



# **CITY OF ATASCADERO PLANNING COMMISSION AGENDA**

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**REGULAR MEETING**  
**Tuesday, September 3, 2019**  
**6:00 P.M.**

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

## **CALL TO ORDER**

Pledge of Allegiance

Roll Call: Chairperson Tom Zirk  
Vice Chairperson Mark Dariz  
Commissioner Duane Anderson  
Commissioner Tori Keen  
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 AUGUST 6, 2019**

- Recommendation: Commission approve the August 6, 2019 Minutes.

### **2. APPROVAL OF TIME EXTENSION FOR 2055 EL CAMINO REAL (TEX19-0068) WALMART**

- Recommendation: Commission deny the time extension.

#### **WEBSITE:**



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**COMMUNITY DEVELOPMENT STAFF REPORTS**

None

**PUBLIC HEARINGS (None)**

(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.

**COMMISSIONER COMMENTS AND REPORTS****DIRECTOR'S REPORT****ADJOURNMENT**

*The next regular meeting will be held on September 17, 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](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.

**WEBSITE:** [www.atascadero.org](http://www.atascadero.org)



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## **CITY OF ATASCADERO PLANNING COMMISSION**

# **DRAFT MINUTES**

**Regular Meeting – Tuesday, August 6, 2019 – 6:00 P.M.  
City Hall Council Chambers  
6500 Palma Avenue, Atascadero, California**

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

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

### **ROLL CALL**

Present: Commissioners Anderson, Béraud, Wolff, Vice Chairperson Dariz, Chairperson Zirk

Absent: Commissioner van den Eikhof (excused absence)  
Commissioner Shaw (excused absence)

Others Present: Recording Secretary, Annette Manier

Staff Present: Community Development Director, Phil Dunsmore  
Senior Planner, Kelly Gleason  
Associate Planner, John Holder

### **APPROVAL OF AGENDA**

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

***Motion passed 4:0 by a roll-call vote. (Dariz absent)***

### **PUBLIC COMMENT**

None.

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

## **CONSENT CALENDAR**

### **1. DRAFT MINUTES OF JUNE 18, 2019**

- Recommendation: Commission approve the June 18, 2019 Minutes.

### **2. APPROVAL OF TIME EXTENSION FOR 1905 EL CAMINO REAL**

- Recommendation: Commission approve the time extension (TEX19-0064).

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

*Motion passed 4:0 by a roll-call vote.  
(Dariz absent)*

## **COMMUNITY DEVELOPMENT STAFF REPORTS**

None.

## **PLANNING COMMISSION BUSINESS**

### **OATH OF OFFICE:**

#### **A. Administration of Oath of Office**

Administration of Oath of Office to new Planning Commissioner, Tori Keen by the City Clerk's Office.

### **PRESENTATION:**

#### **B. Recognition of outgoing Planning Commission member, Ellen Béraud.**

Vice Chairperson Dariz arrived at 6:10 p.m.

**Roll Call:** Recording Secretary Manier performed roll call with the new Commission sitting at the dais.

## **PUBLIC HEARINGS**

### **3. USE PERMIT FOR HOTEL USE AT 6000 DEL RIO ROAD**

The proposed project is a use permit to allow a hotel use comprised on 20 lodging units, a manager's unit, and associated amenities.

- Ex-Parte Communications:
- Recommendation: Approve the project with conditions. (DEV18-0101)

## **EX PARTE COMMUNICATIONS**

Commissioner Anderson reviewed this item at the DRC.  
Vice Chairperson Dariz reviewed this item at the DRC.

A letter from Caltrans was distributed to the Commission prior to the meeting (Exhibit A).  
A letter from APCD was distributed to the Commission prior to the meeting (Exhibit B).

Planner Gleason gave the staff report, and answered questions from the Commission.

## **PUBLIC COMMENT**

The following members of the public spoke during public comment: Peter Laughlin and Diana Heller. Mr. Laughlin requested that the fire sprinkler conditions be changed to fall under HCD (California Department of Housing and Community Development) rules.

