer			A	A ⁴		A CUP			A ⁴	A ⁴	9-6.129
General Retail	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Mobile Eating and Drinking Vendors ⁶	A	A	A	A		A	A		A	A	
Retail Sales—Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Service Stations	CUP		CUP	CUP	A CUP						9-6.164
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Services—Business, Financial and Professional											
ATM	A	A	A	A	A	A	A	A	A	A	
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Government Offices and Facilities	A	A	A	A	A	A	CUP ⁹	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP ⁹	A			
Offices	A	A	A	A	A	A	CUP ⁹	A			
Temporary Offices		A	A	A							9-6.176
General Services											
Animal Hospitals		CUP ⁷	CUP	A		CUP					9-6.110
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168

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Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Business Support Services		A	A	A		A	A	A	A	A	
Contract Construction Services				A		A CUP			A	A	
Day Care											
Childcare Center	A	A	A					CUP			9-6.125
Large Family Day Care		CUP ⁸	CUP ⁸								9-6.125
Small Family Day Care		A ⁸	A ⁸	A ⁸		A ⁸	A ⁸				
Adult Day Care Facility	A	A	A					CUP			
Kennels			CUP	A							9-6.111
Laundromat/Coin-Operated Laundry	A	A	A	A	A	CUP			A	A	
Medical Extended Care Services: 6 Residents or Less	A CUP		A CUP								9-6.134
Medical Extended Care Services: 7 Residents or More	A CUP		A CUP								9-6.134
Mini-Storage				CUP		CUP			A	A	
Mortuary Services			A	A							
Personal Services	A	A	A	A	A	CUP	A				
Personal Service Restricted				A	CUP	CUP					
Printing and Publishing		CUP	CUP			A ⁴			A ⁴	A ⁴	
RCFE – Assisted	A		A	A							9-6.135

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Living			CUP								
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Residential Care: 6 Residents or Less							A ¹	A ¹			9-6.135
Vehicle and Equipment Storage ⁴			CUP			CUP			A ⁴	A ⁴	9-6.183
Industrial, Wholesale, Manufacturing Uses											
Brewery – Production				CUP		CUP			A	A	
Collection Stations	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	9-6.130
Laundries and Dry Cleaning Plants				A		A			A	A	
Medical Research		CUP		A		A		CUP	A	A	
Manufacturing and Processing - Low Intensity		CUP	CUP	A		A			A	A	
Manufacturing and Processing – High Intensity ⁴				CUP		CUP			AUP	AUP	
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	
Storage, Recycling and Dismantling of Vehicles and Material				CUP					A	A	9-6.131

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center ⁴		AUP	AUP	A ⁴		A ⁴			A ⁴	A ⁴	
Winery – Boutique			A ⁴	A ⁴	A ⁴	A ⁴	A ⁴		A ⁴	A ⁴	
Winery – Production				CUP		CUP			A ⁴	A ⁴	
Transportation Communication and Infrastructure											
Broadcast Studios			A	A							
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Parking Lots	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Vehicle and Freight Terminals				CUP					CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	

4. Lot Posting Requirements for Subdivisions

11-4.06 Notice of planning commission hearing on tentative map.

The Planning Commission shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Map Act, except those subdivisions proposed within an area zoned Residential Suburban (RS), where all owners of real property within a one thousand (1,000) foot radius of the subject property shall receive notice as provided herein. Any interested person may appear at such hearing and shall be heard.

~~Each street frontage of property to be subdivided shall be clearly posted by the applicant with a “Notice of Intent to Subdivide” provided by the Community Development Department at the time that a complete application for subdivision is filed~~

5. Neighborhood Notice Radii for Development Projects

9-1.110 Public hearings.