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

Staff responded to Mr. Laughlin's request and suggested that conditions could be modified to state that all units should meet the requirements of the Fire Marshal.

### **MOTION:**

**By Commissioner Anderson and seconded by Vice Chairperson Dariz to adopt PC Resolution 2019-A approving a Conditional Use Permit for a modular hotel use, subject to findings and conditions of approval, with a change to Condition 50 on Page 42 to state that the applicant and the Fire Marshal work together to come to an agreement that all units be modified to meet the requirements of the Fire Marshal.**

***Motion passed 5:0 by a roll-call vote.***

## **4. AMENDMENT TO EMERGENCY SHELTER OVERLAY ZONE TEXT FOR 6370 ATASCADERO MALL (ECHO)**

The proposed project consists of adding 10 additional beds and modifications to the existing Zoning Ordinance governing the El Camino Homeless Organization.

- Ex-Parte Communications:
- Recommendation: Approve the project with conditions. (ZCH19-0060)

## **EX PARTE COMMUNICATIONS**

Chairperson Zirk met with ECHO at their office, and met with neighbors that he knows personally to get a feel for the application.

Vice Chairperson Dariz spoke with Jim Patterson regarding the project.

Planner Gleason gave the staff report and stated there is an updated site plan (Exhibit C) and suggested revisions to Resolutions A and B as follows:

- Adopt Draft Resolution A approving a Zone Text Change for the Emergency Shelter Overlay District, subject to findings and conditions of approval.
  - With deletion of “24 hours” in section (d)(1)
- Adopt Draft Resolution B recommending that the City Council approve a Conditional Use Permit for daytime programming at the existing shelter.
  - With amended exhibit clarifying the intake and recreation areas.

Planner Gleason answered questions from the Commission.

### **PUBLIC COMMENT**

The following members of the public spoke during public comment: Eric Gobler, Wendy Lewis, Lon Allen, Lori Deschard, Michelle Blanc who submitted a letter on behalf of Twin Cities (Exhibit D), Tom Ferrell, Laurel Weir from County Homeless Services, John Sanders, Josh Donovan, David Middleton, Diana Heller, and John Holman.

The following letters were received after publication of the packet, and distributed to the Commission:

Letter from Emily Andrews (Exhibit E), Letter from Sarah C. Andrews (Exhibit F), Letter from Daniel G. Andrews (Exhibit G), Letter from Kristen Barneich (Exhibit H).

### ***Chairperson Zirk closed the Public Comment period.***

Wendy Lewis addressed questions raised during public comment, and answered questions from the Commission.

MOTION:	By Chairperson Zirk to adopt PC Resolution 2019-A recommending the City Council introduce an ordinance for first reading, by title only, to approve amendments to Title 9 of the Atascadero Municipal Code, Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text, based on findings, and subject to conditions of approval.
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Commissioner Dariz suggested changing the language in Resolution A on Page 152 of the staff report, to **keep** the neighborhood meetings to two per year instead of one per year. The maker of the motion agreed.

MOTION:	<b>By Chairperson Zirk and seconded by Commissioner Keen to adopt PC Resolution 2019-A recommending the City Council introduce an ordinance for first reading, by</b>
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title only, to approve amendments to Atascadero Municipal Code Title 9 Chapter 3 Article 23 ES Overlay Zone text at 6370 Atascadero Mall, based on findings, with the following revision to Page 151 to delete “24 hours” in Section (d)(1), a revision to Item 7 on Page 152 to keep the neighborhood meetings to two (2) per year (instead of one (1)), to include the adopted site plan (Exhibit C), based on findings and subject to conditions of approval.

*Motion passed 5:0 by a roll-call vote.*

**MOTION:**

By Commissioner Zirk and seconded by Commissioner Keen to adopt PC Resolution 2019-B recommending the City Council approve a Conditional Use Permit for daytime programming within a designated emergency shelter overlay zone located at 6370 Atascadero Mall, with a revision to include an amended exhibit (Exhibit C) clarifying the intake and recreation areas as noted by staff, based on findings and subject to conditions of approval.

*Motion passed 5:0 by a roll-call vote.*

*Chairperson Zirk adjourned the meeting at 7:27 p.m. for a break.*

*Chairperson Zirk called the meeting back to order at 7:33 p.m.*

**5. USE PERMIT FOR 11450 VIEJO CAMINO AND 11505 EL CAMINO REAL (MINI STORAGE)**

The proposed project is an 81,000+ sf mini-storage facility on a 4.2-acre site.

- Ex-Parte Communications:
- Recommendation: Design Review Committee recommends the Planning Commission approve the project with conditions. (DEV18-0103)

**EX PARTE COMMUNICATIONS**

Commissioner Wolff attends United Methodist Church, and has had conversations with some members of the church. Additionally, she spoke to the head of Trustees of the church, and they declined to take a stand on this issue.

Commissioner Anderson has heard this project twice at the DRC.



Commissioner Keen attends United Method Church and had conversations with the congregation prior to becoming a Planning Commissioner. Some church members were not in favor of the project.

Vice Chairperson Dariz heard this project twice at the DRC, and talked with the applicant, Mr. Newton, on the phone immediately after the last DRC meeting to discuss issues the applicant would be facing.

Planner Gleason gave the staff report and answered questions from the Commission. Planner Gleason stated that there are proposed revisions to be made in the staff report, and recommended updating the following conditions:

- Deletion of Condition 8 (Page 275)
- Correction in title of Draft Resolution to remove an extra zero from 2019. (Page 271)
- Exhibit B: correct typo (mino-storage to mini-storage) (Page 278)

Director Dunsmore explained that the decision of the Planning Commission can be appealed to the City Council, and explained the process.

### **PUBLIC COMMENT**

The following members of the public spoke during public comment: Scott Newton who shared a presentation (Exhibit I), Blaine Reeley (Engineer of Record), Christen Nelson (Terra Verde Environmental Consulting), Daniel Van Beveren (Exhibit J), Jack Bridwell, Keleen Miller (Exhibit K), Janet Murrieta, Sally Dexter Smith (Exhibit L-video), Rob Fell (Exhibit M), Joe Schmidt, Susan Riojas (Exhibit N-letter/pictures), Robert Nims, Anna King, Clyde W. Snider, Josh Cross, Camille O'Bryant, Keith Vreegan (Dove Creek HOA Board Member), Daniel Neeley (Exhibit O-video), Edward Guzman, Max Zappas, Diana Heller, Josh Donovan, and Andrew Debude.

The following Exhibits were submitted and distributed to the Commission:

Letter from Sean Doyle (Exhibit P), Letter from Stephen Dummit (Exhibit Q), Letter from Chris Ferree (Exhibit R), Email from Rudy Garcia (Exhibit S), Email from Anissa Hedges (Exhibit T), Letter from Jared & Charise Holcolm (Exhibit U), Letter from Branden Holguin (Exhibit V), Letter from Patrick Ibarra (Exhibit W), Email from Sydney Li (Exhibit X), Letter from Bill Murrieta (Exhibit Y), Email from Chris Neary (Exhibit Z), Letter from Tiffany Riojas (Exhibit AA), Email from Carol Salas (Exhibit BB), Letter from Sommer Shahan (Exhibit CC), Letter from Mark Barnett (Exhibit DD), Letter from Colleen Barnett (Exhibit EE), Land Use Study Handout from Scott Newton (Exhibit FF)

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

***Chairperson Zirk reopened closed the Public Comment period.***

Staff, Scott Newton, and Blaine Reeley answered questions raised during public comment.

## **PUBLIC COMMENT**

The following members of the public spoke during public comment: Richard Smith, Jack Bridwell, a representative from U-Store-It-Mini Storage on Traffic Way, and a member of the public who spoke regarding lighting.

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

Commissioner Keen stated that the project is inconsistent with the neighborhood, and she believes the public does not favor this project. Chairperson Zirk stated that he believes this project should be a policy decision, and should be decided by the City Council.