When a public hearing before the Planning Commission or the City Council is required by this title, such hearing shall be conducted as follows:

(a) Notice of Hearing. Notice of a public hearing shall include the time and place of the hearing, a general description of the request, the location of the site, and any additional information which the Planning Director deems appropriate. Such notice shall be given at least ten (10) days before the hearing by first class mail with postage prepaid to all persons whose names and addresses appear on the last equalized assessment roll as owning property within three hundred (300) feet from the exterior boundaries of the parcel which is the subject of the hearing, except for projects in the RS zoning district which shall require that notices be sent to all such properties within a one thousand feet (1000) from the exterior boundaries of the project site. Such notice shall also be published at least once at least ten (10) days before the hearing in a newspaper of general circulation, published and circulated in the City, or if there is none, it shall be posted in at least three (3) public places in the City.

6. Minimum Lot Sizes in Commercial Zoning Districts

9-3.340 Property development standards.

New subdivisions, land uses, structures, and alterations to existing land uses and structures shall be designed, constructed and established in compliance with the Sections 9-3.461 through 9-3.450 9-3.341 through 9-3.444, in addition to applicable standards (e.g., landscaping, parking, fencing, etc.) in Chapter 9-4, and Special Land Use Regulation in Chapter 9-6 of this title. (Ord. 602 § 2, 2016)

9-3.341 CN Zone.

The following are property development standards for the CN in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. ~~There shall be no minimum lot size in the Commercial Neighborhood Zone.~~ The minimum lot size in the Commercial Neighborhood Zone shall be one half (1/2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Neighborhood Zone.

(b) Multifamily Dwellings. Multifamily dwellings are permitted with a minor conditional use permit when located on the second floor or above.

9-3.342 CP Zone.

The following are property development standards for the CP in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. ~~There shall be no minimum lot size in the Commercial Professional Zone.~~ The minimum lot size in the Commercial Professional Zone shall be one half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Professional Zone.

9-3.343 CR Zone.

The following are property development standards for the CR in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. ~~There shall be no minimum lot size in the Commercial Retail Zone.~~ The minimum lot size in the Commercial Retail Zone shall be one half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Retail Zone.

(b) Parking. Parking areas designated to have vehicles facing El Camino Real or the freeway shall be screened with a landscaped berm a minimum of thirty (30) inches in height.

(c) Setback. A minimum freeway setback of ten (10) feet shall be provided. Said setback area shall be landscaped.

(d) Utilities. All new and existing utilities shall be installed underground.

9-3.344 CS Zone.

The following are property development standards for the CS in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. ~~There shall be no minimum lot size in the Commercial Service Zone.~~ The minimum lot size in the Commercial Service Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Service Zone.

9-3.345 CT Zone.

The following are property development standards for the CT in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. ~~There shall be no minimum lot size in the Commercial Tourist Zone.~~ The minimum lot size in the Commercial Tourist Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Tourist Zone.

9-3.347 DC/DO Zone.

The following are property development standards for both the DC and DO zoning districts, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

Development Feature	Requirement by Zoning District	
	DC	DO
	Downtown Commercial	Downtown Office
Minimum lot size	No minimum	

Setbacks	<i>Minimum and maximum setbacks required. See Section 9-4.103 for setback requirement, allowed projections into setbacks, and exceptions to setbacks.</i>	
Front	None allowed, except for building insets designed to accommodate outdoor eating and seating areas, and except for East Mall between El Camino Real and Palma Avenue, where a minimum of 20 feet is required.	As required by Section 9-4.106 when adjacent to a residential zone, none required otherwise.
Sides (each)	None required	
Rear	None required	
Creek	To be determined through Design Review	
Height limit	45 feet not to exceed 3 stories; 18 feet on the west side of El Camino Real between Atascadero Creek and the lot line common to Lots 19 and 20, Block H-B, Atascadero Colony Map.	35 feet
Landscaping	As required by Section 9-4.124 et seq. (Landscaping, screening and fencing)	
Off-street parking	None required, except as required by Section 9-4.114 for hotels, motels, residential uses, offices, government offices and facilities, and health care services, and for all development east of Atascadero Creek.	As required by Section 9-4.114 et seq.
Signs	See Chapter 9-15	
Density	20 dwelling units/acre maximum	20 dwelling units/acre maximum

9-3.348 IP Zone.

The following are property development standards for the IP zoning district, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

(a) Lot Size. ~~There shall be no minimum lot size in the Industrial Park Zone. The minimum lot size in the Industrial Park Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Industrial Park Zone.~~

9-3.349 I Zone.