### **MOTION:**

**By Vice Chairperson Dariz and seconded by Commissioner Anderson to adopt PC Resolution 2019-A approving a Conditional Use Permit for a Mini-Storage use located at 11405 Viejo Camino and 11505 El Camino Real and certifying proposed MND 2019-0007 (SCH#2019069058) based on findings, and subject to conditions of approval, with the following revisions: Deletion of Condition 8 on Page 275, Correction in the title of Draft Resolution to remove an extra zero from 2019 on Page 271, and to correct a typo on Page 278 to change mino-storage to mini-storage.**

***Motion passed 3:2 by a roll-call vote.  
(Zirk, Keen opposed)***

## **COMMISSIONER COMMENTS AND REPORTS**

None.

## **DIRECTOR'S REPORT**

Community Development Director gave an update on the future agenda items for August 20, 2019. Director Dunsmore introduced John Holder, new Associate Planner in the Planning Department.

## **ADJOURNMENT – 9:32 p.m.**

The next Regular meeting of the Planning Commission is scheduled for **August 20, 2019**, at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero.

## **MINUTES PREPARED BY:**

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Annette Manier, Recording Secretary  
Administrative Assistant

The following exhibits are available in the Community Development Department:

Exhibit A – Letter from Caltrans  
Exhibit B – Letter from APCD  
Exhibit C – Updated ECHO Site Plan  
Exhibit D – Letter submitted by Michelle Blanc on behalf of Twin Cities Community Hospital  
Exhibit E – Letter from Emily Andrews  
Exhibit F - Letter from Sara C. Andrews  
Exhibit G – Letter from Danel G. Andrews  
Exhibit H – Letter from Kristen Barneich  
Exhibit I – Powerpoint Presentation from Scott Newton  
Exhibit J – Email from Daniel Van Beveren  
Exhibit K – Email from Keleen Miller  
Exhibit L – Video from Sally Dexter Smith  
Exhibit M – Letter from Rob & June Fell  
Exhibit N – Letter/pictures from Susan Riojas  
Exhibit O – Video from Daniel Neeley  
Exhibit P – Letter from Sean Doyle  
Exhibit Q – Letter from Stephen Dummit  
Exhibit R – Letter from Chris Ferree  
Exhibit S – Email from Rudy Garcia  
Exhibit T – Email from Anissa Hedges  
Exhibit U – Letter from Jared & Charise Holcolm  
Exhibit V – Letter from Branden Holguin  
Exhibit W – Letter from Patrick Ibarra  
Exhibit X – Email from Sydney Li  
Exhibit Y – Letter from Bill Murrieta  
Exhibit Z – Email from Chris Neary

Exhibit AA – Letter from Tiffany Riojas  
Exhibit BB – Email from Carol Salas  
Exhibit CC – Letter from Sommer Shahan  
Exhibit DD – Letter from Mark Barnett  
Exhibit EE – Letter from Colleen Barnett  
Exhibit FF – Land Use Study from Scott Newton



# Atascadero Planning Commission

## Staff Report – Community Development Department

### Vesting Tentative Parcel Map Time Extension TEX 19-0068

#### RECOMMENDATION(S):

Staff recommends Planning Commission adopt Draft Resolution A, denying a one-year time extension of Vesting Tentative Parcel Map 2009-0095 (AT 09-0073) in compliance with AMC 9-2.117.