The following are property development standards for the I zoning district, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

(a) Lot Size. ~~There shall be no minimum lot size in the Industrial Zone. The minimum lot size in the Industrial Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Industrial Zone.~~

7. Clarification of approval process for Condominium maps.

9-12.104 Required approvals.

No condominium project or condominium conversion shall be permitted unless a conditional use permit is approved pursuant to the provisions of this chapter and Section 9-2.110 of this Code. Condominium projects and condominium conversions shall also require a Tentative Map or Vesting Tentative Map ~~tentative~~ and ~~final~~ a Final Map or Parcel Map ~~map~~ pursuant to Title 11 of this Code, and shall be subject to all applicable provisions of the Subdivision Map Act, Title 11 of this Code, and all other applicable state and local laws and ordinances. Provisions for notice, hearing, and appeal shall be as specified in Title 9 and Title 11 of this Code for conditional use permits and tentative maps, respectively, except as modified by the provisions of this chapter. (Ord. 523 § 2, 2007)

ATTACHMENT 2: Draft Resolution ZCH19-0023
--

DRAFT RESOLUTION

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY
COUNCIL AMEND TITLE 9 OF THE ATASCADERO MUNICIPAL CODE**

**TITLE 9 ZONING ORDINANCE CODE TEXT AMENDMENTS
CITY OF ATASCADERO
(ZCH19-0023)**

WHEREAS, an application has been received from the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), to consider Zone Change Text Amendments to Title 9; and

WHEREAS, a Notice of Exemption was 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 Planning Commission has determined that it is in the best interest of the City to enact these amendments to Title 9 Planning and Zoning of the Municipal Code for consistency with the General Plan and to maintain a clear and legible set of Zoning Regulations that is easily interpreted by the public and staff; 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 Planning and Zoning Text Change 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 Planning and Zoning Text Amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on March 19, 2019, studied and considered ZCH19-0023; and,

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

SECTION 1. Findings for Approval of a Zone Text Change. The Planning Commission finds as follows:

1. The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.
2. This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.
3. The Text Change will not, in itself, result in significant environmental impacts.

SECTION 2. Recommendation of Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on March 19, 2019, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would amend the City Planning and Zoning Code Text with the following:

EXHIBIT A: Categorical Exemption

EXHIBIT B: Zone Text Change – Title 9 Zoning Ordinance

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

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

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

ADOPTED:

CITY OF ATASCADERO, CA

Tom Zirk
Planning Commission Chairperson

Attest:

Phil Dunsmore
Planning Commission Secretary

EXHIBIT A: CEQA Exemption
ZCH19-0023
EXHIBIT B: Title 9 Zoning Ordinance Text Amendments
Zone Text Change – Title 9 Zoning Ordinance



CITY OF ATASCADERO NOTICE OF EXEMPTION

6500 Palma Avenue Atascadero, CA 93422 805.461.5000

TO: ☒ File

FROM: Katie Banister
Assistant Planner
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

Project Title: ZCH19-0023

Project Applicant: City of Atascadero

Project Location: 6500 Palma Ave, Atascadero, CA 93422, San Luis Obispo County

Project Description: Zoning Ordinance Text Updates including revisions to the land use definitions, development standards, and eliminating inconsistencies found in Title 9 of the Atascadero Municipal Code. The application does not include the construction of any project.

Name of Public Agency Approving Project: City of Atascadero

Name of Person or Agency Carrying Out Project: City of Atascadero

Exempt Status:

- | | |
|--|---|
| <input type="checkbox"/> Ministerial (Sec. 15073) | <input type="checkbox"/> Emergency Project (Sec. 1507 (b) and (c)) |
| <input type="checkbox"/> Declared Emergency (Sec. 15061 (a)) | <input checked="" type="checkbox"/> General Rule Exemption (Sec. 15061(b)(3)) |
| <input type="checkbox"/> Categorically Exempt (Sec. 15303) | |

Reasons why project is exempt: The Guidelines of the California Environmental Quality Act (CEQA) (Section 15061.(3), (b)) exempts activities that are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed text amendment will not have any significant adverse environmental impacts associated with this project application.

Contact Person: Kelly Gleason (805) 470-3446

Date: March 11, 2019

Handwritten signature of Kelly Gleason in blue ink.
Kelly Gleason
Senior Planner

ZCH19-0023

9-6.112 Farm animal raising

(h) **Modification of Certain Standards.** The minimum site area and allowable animal density standards set forth in this section may be adjusted subject to compliance with the criteria set forth in this section, except that these standards may also be modified through conditional use permit approval (refer to Section 9-2.110) if these criteria cannot be satisfied. The setback, maintenance and special requirements standards may not be modified by conditional use permit.

(1) **Youth Projects.** An adjustment not to exceed one (1) additional animal equivalency unit per acre or an adjustment to reduce the minimum site area by no more than twenty-five (25) percent may be granted for a youth project sponsored by a recognized organization, subject to the following criteria:

- (i) The project is for a limited duration with a known termination date at which time the project animal will be removed from the site and the site brought into conformance with all applicable standards; and
- (ii) There is an adult project supervisor who has reviewed and approved, in writing, the project and who can take corrective action if necessary regarding the project; and
- (iii) All other standards of the section including setbacks, maintenance and special standards applicable to the project are and will be continuously satisfied; and
- (iv) The site otherwise conforms to the standards set forth in the section; and
- (v) All animals maintained on the site are owned by the residents of the premises; and
- (vi) The youth involved in the project has demonstrated in prior adjustments, if applicable, the responsibility to maintain the project in a satisfactory manner.

9-3.330 Nonresidential district allowable land uses.

Notes: (These notes apply only to Table 3-2).

6 Mobile food vending permitted on private property with owner's permission and City review of parking and access on-site. Mobile food trucks used as part of an event may be permitted in the right-of-way with the issuance of an Event Permit.

9-6.174 Seasonal or temporary sales.

Seasonal sales include the retail sale of seasonal products such as produce and Christmas trees. Temporary sales include retail trade activities of short duration which involve the sale of other products. Both types of sales occur outdoors or in locations not otherwise designated by this title as being appropriate for permanent retail trade facilities. Such activities are subject to the provisions of this section.

- (a) **Licensing Requirement.** Business license clearance is required for all seasonal or temporary sales, except sidewalk sales when conducted by merchants with previously approved annual business licenses; and
- (b) **Temporary Sales Generally.** Temporary sales of items other than seasonal agricultural products are allowed only in conjunction with temporary events (Section 9-6.177), except:
 - (1) The temporary sale of handcrafted items and artwork, produced by an authorized home occupation are allowable as set forth in Section 9-6.105.

- (2) Sidewalk or Temporary sales are allowed in commercial zones when:
- (i) Conducted by the merchants of shops abutting the sidewalk; and
 - (ii) Authorized by an encroachment permit (if using the public sidewalk or are a mobile vendor in the right-of-way); and
 - (iii) Such sales are conducted no more frequently than one (1) two (2) day period in every ninety (90) days.

9-3.330 Nonresidential district allowable land uses.

Table 3-2 identifies the uses of land allowed by this Zoning Code in each nonresidential district, and the planning permit required to establish each use, in compliance with Chapters 9-1 and 9-2 of this code. Where the last column in the tables (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this article may also apply.

Table 3-2 – Nonresidential Use Table
Allowed Land Uses and Permit Requirements

Nonresidential Zones	A Allowed Use, Zoning Clearance Required										
	CUP Conditional Use Permit Required										
	AUP Administrative Use Permit Required										
<input type="checkbox"/> Not Permitted											
Permitted Uses By Zones											Special Regulation(s)
CN	CP	CR	CS	CT	CPK	DC	DO	IP	I		
Agricultural Resources											
Agricultural Produce Stands	A	A			A	A					9-6.117
Farm Equipment and Supplies			CUP	CUP		CUP			A	A	
Farmers’ Market	CUP	CUP	CUP		CUP	CUP	A	A			
Horticultural Specialties		CUP	CUP	CUP	CUP	CUP			A	A	9-6.116
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Residential Uses											
Age Restricted Housing							CUP				
Caretaker’s Residence/Employee		CUP	CUP	CUP							