#### Project Info In-Brief:

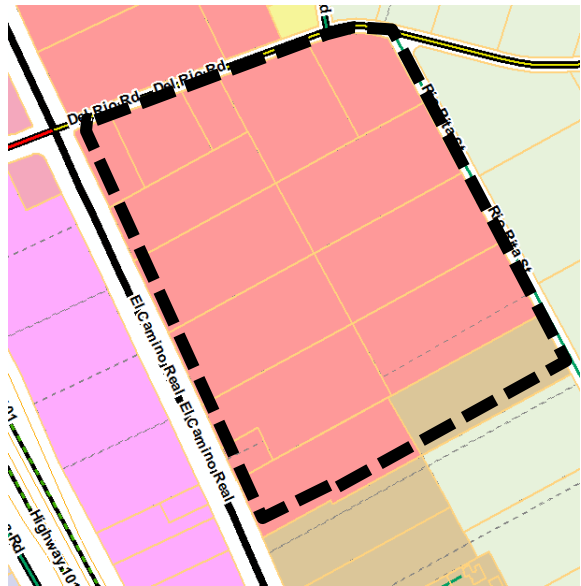
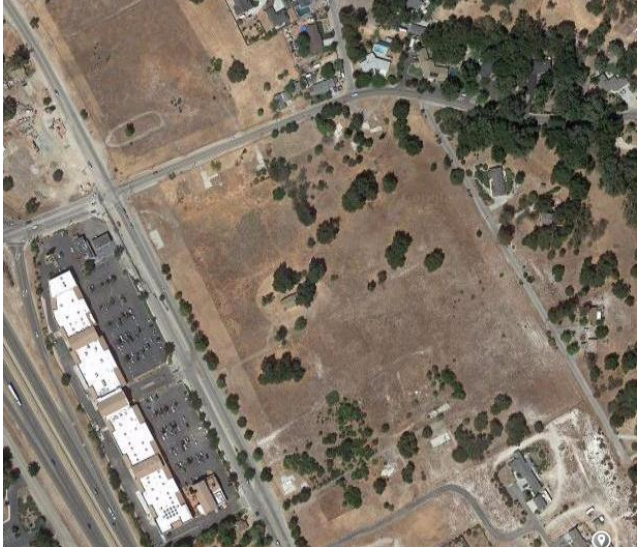
PROJECT ADDRESS:	2055 El Camino Real	Atascadero, CA	APN	049-112-002, 018, 019, 022, 036, 039, 049-151-005, 036, 037, 040, 041
PROJECT PLANNER	Phil Dunsmore, AICP Community Dev. Director	805-470-3488	pdunsmore@atascadero.org	
APPLICANT	Walmart Stores, INC, 2001 S.E 10 <sup>th</sup> Street, Bentonville, AR 72716-0550			
PROPERTY OWNER	Walmart Stores, INC, 2001 S.E 10 <sup>th</sup> Street, Bentonville, AR 72716-0550			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
General Commercial (GC)	Commercial Retail (CR) / SP-2	26.2 acres	Vacant / Colony House	General Retail
ENVIRONMENTAL DETERMINATION				
<input checked="" type="checkbox"/> Environmental Impact Report SCH: <b>2010051034</b> <input type="checkbox"/> Negative / Mitigated Negative Declaration No. _____ <input type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 153_____ <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				

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 Retail (CR) / SP-2	Residential Multi-Family (RMF-20) / Residential Suburban (RS)	Residential Suburban (RS)	Commercial Park (CPK) / Planned Development Overlay

### Background:

The Del Rio Road Commercial Area Specific Plan was adopted on July 12, 2012. It included two components; a Walmart component and an “Annex” component. On the Walmart portion of the site, the approval included a Vesting Tentative Parcel Map that resulted in a 4-lot subdivision for the southwest corner of Del Rio Road and El Camino Real. The 4-lot map accommodates a large retail site, two smaller commercial lots, a lot for multi-family housing, and a new road right-of-way.

Walmart Stores, Inc. has contacted staff and withdrawn their intent to develop the site. Recent correspondence with Walmart has confirmed that they are continuing to work on selling the property and that they have no intent to develop the site with a Walmart store. Building permits associated with the development have either been withdrawn or have expired. There are no proposed development projects on the site at this time, and the property is currently available for purchase for commercial development.

**Map History:**

	<u>Approval</u>	<u>Expiration</u>
<i>Original Approval</i>	7/12/2012	7/12/2014
Automatic Extension (AB 116)	7/11/2013	7/12/2016
<b>PC Extension</b>	8/16/2016	7/12/2017
<b>PC Extension</b>	6/28/2017	7/12/2018
<b>PC Extension</b>	7/17/2018	7/12/2019

**Analysis:**

The Subdivision Map Act mandates an initial two-year life and, by local ordinance, the City may extend the time at which the map expires in one year increments not to exceed a total of five years (these are discretionary extensions). The application for the extension must be filed prior to the expiration date. In 2013, the State passed Assembly Bill 116 (AB 116) that granted an automatic two-year extension to all active maps. Based on the limitations of the Subdivision Map Act, the map may be eligible for future extensions, as this is the third discretionary extension and up to six may be allowed.