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Unit											
Live/Work Unit							A ¹				
Multifamily Dwelling	CUP ²	CUP ²	CUP ²	CUP ²			A ¹	A ¹			
Single-Family Dwelling							A ¹	A ¹			
Single-Room Occupancy Units			CUP								9-6.184
Recreation, Education, and Public Assembly											
Amusement Services		A	A	A		A	A			A	
Churches and Related Activities		CUP	CUP								9-6.121
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Libraries, Museums		A	A	A	A		A	A			
Membership Organizations			A	A		CUP	CUP				
Outdoor Recreation Services			CUP	CUP	A						9-6.123
Parks and Playgrounds							A	A			
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Schools		A	A	A			CUP	CUP			9-6.125
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						

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Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Temporary Events	A/ CUP ³	CUP	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A	A	9-6.177
Tourism, Lodging, and Dining											
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Hotels, Motels		CUP	A	A	A		CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Recreational Vehicle Parks					A						9-6.180
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Retail Trade and Sales⁴											
Accessory Storage		A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	9-6.103
Adult Oriented Business			A	A					A	A	9-16
Artisan Foods and Products			A	A		A	A ⁵		A	A	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163
Building Materials and Hardware		CUP	CUP	A ⁴		CUP			A ⁴	A ⁴	9-6.165
Fuel Dealer				A ⁴		CUP			A ⁴	A ⁴	9-6.129
General Retail	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴				
General Retail Greater than 50,000	CUP	CUP	CUP	CUP	CUP	CUP	CUP				

ITEM 3 | 3/19/19
Zoning Text Amendments
ZCH19-0023 / City of Atascadero

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
sf											
Mobile Eating and Drinking Vendors ⁶	A	A	A	A		A	A		A	A	
Retail Sales— Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Services—Business, Financial and Professional											
ATM	A	A	A	A	A	A	A	A	A	A	
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Government Offices and Facilities	A	A	A	A	A	A	CUP ⁹	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP ⁹	A			
Offices	A	A	A	A	A	A	CUP ⁹	A			
Temporary Offices		A	A	A							9-6.176
General Services											
Animal Hospitals		CUP ⁷	CUP	A		CUP					9-6.110
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168
Business Support Services		A	A	A		A	A	A	A	A	
Contract Construction Services				A		CUP			A	A	
Day Care											
Childcare Center	A	A	A					CUP			9-6.125

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Large Family Day Care		CUP ⁸	CUP ⁸								9-6.125
Small Family Day Care		A ⁸	A ⁸	A ⁸		A ⁸	A ⁸				
Adult Day Care Facility	A	A	A					CUP			
Kennels			CUP	A							9-6.111
Laundromat/Coin-Operated Laundry	A	A	A	A	A	CUP			A	A	
Medical Extended Care Services: 6 Residents or Less	CUP		CUP								9-6.134
Medical Extended Care Services: 7 Residents or More	A		CUP								9-6.134
Mini-Storage				CUP		CUP			A	A	
Mortuary Services			A	A							
Personal Services	A	A	A	A	A	CUP	A				
Personal Service Restricted				A	CUP	CUP					
Printing and Publishing		CUP	CUP			A ⁴			A ⁴	A ⁴	
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Residential Care: 6 Residents or Less							A ¹	A ¹			9-6.135

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Vehicle and Equipment Storage ⁴						CUP			A ⁴	A ⁴	9-6.183
Industrial, Wholesale, Manufacturing Uses											
Brewery – Production				CUP		CUP			A	A	
Collection Stations	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	9-6.130
Laundries and Dry Cleaning Plants				A		A			A	A	
Medical Research		CUP		A		A		CUP	A	A	
Manufacturing and Processing - Low Intensity		CUP	CUP	A		A			A	A	
Manufacturing and Processing – High Intensity ⁴				CUP		CUP			AUP	AUP	
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	
Storage, Recycling and Dismantling of Vehicles and Material				CUP					A	A	9-6.131
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center ⁴		AUP	AUP	A ⁴		A ⁴			A ⁴	A ⁴	
Winery – Boutique			A ⁴	A ⁴	A ⁴	A ⁴	A ⁴		A ⁴	A ⁴	
Winery – Production				CUP		CUP			A ⁴	A ⁴	
Transportation Communication and Infrastructure											
Broadcast Studios			A	A							

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Parking Lots	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Vehicle and Freight Terminals				CUP					CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	

11-4.06 Notice of planning commission hearing on tentative map.