The Planning Commission has discretion on whether they want to extend the map based on the findings listed below:

1. There have been no changes to the provisions of the General Plan or zoning regulations applicable to the project since the approval of the entitlement (AMC 9-2.117(a)(1));
2. There have been no changes in the character of the site or its surroundings which affect how the standards of the General Plan or zoning regulations apply to the project (AMC 9-2.117(a)(2)).
3. That substantial site work could not be completed as set forth in Section 9-2.113 because of circumstances beyond the control of the applicant (AMC 9-2.117(b)(1))

Because Walmart withdrew all permit applications for the site and notified staff of their intent to sell the property, finding #3 cannot be made. With prior extensions in 2017 and 2018, there was some expectation that Walmart or a similar development may continue the project, however, no activity has occurred on the site within the past year, therefore the City cannot find that there are circumstances beyond the applicant's control that have delayed the completion of improvements and the recordation of the map.

**Conclusion:**

The applicant no longer intends to move forward with development of the site. The site is currently for sale and development of the site would likely trigger amendments to the master plan of development and site subdivision. The zoning designations and Specific Plan remain in place, which contain standards for site development and use. The



expiration of the tentative map is only one portion of the commercial entitlements on this site, and does not change the site's ability to develop with a commercial project. The Specific Plan and the environmental approval will remain in place and do not have an expiration date.

**ALTERNATIVES:**

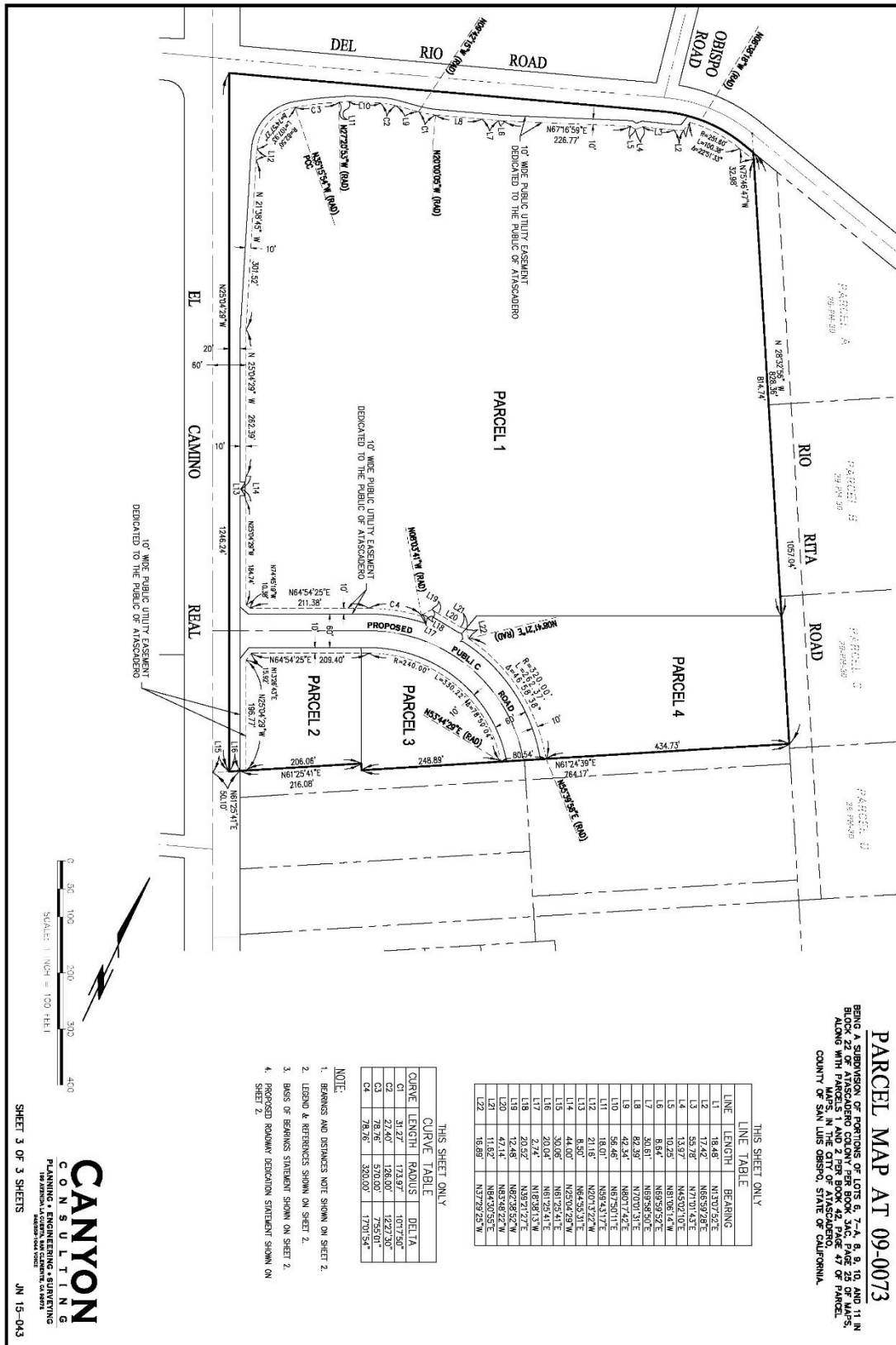
1. The Commission may adopt the attached draft resolution and deny the requested time extension, based on findings.
2. The Commission may continue the hearing and refer the item back to staff for additional information or analysis.
3. The Commission may defer the decision to the City Council.