The Planning Commission shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Map Act, except those subdivisions proposed within an area zoned Residential Suburban (RS), where all owners of real property within a one thousand (1,000) foot radius of the subject property shall receive notice as provided herein. Any interested person may appear at such hearing and shall be heard.

9-1.110 Public hearings.

When a public hearing before the Planning Commission or the City Council is required by this title, such hearing shall be conducted as follows:

(a) Notice of Hearing. Notice of a public hearing shall include the time and place of the hearing, a general description of the request, the location of the site, and any additional information which the Planning Director deems appropriate. Such notice shall be given at least ten (10) days before the hearing by first class mail with postage prepaid to all persons whose names and addresses appear on the last equalized assessment roll as owning property within three hundred (300) feet from the exterior boundaries of the parcel which is the subject of the hearing, except for projects in the RS zoning district which shall require that notices be sent to all such properties within a one thousand feet (1000) from the exterior boundaries of the project site. Such notice shall also be published at least once at least ten (10) days before the hearing in a newspaper of general circulation, published and circulated in the City, or if there is none, it shall be posted in at least three (3) public places in the City.

9-3.340 Property development standards.

New subdivisions, land uses, structures, and alterations to existing land uses and structures shall be designed, constructed and established in compliance with the Sections 9-3.341 through 9-3.444, in addition to applicable standards (e.g., landscaping, parking, fencing, etc.) in Chapter 9-4, and Special Land Use Regulation in Chapter 9-6 of this title. (Ord. 602 § 2, 2016)

9-3.341 CN Zone.

The following are property development standards for the CN in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Neighborhood Zone shall be one half (1/2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Neighborhood Zone.

(b) Multifamily Dwellings. Multifamily dwellings are permitted with a minor conditional use permit when located on the second floor or above.

9-3.342 CP Zone.

The following are property development standards for the CP in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Professional Zone shall be one half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Professional Zone.

9-3.343 CR Zone.

The following are property development standards for the CR in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Retail Zone shall be one half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Retail Zone.

(b) Parking. Parking areas designated to have vehicles facing El Camino Real or the freeway shall be screened with a landscaped berm a minimum of thirty (30) inches in height.

(c) Setback. A minimum freeway setback of ten (10) feet shall be provided. Said setback area shall be landscaped.

(d) Utilities. All new and existing utilities shall be installed underground.

9-3.344 CS Zone.

The following are property development standards for the CS in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Service Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Service Zone.

9-3.345 CT Zone.

The following are property development standards for the CT in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Tourist Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Tourist Zone.

9-3.348 IP Zone.

The following are property development standards for the IP zoning district, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

(a) Lot Size. The minimum lot size in the Industrial Park Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Industrial Park Zone.

9-3.349 I Zone.

The following are property development standards for the I zoning district, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

(a) Lot Size. The minimum lot size in the Industrial Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Industrial Zone.

9-12.104 Required approvals.

No condominium project or condominium conversion shall be permitted unless a conditional use permit is approved pursuant to the provisions of this chapter and Section 9-2.110 of this Code. Condominium projects and condominium conversions shall also require a Tentative Map or Vesting Tentative Map and a Final Map or Parcel Map pursuant to Title 11 of this Code, and shall be subject to all applicable provisions of the Subdivision Map Act, Title 11 of this Code, and all other applicable state and local laws and ordinances. Provisions for notice, hearing, and appeal shall be as specified in Title 9 and Title 11 of this Code for conditional use permits and tentative maps, respectively, except as modified by the provisions of this chapter.