**ATTACHMENTS:**

1. AT 2009-0073
2. Draft Resolution 2019-A



ATTACHMENT 1: AT 2009-0073  
PLN 2007-1245





**ATTACHMENT 2: Draft Resolution A  
TEX19-0068**

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**DRAFT RESOLUTION 2019-A**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ATASCADERO, CALIFORNIA, DENYING A TIME  
EXTENSION REQUEST FOR PARCEL MAP  
(TPM 2009-0095)**

**2055 EL CAMINO REAL  
WALMART STORES, INC  
(TEX19-0068)**

**WHEREAS**, Walmart Stores, INC, has applied for an extension of a Vesting Tentative Parcel Map that proposes a subdivision of 26.3 gross acres into four parcels consisting of a 19.2 acre parcel for construction of a general retail store, two (2) parcels for construction of retail / office uses, and a remaining parcel for construction of multi-family units; and

**WHEREAS**, the City Council approved a Vesting Tentative Parcel Map and a Conditional Use Permit on July 12, 2012; and

**WHEREAS**, the automatic one-year Time Extension via AB 116 went into effect July 11, 2013, setting the expiration date to July 12, 2016; and

**WHEREAS**, the Planning Commission approved a one-year time extension on August 16, 2016, consistent with Atascadero Municipal Code section 9-2.117(a), setting the expiration date to July 12, 2017; and

**WHEREAS**, the Planning Commission approved a one-year time extension on June 28, 2017, setting the expiration date to July 12, 2018; and

**WHEREAS**, the Planning Commission approved a one-year time extension on July 12, 2018, setting the expiration date to July 12, 2019; and

**WHEREAS**, the applicant has submitted for an additional one-year time extension for Vesting Tentative Parcel Map entitlements.

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

**SECTION 1: Findings for denial of the Time Extension:** The Planning Commission makes the following findings consistent with Atascadero Municipal Code Section 9-2.117.



1. **FINDING:** Substantial site work could have been completed to date. There were no circumstances beyond the control of the applicant that prevented moving forward with site development.

**FACT.** The applicant has notified the City of their intent to cease development of the site. All permits associated with site development have been withdrawn by the applicant.

**SECTION 2: Denial:** The Planning Commission does hereby deny the Time Extension request for AT 09-0073.

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: ( )

ADOPTED:

CITY OF ATASCADERO, CA

\_\_\_\_\_  
Tom Zirk  
Planning Commission Chairperson

ATTEST:

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

